



CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION AGENDA
Monday, March 20, 2023 – 6:00 PM

I. CALL TO ORDER

II. ROLL CALL

Ryan Soucy (Chair)
George Meister (Vice Chair)
Donna Mullen-Campbell (Secretary)
Rebecca Sloan (Vice Secretary)
Don Rhein (Board Representative)
Stephanie Gencheff
Kendell Milton
Rebecca Sloan

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

IV. MINUTES

- A. February 13, 2023 Joint Meeting
- B. February 13, 2023 Regular Meeting

V. PUBLIC COMMENT

Limit of three minutes per person.

VI. PUBLIC HEARINGS

None

VII. PRESENTATIONS

None

VIII. UNFINISHED BUSINESS

A. Proposed Zoning Ordinance Changes

- 1. Staff introduction
- 2. Commissioner discussion
- 3. Commissioner decision

B. Non-Conforming Parcels in the Agriculture / Forestry (AF) Zoning District

- 1. Staff introduction
- 2. Commissioner discussion
- 3. Commissioner decision

C. Public Input Discussion / Survey Questions

1. Staff introduction
2. Commissioner discussion
3. Commissioner decision

D. Proposed Zoning Ordinance Definitions

1. Staff introduction
2. Commissioner discussion
3. Commissioner decision

IX. NEW BUSINESS

X. PUBLIC COMMENT

Any item of interest – limit 3 minutes per person

XI. COMMISSIONER’S COMMENTS

XII. DIRECTOR’S REPORT

XIII. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Township Newsletter – February 2023
- B. Marquette County Planning Commission minutes 02.01.23
- C. Marquette County Planning Commission minutes 03.01.23
- D. City of Marquette Planning Commission minutes 02.21.23

XIV. ADJOURNMENT

Planning Commission Rules for Public Hearings and Public Comment

1. Please wait for chair to acknowledge you before speaking. Individuals not following this rule are subject to dismissal from the meeting.
2. Individuals must state their name and address for the record. Individuals representing an organization must state their name and the organization they represent for the record.
3. Give your comments, opinion and / or question on the issue being addressed. Please stay on topic or you may be ruled out of order.
4. Due to a full agenda, and to ensure that everyone has time to speak, the Commissioners will limit comments to a timed limit per person. For the same reasons, please be as brief as possible and try not to repeat what has been said by others before you.
5. No person can grant his or her time to another speaker.
6. Please be as factual as possible and do not make comments on the character of people.
7. Planning Commissioners and Township staff members are not required nor expected to respond to comments, opinions and/or questions from the floor.



February 13, 2023

The joint meeting of the Chocolay Township Board and Planning Commission was held on Monday, February 13, 2023, in the Chocolay Township Fire Hall. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Max Engle, Ben Zyburt, Judy White, Don Rhein, Kendra Symbal

ABSENT: David Lynch (Excused)

PLANNING COMMISSION:

PRESENT: Ryan Soucy, Don Rhein, Eve Lindsey, Donna Mullen-Campbell, Kendell Milton

ABSENT: Rebecca Sloan (excused), George Meister (excused)

STAFF PRESENT: William De Groot, Suzanne Sundell, Dale Throenle, Joe Neumann, Tony Carrick, Lee Gould

ALSO PRESENT: Roger Zappa, Township Attorney

APPROVAL OF AGENDA.

Rhein moved, Engle supported to approve the agenda as presented.

MOTION CARRIED

PUBLIC COMMENT – None.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting, January 9, 2023.
- B. Approve Revenue and Expenditure Reports – December 2022 (unaudited) and January 2023.
- C. Approve Bills Payable, Check Register Reports – January 3, 2023 (Check #'S 25858 – 25874, in the amount of \$46,948.63), January 11, 2023 (Check #'s 25875 – 25894, in the amount of \$21,318.04), January 18, 2023 (Check #'s 25895 – 25905, in the amount of \$19,864.91), January 18, 2023 (Check #'s 25906 – 25920, in the amount of \$19,846.90), January 27, 2023 (Check #'s 25921 – 25933, in the amount of \$10,953.41), and January 27, 2023 (Check #'s 25934 – 25937, in the amount of \$10,939.67).
- D. Approve Bills Payable – Regular Payroll of January 5, 2023 (Check #'s DD3012 – DD3042 and Check #'s 11305 – 11309 (*11300 – 11304 Voided*), Federal, State, and MERS in the amount of \$40,482.56), and January 19, 2023 (Check #'s DD3043 – DD3071 and Check #'s 11310 – 11314, Federal State, and MERS in the amount of \$41,365.84).

White asked about the Revenue and Expenditure report with the Township Board line being overbudget. S. Sundell explained that later in the meeting there was a budget amendment to remedy this – this overbudget amount was due to settlement fees on the FOIA court case.

Zyburt moved, Rhein supported to approve the consent agenda as presented.
MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen spoke on the Town Hall meeting that was conducted by MCSWMA on January 30, 2023. Don Rhein, Kendra Symbal, and himself were in attendance. The information that came from the meeting was that tipping fees will be going up by approximately 25%. Mandates came from State level (EGLE) and they have the power to do this by refusal to renew the landfill license.

CLERK'S REPORT

Clerk Engle stated that we will be having a May election – MARESA is proposing an increase in their millage by 1.5 mills for a period of 20 years. Township staff is currently working on getting the Absentee Voter applications out. MARESA will be reimbursing the Township for extra costs associated with the election.

TREASURER'S REPORT

This report will be given on a quarterly basis.

PUBLIC HEARING – NONE

PRESENTATION – TOWNSHIP ATTORNEY – REZONING OPTIONS FOR THE AGRICULTURAL / FORESTRY DISTRICT

A presentation was given by Roger Zappa, Township Attorney on rezoning options. He feels this can be done, but only the Township Board can legally amend. A rezoning can only occur if there has been a mistake or a change in conditions. 42% of parcels in the Agricultural / Forestry district are non-conforming. Questions that need to be asked are, is it in the public interest and is it consistent with the Master Plan. The Master Plan does not dictate what zoning should look like, but it is a guideline. Rezoning also requires getting feedback from residents – public hearings, surveys, etc.

Zyburt moved, Engle supported to have the Chocolay Township Planning Commission join the meeting.

MOTION CARRIED

CONSIDER ZONING DISCUSSION OF THE AGRICULTURAL / FORESTRY (AF) DISTRICT.

1. MOTION BY PLANNING COMMISSION TO JOIN MEETING

Soucy moved, Milton supported to join the joint meeting with the Township Board.

MOTION CARRIED

Milton moved, Mullen-Campbell supported to approve the agenda as presented.

MOTION CARRIED

Rhein moved, Mullen-Campbell supported to approve the January 16, 2023 Planning Commission meeting minutes as presented.

MOTION CARRIED

2. PUBLIC COMMENT PLANNING COMMISSION

Nancy Richards, property at 495 County Road 480 – would like to be able to divide property between herself and two siblings.

3. TOWNSHIP ATTORNEY – REZONING OPTIONS FOR THE AGRICULTURAL / FORESTRY (AF) DISTRICT / REVIEW AND DISCUSS DIRECTION OF THE AF DISTRICT / FLASHVOTE USAGE

Question on Zoned / Un-zoned districts – Atty. Zappa is not suggesting overlay zones – this a discussion for the Planning Commission on what makes sense for compatibility for what is there. The Planning Commission has discretion on what is in the best interest of the public. The Township may want to look at different AF parcel sizes – possibly an AF1 and an AF2. All of this would require public input. Need to avoid being looked at as “arbitrary and capricious” – not supported by Master Plan or ignores public input.

Supervisor Bohjanen stated that many things have changed in the Township since 1977 and 2008. Agriculture has all but left the Township. There has been a generational change and the people that were farming in the past are now looking at needing to dispose of their land. The Township needs to make a decision on if they want to look at rezoning or not, the size of the parcels, and the use of the parcels. He feels that the Township should look at rezoning.

Supervisor Bohjanen feels that we need to put FlashVote to use and find out what the landowners and public want. By law, we need to notify property owners within 500 feet of what is going to change, but Bohjanen does not feel that this is enough. A mailing to all property owners in the Township might be a better option – this may be a little expensive, but not cost prohibitive.

Supervisor Bohjanen indicated that he had found the items that were to be sent to the Board for consideration on page 52 of the packet (Planning Commission minutes from January 16, 2023 – page 8 of 9).

Guiding Principles for Considering the Zoning Ordinances:

- a. More clarity in zoning ordinances*
- b. Not changing ordinances because of an individual’s problem*
- c. Responsive to public opinion*
- d. Health, safety, welfare, and protection of property as a consideration*
- e. Consistency with the Master Plan*

Questions for the Board:

1. *Questions for the lawyer – the cans and cannots of rezoning (which have been discussed)*
2. *Realistic timeline for the rewrite of the zoning ordinance (Bohjanen feels we should work as quickly as possible, but not a set timeline).*
3. *More at-meeting training sessions*

Soucy (PC Chair) indicated that what he is hearing is that status quo is not sufficient and the Planning Commission needs understand what the public feeling really is. He does not feel that we can get that from just Public Hearings. To get a better sense of the community, we need tools like FlashVote and going out into the community to obtain their input. Soucy feels expedience should also be added to this list.

Supervisor Bohjanen asked Atty. Zappa about making minor amendments as we are working through this. Atty Zappa reminded that we need to consider each one – it is somewhat of a hazard to do piece meal zoning. Proceed with caution and make sure it makes zoning sense and that it is not just a favor.

Township Manager De Groot stated that the Board and Planning Commission have a lengthy process ahead of them. There are a lot of different ideas floating around right now. These ideas need to be brought to the public – charettes, postings on the website, a webpage that is aimed specifically at this subject, required public meetings, FlashVote usage. Need to look at both the Planning (creating a Master Plan creating districts) and Zoning (provides uses to those districts). Need a plan on how to reach more people. FlashVote would be a maximum of 5 questions per survey, which takes about 2 minutes to complete.

The Planning Commission will be putting together questions for the FlashVote survey.

4. REVIEW PLANNING COMMISSION YEAR END REPORT

PC Chair Soucy indicated that the Planning Commission had a great year and have accomplished a lot. The Planning Commission is a good team to work with. It was also indicated that the Planning Commission would be interested in more of the in-person training from Township Manager De Groot. The Annual Report is also addressed in Page 2 of 9 in the January 16, 2023 Planning Commission meeting minutes.

5. PUBLIC COMMENT PLANNING COMMISSION

Jason Copeman, realtor – his family has various acreages in Chocolay Township. Has been on various committees. Spoke on parcel sizes, open space, protecting farming (Right to Farm), 1997 Land Division Act, and subdivisions.

6. COMMISSIONER COMMENT

Donna Mullen-Campbell – learned a lot, need to keep simple and straight forward, zoning and land use, clarify acronyms.

Stephanie Gencheff – looking forward to putting ideas of public involvement in place

Kendell Milton – small lots have already been allotted non-conforming lots in the AF district
Ryan Soucy – eager to get started with the process to resolve our non-conformities and get things in line.

7. MOTION BY PLANNING COMMISSION TO CLOSE PLANNING COMMISSION MEETING.

Soucy moved, Mullen-Campbell supported to close the Planning Commission portion of the Joint meeting.

MOTION CARRIED

CONSIDER PER DIEM FOR BOARD REPRESENTATIVE GOING TO THE SOLID WASTE BOARD MEETINGS.

Zyburt moved, Rhein supported that the Township Board approves a Meeting Per Diem Rate of \$75.00 for Trustee Symbal to attend the Marquette County Solid Waste Board Meetings.

ROLL CALL VOTE

AYES: Rhein, Symbal, Zyburt, Engle, Bohjanen

NAYS: White

ABSENT: Lynch

MOTION CARRIED

Symbal moved, Engle supported to change the above motion to indicated Trustee rather than attaching a name.

MOTION CARRIED

CONSIDER YEAR END BUDGET AMENDMENTS.

2022 GENERAL FUND BUDGET AMENDMENT TO REFLECT RECONCILING ENTRIES WITHIN THE GENERAL LEDGER.

Zyburt moved that

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated General Fund expenditures of the Township on December 13, 2021 for fiscal year 2022, and Whereas, as a result of receipt of unanticipated expenditures it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

BUDGET AMENDMENT	ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
101.526.956	General Fund - Sanitary Landfill - Misc.	23,000.00	200.00	23,200.00
101.285.951	General Fund - OGG - Contingency	200.00	(200.00)	-
101.285.952	General Fund - Salary Contingency	10,027.50	(3,897.83)	6,129.67
101.103.702	General Fund - Twp Board - Salaries	131,040.00	81.00	131,121.00
101.253.702	General Fund - Treasurer - Salaries	46,800.00	25.04	46,825.04
101.285.709	General Fund - OGG - SS / Medi	-	283.05	283.05
101.285.910	General Fund - OGG - Ins & Bonds	43,758.00	3,468.74	47,226.74
101.215.802	General Fund - Publications	400.00	40.00	440.00
101.265.770	General Fund - Twp Hall & Grounds - Bldg Mntc.	8,000.00	17,275.89	25,275.89
101.265.957	General Fund - Twp Hall & Grounds - Capital Outlay	34,000.00	(17,275.89)	16,724.11
101.103.826	General Fund - Twp Board - Legal Fees (FOIA Settlement)	12,000.00	27,000.00	39,000.00
101.698.000	General Fund - Miscellaneous Revenue	31,850.00	27,000.00	58,850.00

Support by: Rhein

ROLL CALL VOTE:

AYES: Rhein, Symbal, White, Zyburt, Engle, Bohjanen

NAYS: None

MOTION CARRIED

2022 SEWER FUND BUDGET AMENDMENT TO REFLECT RECONCILING ENTRIES WITHIN THE GENERAL LEDGER.

Symbal moved that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Sewer Fund expenditures of the Township on December 13, 2021 for fiscal year 2022, and Whereas, as a result of receipt of unanticipated expenditures it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows: (as presented)

571.920.000	Sewer Fund - Utilities	51,000.00	8,500.00	59,500.00
571.571.951.000	Sewer Fund - Contingency	20,000.00	(8,500.00)	11,500.00

Support by: Zyburt

ROLL CALL VOTE:

AYES: Rhein, Symbal, White, Zyburt, Engle, Bohjanen

NAYS: None

MOTION CARRIED

DISCUSS POLICE / FIRE INTERNSHIP PROGRAM.

Manager De Groot described the Internship Program for Police and Fire. In the initial campaign, we hired 2 part-time applicants moving forward in our police force. They are prescreened to go to the Police Academy. Both come from a background in criminal justice and are looking to work for us in the long term. Before they go to the Academy they do ride arounds with the Police and also do training with the Fire Department.

Sergeant Carrick described the cross-training program. By cross-training with the Fire Department, they will be better equipped to help handle situations when coming to the aide of the Fire Department. Once they complete the Police Academy, they will go into the Field Training Program.

Manager De Groot hopes that this will turn into a long-term training program. The funding part of this program, the State has enacted a program with COVID funds where the Academy tuition will be borne by the State, and the Township will be reimbursed up to \$4,000 for part-time wages.

White wondered if bad press had anything to do with the lack of interest in becoming a police officer. Sergeant Carrick indicated that it was a combination of bad press and cost. Manager De Groot indicated that in the interview process, it was pointed out that the bad press was the reason they were interested in going into public safety. As an example of good press, one of our former Chocoday officers – Zane Weaver- who has since gone on to be a State Trooper was recognized for his response to a fire scene which was successful in bringing people out of a burning building.

MANAGER UPDATE FOR THE SEWER AND BUDGET

Sewer – the punch list has been completed, and we are now finalizing the paper work.

Budget – our auditors are in house – everything seems to be going well. No significant issues have come forth at this time. We now have both sides (revenue and expenditures) going through the system. We should soon be able to start expanding how we are looking at things – fee schedules, room rentals, etc. We are getting to the final parts of where we need to be. Will be able to give quarterly reports. By the end of the year, we will be in a position to project costs. Staff will be working with the Clerk’s department on the roll out of the FOIA software. De Groot also indicated that he is happy to help educate the Planning Commission.

BOARD MEMBER COMMENTS

Don Rhein – Like having the discussion between the Planning Commission and Board, along with Attorney input.

Kendra Symbol – asked about the ETA on the new website. De Groot indicated we are doing testing on it – will plan on having a presentation to the Board in March. Symbol also thank Atty Zappa and the Planning Commission for being there.

Judy White – None.

Dave Lynch – Absent.

Ben Zyburt – Wanted to give Manager De Groot kudos on the internship program and thinking outside the box. Manager De Groot indicated that this was a team effort.

Max Engle – None.

Richard Bohjanen – asked that the Board members pay attention to the minutes and the correspondence at the end of the packet. Lots of information.

PUBLIC COMMENT – None.

Zyburt moved, Rhein supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 7:24 p.m.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of December 19, 2022, Draft
- B. Minutes – Chocolay Township Planning Commission; Regular Meeting of January 16, 2023, Draft.
- C. Minutes - Marquette County Solid Waste Management Authority, Regular Meeting of January 18, 2023, Draft.
- D. Minutes – Marquette County Solid Waste Management Authority, Town Hall Meeting of January 30, 2023, Draft.
- E. Minutes – Marquette County Solid Waste Management Authority, Town Hall Meeting of February 1, 2023, Draft.
- F. Minutes – Marquette Area Wastewater Advisory Board; Regular Meeting of January 15, 2023, Draft.
- G. Information – Marquette Area Wastewater Advisory Board, 2023 Regular Meeting Schedule.
- H. Information – Chocolay Township Newsletter – January 2023.
- I. Correspondence – D. Mulcahey, 633 Lakewood Lane

Max Engle, Clerk

Richard Bohjanen, Supervisor

**CHOCOLAY TOWNSHIP
PLANNING COMMISSION**

Monday, February 13, 2023 Minutes

I. Meeting Call to Order

Chair Ryan Soucy called the meeting to order at 7:36 PM.

II. Roll Call

Members present at roll call:

Ryan Soucy (Chair)
Donna Mullen-Campbell (Secretary)
Don Rhein (Board)
Stephanie Gencheff
Kendall Milton

Members absent at roll call:

George Meister (Vice Chair)
Rebecca Sloan

Staff present:

Dale Throenle (Planning Director / Zoning Administrator)

III. Additional Agenda Items / Approval of Agenda

Rhein moved, Gencheff seconded, to approve the agenda as presented.

Vote: Ayes: 5 Nays: 0 Motion carried

IV. Minutes

None – minutes were approved at the joint meeting earlier in the evening.

V. Public Comment

Jennifer Baldwin, 6565 US 41 South

Wanted to know why no public hearing was scheduled and would like to know what decisions were made regarding her property.

Soucy replied that he did not know what happened, but ensured Baldwin that the hearing would be on the agenda in March.

Gretchen Lakenen, Baldwin's realtor expressed her displeasure that the hearing did not take place and that notifications were not sent out about the hearing.

Soucy again apologized for the situation.

VI. Public Hearings

None

VII. Presentations

None

VIII. Unfinished Business

None

IX. New Business

A. Joint Meeting Discussion

Staff Introduction

Throenle stated that the focus of the discussion was to take the information received at the joint meeting earlier in the evening and formulate a plan regarding that information.

Commissioner Discussion

Rhein felt that priority number one should be to formulate questions for the public to answer with the FlashVote software that were related to the development of the new zoning ordinance. He suggested that questions should be mailed to Throenle prior to the next meeting.

Milton asked about FlashVote; Rhein gave a quick overview. Gencheff asked how the public would be involved in the process. Soucy responded that the process would be to develop the questions, choose the five the Commissioners wanted for the public to answer, and then discuss at the next meeting how that information would be given to the public for response.

Gencheff asked if the questions should be on one topic or multiple topics. Milton replied that the questions should be focused on the AF rezoning that was discussed. Soucy added that Meister and Sloan should be notified about the development of the questions.

Soucy stated that staff would come up with a suggested approach for the next meeting, and that the Commissioners would be revising that approach as they saw necessary.

Mullen-Campbell asked for a further clarification on the approach. Soucy replied that it would involve meeting with the public in a townhall meeting format or other methods that may be discussed.

Gencheff asked how the public would be notified. Rhein responded that media sources such as the newspaper and TV should be utilized.

Gencheff asked if notifications would be sent out to the public via email. Throenle responded that there was a small number of public email addresses that the Township acquired two years before, and that email addresses would be stored as part of the sign up process for the FlashVote. Soucy suggested that the first townhall meeting be an introduction to the FlashVote process so that the public would be educated about the overall process.

Gencheff asked how the public relations process would work. Rhein stated that the

Township Manager was the liaison between the Board and the Planning Commission and could be the point of contact for the public relations process.

Gencheff asked if email addresses could be collected at the Township office. Soucy responded that postcard notifications were very effective for reaching out to the public.

Soucy asked if Commissioners had other reactions to the joint meeting. Mullen-Campbell stated that controlled growth and rural character were important, and that smaller lots should be encouraged. She added that residents that she spoke with were concerned about their property rights, and that the legal information the Township attorney presented added gave her additional information.

Gencheff asked what the non-conformances would be by dropping acreage size from 20 to 10 acres. Rhein responded that the number dropped significantly. She asked what the impact would be by dropping to five in regards to comments from the Clerk in the previous meeting. Rhein responded that the Clerk could still do what he wanted as far as agricultural uses are concerned for his property because his property is in the Agricultural / Forestry district.

Soucy reminded the Commissioners that staff had previously presented a table showing the relation between the size of the acreage and non-conformances. Gencheff asked if dropping to ten acres would help the folks with the 17 acres. Throenle responded that 10 acres would not resolve the situation as they would need 20 acres to split; he added that the property was originally rezoned as RR-2, which established a five acre minimum in 1977. Gencheff asked if the property owner was "grandfathered." Throenle responded that the ordinance controlled the acreage size. Throenle added that the Township attorney pointed out that the parcels could be rezoned back to the zoning from 1977 without impacting the rural character or uses of the properties.

Gencheff asked about adjacent zoning to the property. Throenle stated that rezoning might be possible, but, as the attorney had pointed out, the uses currently on the property could not be restricted by a rezoning, which would happen by going from AF to R-1.

Soucy stated that the Commissioners had to get away from making decisions based on individual requests. Throenle responded that it did not matter who owned the property, as uses would be taken away if any property were rezoned from AF to R-1.

Soucy stated that statistical significance regarding FlashVote should be a goal of the Commissioners. He added that a minimum threshold should be established to determine the value of the responses.

X. Public Comment

Jennifer Baldwin, 6565 US 41 South

Wanted to know what the process would be for the hearing. Soucy responded that she would see a notice in the newspaper about the hearing, that the hearing would be at the Planning Commission, and that the issue would be on the agenda as unfinished

business. He added that the process would be sent to the Board for a first and second reading. Rhein added that there would be a minimum of three months in the process. Throenle added that the Planning Commission meeting would be on March 20, and the Board meetings would be April 10 and May 8, assuming all went well.

Jason Copeman, realtor

Spoke about smaller lot sizes. His concern was that folks that wanted to stay on their property, especially those on fixed or limited incomes, could do so if there was an ability to sell a portion of the property to gain that revenue. He also spoke on statistical significance, indicating that the significance should be based on all participants receiving the information.

XI. Commissioner's Comments

Mullen-Campbell

Disappointed that there was no public hearing.

Gencheff

No comments.

Milton

No comments.

Soucy

No comments.

Rhein

No comments.

XII. Director's Report

Planning / Zoning Administrator Throenle

Throenle asked the Commissioners what items they would like to see on the agenda for March.

Commissioners decided that four items should be on the agenda:

- 1) Public hearing for the 6565 US 41 property
- 2) FlashVote survey questions and questions regarding the process
- 3) Definitions
- 4) Breakdown of the non-conformances for the AF district

Gencheff asked about the uses table. Commissioners decided to move that to a future meeting.

XIII. Informational Items and Correspondence

None – documents were part of the joint meeting packet earlier in the evening.

XIV. Adjournment

Rhein moved, Gencheff seconded, to adjourn the meeting.

Vote: Ayes: 5 Nays: 0 Motion carried

Soucy adjourned the meeting at 8:05 PM

Submitted by:

Planning Commission Secretary

Donna Mullen-Campbell

DRAFT



Charter Township of Chocolay

Planning and Zoning Department

5010 US 41 South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Agenda Item: VIII.A Proposed Zoning Ordinance Changes

Suggested Motions

For Option 1, the Industrial Zoning District conditional use consideration

_____ moved, and _____ seconded

that the proposed language for the Township *Zoning Ordinance* listed as change number 34-23-01 Option 1 to add two conditional uses to the Industrial district be accepted as [presented / revised] with the following findings of fact:

- .
- .
- .

and that the proposed language be presented for a public hearing at a future Planning Commission meeting.

For option 2, rezoning the Industrial district to Commercial with the Mixed Use Overlay

1) _____ moved, and _____ seconded

that the proposed language for the Township *Zoning Ordinance* listed as change number 34-23-01 Option 2 for parcels located on US 41 South, known as 52-02-034-00, 52-02-034-20, 52-02-051-00, 52-02-070-00, 52-02-071-00, 52-02-071-10, and 52-02-071-15 from *Industrial* to *Commercial* with an addition of the *Mixed Use Overlay District* be accepted as [presented / revised] with the following findings of fact:

- .
- .
- .

and that the proposed language be presented for public hearing at a future Planning Commission meeting.

For option 3, to rezoning the Industrial district to the new zoning district that aligns with the Township master plan

1) _____ moved, and _____ seconded

that the proposed language for the Township *Zoning Ordinance* listed as change number 34-23-01 Option 3 for parcels located on US 41 South, known as 52-02-034-00, 52-02-034-20, 52-02-051-00, 52-02-070-00, 52-02-071-00, 52-02-071-10, and 52-02-071-15 from *Industrial* to a newly defined



zoning district that aligns with the Township master plan be accepted as [presented / revised] with the following findings of fact:

- .
- .
- .

and that the proposed language be presented for public hearing at a future Planning Commission meeting.

For option 4, to make no changes to the Industrial zoning district

_____ moved, and _____ seconded
that no changes be made to the Industrial zoning district.





Charter Township of Chocolay

Planning and Zoning Department

5010 US 41 South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Issue Brief: Proposed Zoning Ordinance Changes

Meeting: Planning Commission Meeting

Date: March 20, 2023

Issue Summary

Discussion regarding the possibility of rezoning in the Industrial zoning district in Beaver Grove

Background

There is a property located at 6565 US 41 South that is for sale (see parcel number 121-034-00 on the attached parcel map). There is a residential home on the property that was built in 1973, which was prior to the 1977 zoning ordinance.

In 1977, the property was zoned C-3, which made the residence a non-conforming use in the district. The property was rezoned to *Industrial* in 2008; the residence is still in use as a residence and remains non-conforming.

The current owner is attempting to sell the property. Prospective buyers have looked at this property with the intent to buy but run into difficulties with their respective mortgage companies regarding insurance. If the house is removed from the property, either due to natural causes or other means, the house cannot be rebuilt for residential use in the district, because the current zoning ordinance does not allow single family residences in the district.

Because of ordinance lot size restrictions, it is not possible to rezone the property to the adjacent Agriculture / Forestry (AF) district. The parcel size, 1.09 acres, is under the 20 acre minimum requirement for a conforming lot in the AF district.

Commissioners asked staff to add single family dwellings and registered rental dwellings to the Industrial (I) zoning district for consideration at the January 2023 meeting. They also decided to consider changing that portion of the Industrial zoning district to Commercial.

Further considerations were necessary to address the rezoning question. Language does not exist in the current zoning ordinance to consider rezoning to a commercial / mixed use question or to rezone the property to the criteria outlined in the Township master plan.

Staff Research

Staff has researched the language in the Township Zoning Ordinance to determine ways that the Commissioners can consider addressing the rezoning question. Staff has prepared a document that provides three options for the Commissioners to consider:

- Option 1 provides the steps and details required to update the *Industrial* zoning district with conditional uses.
- Option 2 provides the steps and details required to add language to the zoning ordinance if the Commissioners choose to consider a Commercial and Mixed Use Overlay option as the direction.
- Option 3 provides the steps and details required to add language to the zoning ordinance if the Commissioners choose to consider a Neighborhood Mixed Use zoning district that aligns with the 2021 Township master plan.



Staff Recommendations for Commissioner Discussion

Staff is asking the Commissioners to review the *Proposed Township Zoning Ordinance Changes* document (see attached) with the intent of deciding how to address the zoning requirements for seven parcels on US 41 South. Once a determination is completed, staff will schedule all applicable next steps.

Author: Dale Throenle
Date: March 20, 2023

Attachments

1. *Proposed Township Zoning Ordinance Changes*
2. *US 41 South Industrial Zone map*

PROPOSED TOWNSHIP ZONING ORDINANCE CHANGES

Change Number 34-23-01

Option 1 Add two conditional uses to the *Industrial* zoning district

Description	Add conditional uses for residential use to the <i>Industrial</i> zoning district.
Changes	Update section 4.6 (C) <i>Conditional Uses</i> to add residential uses as a conditional use for the district.
Affects	All parcels zoned <i>Industrial</i>
Notes	Requires conditional use application from property owner.

Current Zoning Ordinance

4.6 Industrial District (I)

(A) Intent

To establish and preserve a district for industrial use along with those commercial uses which are more compatible with industrial than with other commercial uses.

(B) Permitted Principal Uses

1. Motor vehicle sales, service, and rental
 2. Construction and farm equipment sales
 3. Sales of mobile homes, campers, recreational vehicles, boats, and monuments
 4. Wholesale and storage uses
 5. Food packaging and bottling works
 6. Commercial printing and newspaper offices
 7. Contractor's yards and shops
 8. Laundry, cleaning and dyeing plants
 9. Office buildings
- (#34-13-05)

(C) Conditional Uses

1. WECS
2. Other industrial uses, such as manufacturing, research, high technology, and business parks
3. Trails
4. Wireless Communication Facilities
5. Outdoor wood boilers (see Section 6.5) (#34-13-05)
(#34-18-02)
6. Indoor sport shooting range or indoor range (#34-18-05)



Proposed Zoning Ordinance Changes

1) Add the following items under section 4.6 (C) *Conditional Uses*:

7. Single family dwellings (#34-23-01)
8. Registered Rental Dwellings (#34-23-01)

Option 2 Apply Language for Commercial / Mixed Use to Seven Parcels

Description	Change a portion of the current Industrial zoning district to <i>Commercial (C)</i> and apply the <i>Mixed Use Overlay</i> district to the new parcels rezoned to commercial.
Changes	Update Section 5.5 <i>Use Definitions</i> to add the definition <i>Dwellings, Registered Rental</i> . Update Section 5.5 (A)(3) <i>Administration</i> to add locations of mixed use districts in the Township. Update Section 5.5 (B) <i>Permitted Uses</i> to add registered rentals and single family dwellings as a permitted use.
Affects	Seven parcels currently zoned as Industrial (I)
Notes	The <i>Mixed Use Overlay District</i> must be applied to the rezoned district as rezoning would not affect the underlying <i>Commercial</i> zoning district for the affected parcels.

Current Zoning Ordinance

4.5 Commercial District (C)

(D) Intent

To establish and preserve general commercial areas consisting of shopping centers and commercial areas where customers reach individual business establishments primarily by automobile.

(E) Permitted Principal Uses

9. Offices
10. Establishments selling goods and services at retail
11. Gas stations and service stations
12. Private clubs
13. Hotels
14. Nursing homes
15. Funeral homes
16. Bakeries
17. Restaurants
18. Indoor theaters and other places of amusement
19. Motor vehicle sales and rentals
20. Storage units



21. Accessory structures (#34-21-02)

(F) Conditional Uses

1. Auto Repair Shops
2. Trails
3. Outdoor wood boilers (see Section 6.5) (#34-13-05)
4. WECS including conditions of approval
5. Outdoor storage including semi-trailers
6. Hospitals
7. Contractors yards and shops (#34-18-02)
8. Indoor sport shooting range (#34-19-05)

Section 5.5 Mixed Use Overlay District

(A) Administration

1. Intent

The Mixed Use Overlay District is designed to foster vital, lively, and sustainable development that creates a neighborhood identity for the portion of the Township located in district. The district is adopted to implement the vision of the Master Plan.

2. Establishment of the Mixed Use Overlay District

The Mixed Use Overlay District is an optional overlay district. Any land that is located within the boundaries of the overlay district will have two zoning designations, the Mixed Use Overlay District and the standard underlying zoning district as shown on the Township Zoning Map.

Property in the Mixed Use Overlay District may continue to be used as permitted by the standard zoning district. Any new development or major redevelopment in the Mixed Use Overlay District may be accomplished following either the requirements of this section or the regulations applicable in the underlying zoning district.

...

Proposed Zoning Ordinance Changes

1) Add the following to Section 5.5 Use Definitions:

Dwelling, registered rental (#34-19-04)	A dwelling unit providing temporary accommodations for periods of one day or more for a fee. This definition does not include bed and breakfasts, group day care facilities, group day care homes, hospitals, hotels, nursing homes or resorts.
--	--

2) Add the following to Section 5.5 (A)(3) Administration:

- Identified parcels located at the intersection of M-28 and Kawbawgam Road
- Identified parcels located at the intersection of County Road 480 and US 41 South



- Identified parcels located at the intersection of US 41 South and Mangum Road
- Identified parcels located on US 41 South in Beaver Grove

3) Add the following to Section 5.5 (B) Permitted Uses:

- Registered Rental Dwellings (#34-23-01)
- Single family dwellings (#34-23-01)

Option 3 Apply New Ordinance Language to Seven Parcels

Description	Change a portion of the current Industrial zoning district to a newly defined zoning district that aligns with the 2021 Township master plan and that applies to seven parcels that are currently zoned as Industrial (I).
Changes	<p>Add a new zoning district in Section 4 <i>Zoning District Regulations</i> that defines the neighborhood mixed-use district found in the 2021 Township Master Plan. Assign the new zoning district information to section 4.11 <i>Neighborhood Mixed Use</i>.</p> <p>Update Section 5.5 Use Definitions to add the definition Dwellings, Registered Rental.</p> <p>Update Section 5.5 (A)(3) <i>Administration</i> to add locations of mixed use districts in the Township.</p> <p>Update Section 5.5 (B) <i>Permitted Uses</i> to add registered rentals and single family dwellings as a permitted use.</p>
Affects	Seven parcels currently zoned as Industrial (I)
Notes	The newly defined district would be matched to the Township Master Plan with the understanding that the permitted and conditional uses in the in the current overlay district would be applied to the new zoning district. No overlays would be applied to the new district; only the uses.

Current Zoning Ordinance

Section 5.5 Mixed Use Overlay District

(B) Permitted Uses

(C) Conditional Uses

Proposed Zoning Ordinance Changes

1) Add the following to Section IV Zoning District Regulations:

4.11 Neighborhood Mixed Use (#34-23-01)

(A) Intent

The intent is to provide opportunity for residential development within a neighborhood setting that also provides access to residential-oriented goods and services.

(B) Permitted Principal Uses

- Accessory drive-through facility



Examples:

- bank
- fast food
- pharmacy
- Accessory entertainment facilities, food and beverage service, laundry, and other similar compatible uses.
- Accessory gas sales
- Accessory residential home occupation - tier 1.
- Agricultural commercial sales

Examples:

- fertilizer, herbicide, and pesticide sales
- garden centers and nurseries
- rental and small equipment and repair
- Animal services – indoor facilities

Examples:

- animal hospitals or shelters
- breeding / boarding kennels
- veterinary services
- Athletic / fitness / exercise establishments

Examples:

- bowling alleys
- fitness membership clubs
- ice or roller blade rinks
- Auditoriums and other places for public assembly
- Bed and breakfast, tourist home, or similar with four units or less
- Business office

Examples:

- accountants
- architects
- attorneys
- commercial business
- engineers
- government
- real estate
- small clinics
- Charitable or philanthropic organizations

Examples:

- Habitat for Humanity
- Red Cross
- Salvation Army



- Churches
- Examples:
 - churches
 - mosques
 - synagogues
 - temples
- Commercial outdoor recreation

Examples:

- amphitheaters
- batting cages
- miniature golf

- Community center

For social activities such as neighborhood, community or senior centers

- Child and adult care

Examples:

- adult foster care family home providing care to not more than six adults
- adult foster care home providing care to not more than six adults
- day care center with not more than six children
- family day care home for not more than six children
- foster family group home providing care to not more than six children
- foster family home providing care to not more than four children
- other State licensed residential facilities providing residential services for six or fewer individuals under 24 hour supervision or care

- Financial institutions

Examples:

- banks
- brokerage houses
- credit unions
- lenders

- Food trucks and other mobile vendors
- Hotels, motels, or similar lodging facilities with five units or more
- Libraries, museums, culture centers, and other similar compatible uses
- Light intensity processing with accessory storage

Examples:

- commercial kitchens
- kitchen incubators
- small craft bottling facilities

- Medium intensity processing and handling



Examples:

- food aggregation sites
 - small meat, food and beverage processing
 - wineries and breweries with bottling, packaging, and distribution activities
- Moderate regional commercial – moderate traffic intensity can include some outdoor storage and handling areas

Examples:

- appliances and household goods and service
 - ATV, motorcycle, and snowmobile sales and repair
 - automotive parts
 - building trades or specialty contractor office
 - business supplies and service
 - car or truck wash
 - convenience store without gas sales
 - discount store
 - funeral services
 - garden center
 - gas station
 - hardware store
 - indoor auction or flea market facility
 - large grocery store
 - repair of small engines and small electric motors, lawn mowers, snowmobiles, boat motors, ATVs, and trail groomers
 - shopping center or department store
 - stone monuments or slab
 - other similar uses
- Neighborhood retail

Examples

- art gallery and fine art instruction
- arts, crafts, and hobby supplies
- bicycle sales, repair and rental
- books and magazines
- caterer
- handcrafted items
- health stores
- laundromat, dry cleaning, tailoring
- light repair of consumer goods such as televisions, clocks, watches, cameras, shoes, guns, office equipment, clothing and upholstery
- personal care products or services
- pet grooming

- prepared or prepackaged food and beverage sales
- rental, sales and service of non-motorized recreation equipment such as kayaks, canoes, and outdoor equipment
- small grocery stores
- sporting goods
- other similar uses
- On-site agritourism
 - Examples:
 - hayrides
 - special event hosting
 - other events open to the public
- Outdoor display and sales area
- Outdoor food and beverage service
- Outdoor food preparation
- Public offices
 - Examples:
 - government offices and services
 - publicly owned tourist information centers
 - other similar uses
- Registered Rental Dwellings
- Retail food and drink - can include indoor entertainment
 - Examples:
 - bakeries
 - bars
 - brewpubs
 - coffee shops
 - delicatessens
 - ice cream stores
 - nightclubs
 - restaurants
 - soup kitchens
 - taverns
 - other similar uses
 - Roadside parks, public parks, public gardens, trails and trail easements
 - Storage facilities
- Single family dwellings
- Utilities
 - Examples:
 - gas and water lines



- sanitary sewer
- telephone, cable, and electrical lines
- WECS towers under ten feet and alternative energy arrays of less than seven panels

(C) Conditional Uses

- Accessory residential home occupation - tier 2.
 - Animal services – outdoor facilities
- Examples:
- animal hospitals or shelters
 - breeding / boarding kennels
 - veterinary services
- Apartments, attached townhouses, condominiums and other similar uses
 - Community or urban gardens as a principal use on a lot
 - Farmer's market or food truck as the principal use of a lot
 - Heavy regional commercial / high traffic intensity or large outdoor storage and handling areas

Examples:

- boats and marine supplies
 - building supplies; building trades or specialty contractor yards
 - industrial equipment or heavy consumer good sales and service
 - large vehicle / equipment sales, repair, and rental
 - mobile home and RV sales and service
 - passenger vehicle sales and service
 - warehouse or superstore; and other similar uses
- Indoor sport shooting range (#34-19-05)
 - Large child and adult care

Examples:

- adult foster care congregate facilities
- adult foster care facilities with more than six adults receiving care
- adult foster care homes with more than six adults receiving care
- child caring institutions providing care for more than six children
- day care center with more than six children
- group day care facility with more than six persons receiving care

- Large housing

Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care and habitation

Examples

- convents
- fraternity or sorority



- monasteries
- seminaries
- other housing similar to and compatible with the above housing
- Light manufacturing, including large scale processing and assembly
Examples
 - electrical appliances and electronic instruments
 - fabricated metal products
 - food
 - forming and molding plastic products; machine shops
 - furniture and related wood products processing facility
 - industrial laundry operations
 - monument and art stone production
 - musical instruments
 - printing
 - publishing and engraving shops
 - small vehicle, machinery or vehicle parts assembly
 - solar devices; and other similar uses
- Light use structures
Examples
 - communication towers
 - electrical substations
 - gas regulator stations
 - recycling collection centers
 - satellite antennas larger than ten feet in diameter
- Medical or social care
Examples:
 - assisted living facilities
 - halfway houses
 - homeless shelters
 - homes for the aged
 - nursing or convalescent homes
 - orphanages
 - sanitariums
 - spouse abuse shelters
- Medium manufacturing, including some outdoor operations or temporary storage of materials or vehicles
Examples:
 - exterminators
 - machine shops
 - recycling operations other than vehicles

- small vehicle, body, and frame repair
- towing with temporary outdoor storage
- welding shops
- wholesale lawn and garden services; and landscape supply

■ Mobile processing facility

Examples:

- food
- game processing
 - meat
- On-site composting accessory to a non-residential use
- Outdoor flea market
- Outdoor recreation areas

Examples

- amusement and water parks
- fairgrounds
- golf driving ranges
- riding stables
- theme parks
- zoos
- Outdoor storage – not accessory to a business
- Public or private schools

Examples:

- art
- associated education research
- dance
- driver's training
- K-20
- music
- vocational
- Resorts
- Riding stable or animal breeding facility accessory to a residence
- Sawmills, whether temporary or permanent, as an accessory use
- Self-service storage facilities

Examples

- mini-warehouses
 - rental storage units
 - Transportation
- Examples
- bus depots
 - commuter parking; parking garages



- helipad
- Park and Ride facility
- other similar uses
- Truck stops
- WECS towers ten feet or higher, and alternative energy arrays of more than six panels

2) Add the following definitions to section II *Definitions and Diagrams*:

Word or Phrase	Definition
B	
Bar, tavern, or other alcohol service establishment	A place of business selling alcoholic beverages for consumption on the premises, and where the sale of food may be incidental to the sale of such beverages This includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale of alcoholic beverages for consumption on the premises as a principal use. Examples of such uses include, but are not limited to bars, taverns, cocktail lounges, or nightclubs
C	
College / university	A facility for post-secondary education that grants associate, bachelor, master, or doctoral degrees and that may include research functions or professional schools
Community facility	A non-commercial facility for the benefit of and service to the general public, including, but not limited to community centers, cultural facilities (such as libraries or museums), police and fire stations, and municipal and government uses
D	
Daycare center	A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents are not immediately available to the child
Drive-through facility accessory to a principal use	A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated
Dwelling unit in a mixed-use building	A dwelling unit located in a building with non-residential land uses
E	
Entertainment and recreation	A place of business providing entertainment or recreation services such as bowling alleys, health or sports clubs, movie theatres, billiards parlors, dance halls, or video arcades



Word or Phrase	Definition
Essential services	<p>The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and similar equipment, but not including buildings which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare</p> <p>Wireless communication towers or antennas, utility buildings and storage yards are not considered essential services under this ordinance.</p>
I	
Indoor sport shooting range	An indoor area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting (#34-19-05)
Inn	A group of 25 or fewer lodging units that may provide services for dining, meeting, or recreation
L	
Learning center	A facility offering training, tutoring, or instruction in subjects such as languages, music, fine arts, or dance. This may include provision of electronic testing or distance learning
Live / work unit	A dwelling unit that contains a commercial component
M	
Major facility	A large facility of institutional nature including, but not limited to hospitals, non-educational research facilities, shelters, and similar uses
Multiple-family dwelling unit	<p>A unit in a building used exclusively for residential purposes containing two or more residential dwelling units</p> <p>A multiple-family structure where units are available for lease or rent for periods of less than one month shall be considered a lodging use.</p>
O	
Office	<p>An office is a room or group of rooms used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices</p> <p>Offices exclude manufacturing activities.</p>
One-family detached dwelling unit	A detached building containing one dwelling unit
Open air retail	<p>A retail sales establishment operated substantially in the open air, including but not limited to vending carts, kiosks, farmers or flea markets and the like</p> <p>Not included are car sales, equipment sales, boat sales, and home and garden supplies and equipment.</p>



Word or Phrase	Definition
P	
Place of assembly	A facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, convention centers, exhibition halls, and theatres and performing arts centers
Public parking	A parking facility available to the general public for parking motor vehicles, including parking lots or parking structures
R	
Recreation facility	A non-commercial recreational facility consisting of primarily open space including, but not limited to parks, playfields and playgrounds
Research facility	A facility for research and development that does not involve the use of human testing, animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or sale of products Any facility involving human testing, animal husbandry, or incinerators shall be considered a Major Facility.
S	
School	A facility offering instruction at the pre-school to high school level
Special training / vocational	A facility offering instruction or training in trades or occupations such as secretarial, paralegal, business, beauty, barber, bartender, acupuncture, massage, design, or other similar vocations This classification excludes training and education in any activity that is not otherwise permitted in the zone.
State licensed residential facility	Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act) This definition includes adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.
T	
Transit facilities	A facility providing accommodations by public, private, and non-profit entities for the conveyance of persons from one place to another by means of a transportation system, including but not limited to bus and rail terminals

3) Add the following to Section 5.5 Use Definitions:

Dwelling, registered rental (#34-19-04)	A dwelling unit providing temporary accommodations for periods of one day or more for a fee. This definition does not include bed and breakfasts, group day care facilities, group day care homes, hospitals, hotels, nursing homes or resorts.
---	--

4) Add the following to Section 5.5 (A)(3) Administration:

- Identified parcels located at the intersection of M-28 and Kawbawgam Road
- Identified parcels located at the intersection of County Road 480 and US 41 South



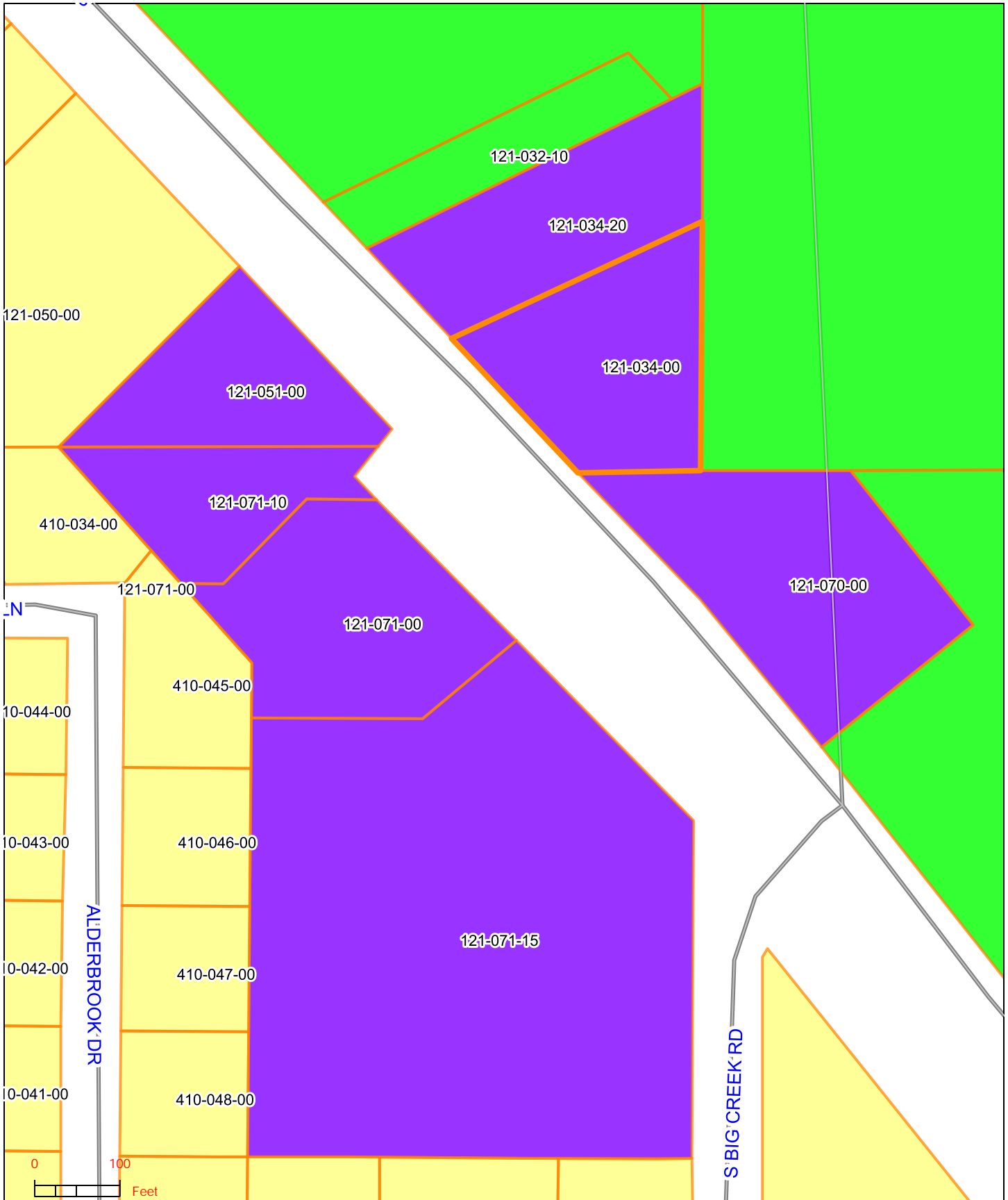
- Identified parcels located at the intersection of US 41 South and Mangum Road

5) Add the following to Section 5.5 (B) *Permitted Uses*:

- Registered Rental Dwellings (#34-23-01)
- Single family dwellings (#34-23-01)



US 41 South Industrial Zone





Charter Township of Chocolay

Planning and Zoning Department

5010 US 41 South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Issue Brief: Non-Conforming Parcels in the Agriculture / Forestry (AF) Zoning District

Meeting: Planning Commission Meeting

Date: March 20, 2023

Issue Summary

Discussion of parcel non-conformances in the Agriculture / Forestry (AF) district.

Background

Research in 2018 provided an analysis of the non-conforming parcels within the Township. Primary concern from that analysis was the percentage of non-conformance in the AF zoning district. Additional concerns were raised regarding the minimum lot width requirement, especially in the R-1, R-2 and WFR zoning districts.

Additional information has been added to the 2018 research that showed the impact of reducing the size of the AF parcels from the 20 acres minimum that is in the current zoning ordinance. Three suggested ranges were used: 10 acres, 5 acres, and 2 acres. Each range showed the number of remaining non-conformances and the reduction in the number of non-conforming parcels.

Additional information was added to the 2018 research that showed the impact of reducing the lot size minimum from 125 feet to 100 feet in the R-1 and WFR zoning districts. R-1 was split into two sections; the first was R-1 with sewer connections and the second was R-1 with no sewer connections. The current zoning ordinance specifies a change in minimum lot size from 25,000 square feet to 18,750 square feet if the property is connected to the sewer system.

Additional documents were added for Commissioner review. Zoning ordinance extracts and maps were taken from three townships (Empire, Glen Arbor, and Lake) for language considerations and to show different ways that the acreage discussion has been implemented. The townships were chosen based on similarity to Chocolay Township in population and geography.

To aid in the discussion, the Commissioners received an extract from the 1977 Township zoning ordinance that showed the zoning designations for each zoning district. This extracted data was further summarized in a document that compared the 1977 classifications with the current zoning ordinance classifications.

A map was developed that showed the zoning districts from 1977. A draft version of the 2008 zoning map was also provided.

A map showing the non-conformances by zoning district was included for discussion purposes.

A document was included that outlined proposed changes to sections 6.1 and 6.2 of the Township *Zoning Ordinance*. The proposed changes included a rewrite of existing language, removal of footnotes under the table in 6.1, and a table with the proposed changes in zoning district names, lot sizes and setbacks.

At the October 2022 meeting, Commissioners requested maps showing the various acreage sizes throughout the Agriculture / Forestry (AF) zoning district. Attached maps for this request show the acreage sizes in six size categories:



- less than two acres
- two to five acres
- five to ten acres
- ten acres to fifteen acres
- fifteen acres to 20 acres
- over 20 acres.

Staff prepared an analysis of the percentage of change in the AF district. The attached analysis shows the reduction in non-conforming parcels in the AF district based on parcel acreage size. The analysis acreages are:

- 20 acres
- 10 acres
- 5 acres

At the November 2022 meeting, the topic was tabled until an opinion could be obtained from the Township attorney regarding the rezoning of parcels in the AF district to different acreage sizes.

At the February 2023 joint meeting the Township attorney gave a presentation related to the process of rezoning the AF properties, which gave the Commissioners the ability to return to the non-conformance discussion.

At the February 2023 regular meeting Commissioners requested the table that included percentage of reductions in non-conformances be included as part of the March agenda materials.

Staff Research

Staff has prepared a table showing the various possibilities for acreage in the AF district (see attached *Proposed AF Districts*). The table outlines staff recommendations for acreage size, frontage, setbacks, uses, prohibitions, and applicable regulatory control.

As requested staff has also included the table that Commissioners requested at the February 2023 regular meeting. One line of information has been added to the table showing how many non-conformances would remain if the acreage size was dropped to one acre; this information is intended to show that non-conformances will still exist – it is not intended as a recommendation from staff that the acreage size be reduced to one acre in the AF district.

Staff has also included the original non-conformance analysis for reference purposes.

Staff Recommendations for Commissioner Discussion

Staff is recommending the Planning Commission members come prepared with ideas to review the minimum acreage for the AF zoning district, with the intent of determining acreage sizes for the possible restructuring of the AF district.

Author: Dale Throenle
Date: March 16, 2023

Attachments

1. *Proposed AF Districts*
2. *Non-Conforming Parcels - AF*
3. *Non-conforming Parcel Research original*

Proposed AF Districts

Zoning District	District Acreage	Frontage	Setbacks	District Use	District Prohibition	Regulatory Control
AF 1	0.5 acres – 3 acres	75 ft min	30 feet front 10 feet side 30 feet rear	Residential / PUD / cluster Chickens, hoop houses, small grow sales, bee keeping, green house residential	animal farming/riding activity	Michigan Right to Farm Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AF 2	Between 3 acres and 10 acres	150 ft min	30 feet front 30 feet side 30 feet rear	Residential / cluster One domestic animal per acre Chickens / fowl Hobby farm / Upick farm / herb farm Green house commercial, Private riding stable, Community gardens, AG retail store Rural Residential Cluster with 50% or more open space and detailed in the master deed	PUD	Michigan Right to Farm Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AF 3	≥ 10 acres	200 ft min	30 feet front 30 feet side 30 feet rear	Residential Unlimited agriculture Unlimited forestry Commercial riding stable Rural Residential Cluster with 50% or more open space and detailed in the master deed	PUD No divisions allowed under PA116 or Qualified Forestry Program Property No land divisions beyond the Michigan Land Division Act for parent parcels.	Michigan Right to Farm Generally Accepted Agricultural and Management Practices (enforced by MDARD) Michigan Land Division Act Michigan PA 116

1977 Zoning Ordinance Extract

Zoning District	District Acreage	Frontage	Setbacks	District Use	District Prohibition	Zoning Intent
RR-1	2 acres	200	30 feet front 30 feet side 30 feet rear	Single-family dwellings Churches Schools Parks	Trails Accessory housing units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C)	To establish and maintain an alternative residential environment in accessible rural areas at very low densities. (Section 207)
RR-2	5 acres	300	30 feet front 30 feet side 30 feet rear	The growing and harvesting of timber and the raising of livestock Agricultural produce, trees, shrubbery, flowers, etc. which are grown on the premises may also be marketed on the premises Detached single family dwellings are permitted on lots of five acres or more with 300 feet of lot width Boarding stables on lots of 20 acres or more	Resorts, bed & breakfast, riding stables, parks, trails, campgrounds, kennels, and day camps on lots of 20 acres or more Hunting and shooting preserves, winter sports facilities, and trails on lots of 20 acres or more Recreational structures on lots of 40 acres or more Unlighted golf courses on lots of 60 acres or more Accessory housing units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C)	To establish and maintain for low intensity use those areas which, because of their location and accessibility to existing utilities, paved public roads, community facilities, and public services, are suitable for wide range of very low density residential and recreational activities. (Section 208)

1977 Zoning Ordinance Extract (continued)

RP	20 acres	None	30 feet front 30 feet side 30 feet rear	The growing and harvesting of timber, livestock, riding or boarding stables, winter sports facilities, parks, agricultural produce, trees, shrubbery, flowers, etc., which are grown on the premises may also be marketed on the premises. Detached single-family dwellings are permitted on tracts of 20 acres or more	Resorts, Bed & Breakfast, lodges, Campground and Day Camps on lots of 20 acres or more. And trails. Hunting and shooting preserves on lots of 20 acres or more . Kennels on 20 acres or more . Recreational structures on lots of 20 acres or more . Unlighted golf courses on lots of 60 acres or more . Accessory Housing Units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C). (34-99-4) Wireless Communication Facilities subject to the conditions of Section 527.	To establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry, and recreational uses. (Section 212)
OS	20 acres	None	30 feet front 30 feet side 30 feet rear	Growing and harvesting of timber and bush fruit, and agricultural produce, livestock, and wildlife management.	Single-family residences, resorts, Bed & Breakfast, trails, and other recreational uses, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact. Recreational structures on lots of 20 acres or more. Accessory Housing Units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C). (34-99-4)	To preserve as open space those lands which because of their soil, drainage or topographic characteristics, are unsuitable for development. (Section 213)

2008 Zoning Ordinance Extract

Zoning District	District Acreage	Frontage	Setbacks	District Use	District Prohibition s	Zoning Intent
AF	20 acres	None	30 feet front 30 feet side 30 feet rear	<ol style="list-style-type: none"> 1. Growing and harvesting of timber and bush fruit 2. Agricultural 3. Wildlife management 4. Outdoor wood boilers (see Section 6.5) (#34-13-05) 5. Single-family residences 6. Registered Rental Dwellings (#34-19-04) 7. Accessory structures (#34-21-02) 	<ol style="list-style-type: none"> 1. WECS 2. Resorts 3. Bed & Breakfast 4. Trails 5. Recreational uses/structures, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact 6. Racetracks 7. Hunting and shooting preserves on lots of 40 acres or more 8. Accessory Housing Units 9. Rural Cluster Development Subdivisions (see Section 6.12) 10. Contractor yards and shops 11. Parks (#34-09-02) 12. Kennels on lots 20 acres or more (#34-09-03) 13. Schools and Churches (#34-10-04) 14. Campgrounds on parcels 20 acres or more (#34-16-02) 	To establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry, and recreational uses. (Section 4.7)

**Chocolay Township
Non-Conforming Parcels**

Reduction Analysis						
Lot Size						
Zoning District	Minimum Lot Size	Parcels	Parcels Counted	Percentage Not Counted	Remaining Non-Conforming Parcels	Percentage Remaining Non-Conforming Parcels
AF	20 acres	867	862	0.58%	528	61.25%
	10 acres	867	862	0.58%	390	45.24%
	5 acres	867	862	0.58%	265	30.74%
	2 acres	867	862	0.58%	166	19.26%
	1 acre	867	862	0.58%	68	7.89%
Notes	Parcels counted are parcels that contain a lot width greater than 0 in the Assessing database					
	Percentage of non-conforming lot width is based on value in <i>Parcels Counted</i>					
	Data listed is as of November, 2022					

Non-Conforming Parcel Research

Minimum Lot Size Non-Conformance

The research concept is to determine how many parcels are non-conforming based on acreage size.

Current Non-Conforming Parcels - Minimum Lot Size						
Zoning District	Minimum Lot Size	Parcels	Parcels Counted	Percentage Not Counted	Parcels Non-Conforming	Percentage Non-Conforming
AF	20 acres	867	862	0.58%	528	61.25%
Commercial	25,000 sq ft	88	87	1.14%	33	37.93%
Industrial	1 acre	24	24	0.00%	5	20.83%
R-1 with sewer connect	18,750 sq ft	163	160	1.84%	47	29.38%
R-1 no sewer connect	25,000 sq ft	1,580	1,564	1.01%	484	30.95%
R-2	10,500 sq ft	187	186	0.53%	42	22.58%
WFR	25,000 sq ft	529	513	3.02%	41	7.99%
Total Township		3,438	3,396	1.22%	1,180	34.75%

Notes Parcels counted are parcels that contain a lot size greater than 0 in the Assessing database
 Percentage of non-conforming acreage is based on value in *Parcels Counted*

Minimum Lot Width Non-Conformance

The research concept is to determine how many parcels are non-conforming based on minimum lot frontage.

Current Non-Conforming Parcels - Minimum Lot Width						
Zoning District	Minimum Lot Width	Parcels	Parcels Counted	Percentage Not Counted	Parcels Non-Conforming	Percentage Non-Conforming
AF	none	867	-	-	-	-
Commercial	125 feet	88	80	9.09%	25	31.25%
Industrial	150 feet	24	23	4.17%	3	13.04%
R-1 with sewer connect	125 feet	163	100	38.65%	68	68.00%
R-1 no sewer connect	125 feet	1,580	990	37.34%	104	10.51%
R-2	50 feet	187	177	5.35%	1	0.56%
WFR	125 feet	529	486	8.13%	296	60.91%
Total Township		3,438	1,856	46.02%	497	26.78%



Notes Parcels counted are parcels that contain a lot width greater than 0 in the Assessing database.
 Percentage of non-conforming lot width is based on value in *Parcels Counted*.
 AF properties were not calculated because AF does not have a minimum lot width specified.

Minimum Lot Size and Minimum Lot Width Non-Conformance

The research concept is to determine how many parcels are non-conforming for both the acreage size and the minimum lot width.

Current Non-Conforming Parcels - Both Minimum Lot Size and Minimum Lot Width						
Zoning District	Minimum Lot Size	Minimum Lot Width	Parcels	Parcels Counted	Percentage Not Counted	Parcels Both Non-Conformances
AF	20 acres	none	867	-	-	-
Commercial	25,000 sq ft	125 feet	88	80	9.09%	14
Industrial	1 acre	150 feet	24	23	4.17%	1
R-1 with sewer connect	18,750 sq ft	125 feet	163	100	38.65%	48
R-1 no sewer connect	25,000 sq ft	125 feet	1,580	989	37.41%	50
R-2	10,500 sq ft	50 feet	187	176	5.88%	1
WFR	25,000 sq ft	125 feet	529	484	8.51%	22
Total Township			3,438	1,852	46.13%	136

Notes Parcels counted are parcels that contain a lot width greater than 0 in the Assessing database.
 Percentage of non-conforming lot width is based on value in *Parcels Counted*.
 AF properties were not calculated because AF does not have a minimum lot width specified.

Suggested Changes

Minimum Lot Size

The research concept is to show potential reductions in non-conformances based on changes in the lot size for the Agriculture / Forestry (AF) zoning district.

Lot Size						
Zoning District	Minimum Lot Size	Parcels Counted	New Parcels Non-Conforming	New Percentage Non-Conforming	Reduction in Non-Conforming Parcels	Percentage Change in Non-Conforming Parcels
AF	10 acres	862	390	45.24%	138	-26.14%
AF	5 acres	862	265	30.74%	263	-49.81%
AF	2 acres	862	166	19.26%	362	-68.56%



Minimum Lot Frontage Width

The research concept is to show potential reductions in non-conformances based on minimum lot width for the Single Family Residential (R-1), High Density Residential (R-2), and Waterfront Residential District (WFR) zoning districts.

There are no suggested changes for the C, I, and R-2 districts.

Lot Size						
Zoning District	Minimum Lot Width	Parcels Counted	New Parcels Non- Conforming	New Percentage Non- Conforming	Reduction in Non-Conforming Parcels	Percentage Change in Non- Conforming Parcels
R-1 with sewer connect	100 feet	100	10	10.00%	58	-85.29%
R-1 no sewer connect	100 feet	990	42	4.24%	62	-59.62%
WFR	100 feet	486	70	14.40%	226	-76.35%
Total Township		1,576	122		346	





Charter Township of Chocolay

Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Agenda Item: VIII.C Public Input Discussion / Survey Questions

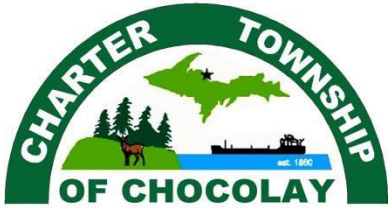
Suggested Motion

_____ moved, and _____ seconded

that the following questions be presented to the public using the FlashVote tool:

1. .
2. .
3. .
4. .
5. .





Charter Township of Chocolay

Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Issue Brief: Proposed Public Input Questions

Meeting: Planning Commission Meeting

Date: March 20, 2023

Issue Summary

Determine questions to ask the public regarding the acreage size in the Agriculture / Forestry (AF) zoning district.

Background

Commissioners discussed different options at the February meeting that would get input from the public regarding topics the Planning Commission is addressing.

Commissioners decided to address questions to the public regarding the minimum acreage size in the Agriculture / Forestry (AF) zoning district.

Commissioners were asked to submit questions for consideration for use in the FlashVote tool for a survey that would be submitted to the public.

Staff Research

Staff received three questions for consideration. They are:

1. Would you be willing to rezone your property to conform with the boundaries of your property?
2. How small of property would be acceptable to you in the A.F. district? 5,10,or 20 acres.
3. Is non-conforming property an issue for you?

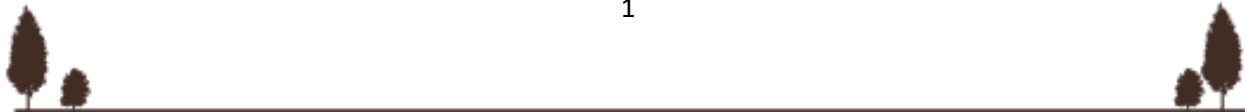
Staff Recommendations for Commissioner Discussion

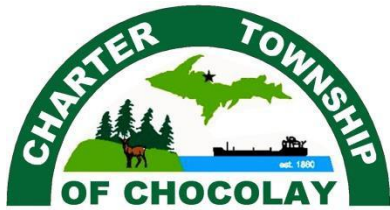
Staff is recommending the Planning Commission members add additional questions to the ones already received, with the intent of sharing, discussing, and selecting the public input questions at the meeting.

Author: Dale Throenle
Date: March 16, 2023

Attachments

1. *None*





Charter Township of Chocolay

Planning and Zoning Department

5010 US 41 South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Issue Brief: Proposed Zoning Ordinance Definitions

Meeting: Planning Commission Meeting

Date: March 20, 2023

Issue Summary

Additional definitions from the current Township *Zoning Ordinance* require a review to determine if the definitions should be included or revised for the zoning ordinance rewrite.

Background

Commissioners completed a draft review of the definitions in Section II of the Township *Zoning Ordinance*.

Additional definitions were also found in other sections of the zoning ordinance that require a review for the new ordinance.

Staff Research

Staff has compiled a document that contains definitions found in other sections the zoning ordinance that either do not exist in Section II *Definitions and Diagrams*, or the definition has different language than the definition in Section II.

Sections where additional definitions were found are:

- 5.5 Mixed Use Overlay District
- XII. Site Condominium
- 18.11 Fences

There are two sections in the compiled document.

The first section, *Definition Review*, is a list of definitions and related language Commissioners reviewed in a previous meeting that require a second review. The second section, *New Definitions*, contains new definitions not found in the zoning ordinance and definitions found in other sections of the current ordinance as indicated above.

Staff Recommendations for Commissioner Discussion

Staff is recommending the Planning Commission members:

- 1) Evaluate the *Definition Review* section in the attached document to determine if the language needs to be revised.
- 2) Evaluate the *New Definitions* section in the attached document to determine if the definition should be retained, and if so, determine if the language needs to be revised.

Unless it is a new definition, the definitions in this section are followed by the zoning ordinance section where the definition was found. Please use the electronic version of the Township *Zoning Ordinance* if you wish to view the definition in its respective section. The Township *Zoning Ordinance* can be found at <http://www.chocolay.org/documents/ordinances/zoningordinance.pdf>.



Author: Dale Throenle
Date: March 14, 2023

Attachments

1. *Zoning Ordinance definitions for review*



II. Definitions and Diagrams

Definition Review

A

Agriculture

The art and science of cultivating the soil, growing crops, and raising livestock.

It includes the preparation of plant and animal products for people to use and their distribution to markets and agritourism.

Agricultural use includes use in a federal acreage set-aside program or a federal conservation reserve program. Agricultural use does not include the management and harvesting of a woodlot.

Means a site condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

F

Floor area

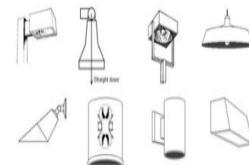
Area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding common halls, stairwells, sanitary facilities, and storage and other areas to which occupants do not have regular access.

Floor area ratio

The percentage of floor area to lot area of all buildings, excluding the floor area of breezeways, carports, garages, and the area of any floor more than four feet below average grade where no part of the area is used for sleeping rooms or quarters.

Fully shielded luminaire

A light fixture has a solid barrier (cap) at the top of the fixture in which the lamp (bulb) is located. The fixture is angled so the lamp is not visible below the barrier (no light visible below the horizontal angle).



G

Ground coverage ratio

The percentage of lot area included within the outside lines of the exterior walls of all buildings located on the lot.

The percentage of lot area includes the area of balconies, bay windows, breezeways, decks, patios not more than six inches above grade, and porches.

The ratio calculation does not include carports and garages.

W

Woodlot

An area of woodland usually maintained as a source of fuel, posts, and lumher.

New Definitions

A

Accessory dwelling unit

A complete, self-contained dwelling unit created within or attached to a permitted existing detached single-family dwelling that provides accommodations for the parent(s) or grandparent(s) of the owners-occupiers of the single family dwelling.

B

Bar, tavern, or other alcohol service establishment (5.5 Mixed Use Overlay District)

A place of business selling alcoholic beverages for consumption on the premises, and where the sale of food may be incidental to the sale of such beverages.

This includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale of alcoholic beverages for consumption on the premises as a principal use. Examples of such uses include, but are not limited to bars, taverns, cocktail lounges, or nightclubs.

Business office (5.5 Mixed Use Overlay District)

An office is a room or group of rooms used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices.

Offices exclude manufacturing activities.

C

College / university (5.5 Mixed Use Overlay District)

A facility for post-secondary education that grants associate, bachelor, master, or doctoral degrees and that may include research functions or professional schools.

Note Not used in the ordinance – Under Public or private schools as example K-20 as a conditional use in the Mixed Use Overlay District

Community facility (5.5 Mixed Use Overlay District)

A non-commercial facility for the benefit of and service to the general public, including, but not limited to community centers, cultural facilities (such as libraries or museums), police and fire stations, and municipal and government uses.

Note Not used in the ordinance – Under *Community center* as a permitted use in the Mixed Use Overlay District

Condominium Act (XII Site Condominium)

Means Act 59 of 1978, as amended.

Condominium convertible area (XII Site Condominium)

Means a unit or a portion of the common elements of the site condominium project referred to in the site condominium documents within which additional site condominium units or general or limited common elements may be created pursuant to express provision in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

Note Not used in the ordinance

Condominium front setback (XII Site Condominium)

shall be equal to the distance between the front lot line of the condo unit and the structure of that unit.

Note Not used in the ordinance

Condominium master deed (XII Site Condominium)

Means the condominium document recording the site condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved site condominium plan for the project.

Condominium mobile home site project (XII Site Condominium)

Means a site condominium project which mobile homes are intended to be located upon separate sites as condominium units.

Note Not used in the ordinance

Condominium lot (XII Site Condominium)

Shall mean the same as “site condominium unit.”

Condominium rear setback (XII Site Condominium)

Shall be equal to the distance between the rear line and the structures on said unit.

Note Not used in the ordinance

Condominium side setback (XII Site Condominium)

Shall be equal to the distance between the side line of the site condominium unit and the structures on said unit.

Note Not used in the ordinance

Condominium subdivision plan (XII Site Condominium)

Means the site, survey and utility plans; floor plans’ and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, boundaries’ acreage and volume for each condominium unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common space elements.

Condominium unit

As applied to land usage, means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, and for the purpose of this ordinance shall be interpreted as a lot.

Condominium unit (see other definition of Condominium unit) (XII Site Condominium)

Means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

Consolidating master deed (XII Site Condominium)

Means the final amended master deed for a contractible site condominium project, and expandable site condominium project or a site condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

Note Not used in the ordinance

Contractible site condominium (XII Site Condominium)

Means a site condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

Contractor

A person who contracts to furnish supplies or work at a certain price or rate.

Contractor shop

An enclosed space used for housing, operating, and maintaining, of equipment and fabrication of building-related products.

Conversion site condominium

Means a site condominium project containing site condominium units some or all of which were occupied before the establishment of the site condominium project.

D

Day camp

A camp providing facilities for groups of young people, such as YMCA camps, Boy Scout camps, and Girl Scout camps.

Note Not used in the ordinance

Daycare center (see Day care center) (5.5 Mixed Use Overlay District)

A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents are not immediately available to the child.

Drive-through facility accessory to a principal use (5.5 Mixed Use Overlay District)

A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

Dwelling unit in a mixed-use building (5.5 Mixed Use Overlay District)

A dwelling unit located in a building with non-residential land uses.

E

Entertainment and recreation facility (5.5 Mixed Use Overlay District)

A place of business providing entertainment or recreation services such as bowling alleys, health or sports clubs, movie theatres, billiards parlors, dance halls, or video arcades.

Essential services (5.5 Mixed Use Overlay District)

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and similar equipment, but not including buildings which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare.

Wireless communication towers or antennas, utility buildings and storage yards are not considered essential services under this ordinance.

Note Not used in the ordinance

Expandable site condominium (XII Site Condominium)

Means a site condominium project to which additional land may be added pursuant to express provision in the site condominium documents and in accordance with this Ordinance and the Condominium Act.

F

Fence (18.11 Fences)

Means any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, including hedges or living bushes or shrubs, within or along the bounds of a lot or parcel.

Fence Height (18.11 Fences)

Means the distance from the grade (ground) to the top of the highest point of the fence at any given point along the fence.

Fence Material (18.11 Fences)

Means the product that is used to construct said fence, including wood, metal, plastic, or vegetation.

Fence Setback (18.11 Fences)

Means the distance from the property owner's property line to the fence.

I

Inn (see definition Hotel) (5.5 Mixed Use Overlay District)

A group of 25 or fewer lodging units that may provide services for dining, meeting, or recreation.

Note Not used in the ordinance

L

Learning center (5.5 Mixed Use Overlay District)

A facility offering training, tutoring, or instruction in subjects such as languages, music, fine arts, or dance. This may include provision of electronic testing or distance learning.

Note Not used in the ordinance – Under Public or private schools as examples art, dance, music and vocational as a conditional use in the Mixed Use Overlay District

Live / work unit (5.5 Mixed Use Overlay District)

A dwelling unit that contains a commercial component.

Note Not used in the ordinance

M

Major facility (5.5 Mixed Use Overlay District)

A large facility of institutional nature including, but not limited to hospitals, non-educational research facilities, shelters, and similar uses.

Note Not used in the ordinance

Mixed use zoning

Regulations that permit a combination of different uses within a single development or zone.

Note Not used in the ordinance

Multi-family dwelling

A structure containing two or more dwelling units designed for residential use, with or without separate kitchens or dining facilities.

This definition does not include bed and breakfasts, group day care facilities, group day care homes, hospitals, hotels, nursing homes, registered rental dwellings or resorts.

Multiple-family dwelling unit (see definition Multi-family dwelling) (5.5 Mixed Use Overlay District)

A unit in a building used exclusively for residential purposes containing two or more residential dwelling units.

A multiple-family structure where units are available for lease or rent for periods of less than one month shall be considered a lodging use.

Note Not used in the ordinance

O

Office building

A building used primarily for offices that may include ancillary services for office workers, such as a restaurant or coffee shop.

One-family detached dwelling unit (5.5 Mixed Use Overlay District)

A detached building containing one dwelling unit.

Note Not used in the ordinance

Open air retail (5.5 Mixed Use Overlay District)

A retail sales establishment operated substantially in the open air, including but not limited to vending carts, kiosks, farmers or flea markets and the like.

Not included are car sales, equipment sales, boat sales, and home and garden supplies and equipment.

Note Not used in the ordinance – set up as individual items (such as *Farmer’s market*)

P

Person (18.11 Fences)

Means an individual, firm, corporation, or other entity of any kind.

Place of assembly (5.5 Mixed Use Overlay District)

A facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, convention centers, exhibition halls, and theatres and performing arts centers.

Note Not used in the ordinance – Under *Auditoriums and other places for public assembly* as a permitted use

Private road

Any road or street that is not publicly owned and maintained that is used for access to a parcel by the owner, guests, and public.

Public parking

A parking facility available to the general public for parking motor vehicles, including parking lots or parking structures.

Note Not used in the ordinance

R

Recreation facility (5.5 Mixed Use Overlay District)

A non-commercial recreational facility consisting of primarily open space including, but not limited to parks, playfields and playgrounds.

Note Not used in the ordinance

This definition does not include bed and breakfasts, group day care facilities, group day care homes, hospitals, hotels, nursing homes or resorts.

Research facility (5.5 Mixed Use Overlay District)

A facility for research and development that does not involve the use of human testing, animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or sale of products.

Any facility involving human testing, animal husbandry, or incinerators shall be considered a Major Facility.

Note Not used in the ordinance

Rural character

The patterns of land use and development where open space, natural landscapes, and vegetation are predominant over the built environment.

Rural Cluster Development Subdivision

A residential development that encourages the preservation of open space and natural features incorporated into a subdivision. A higher density is permitted on one-half (1/2) of the site, with the balance of the land left as open space.

S

School (5.5 Mixed Use Overlay District)

A facility offering instruction at the pre-school through high school level.

Setback

The distance a house or structure must be from the front, side and rear property lines.

Site Condominium (XII Site Condominium)

Shall be equivalent to the term "subdivision" as used in the Zoning Ordinance and the Subdivision Control Ordinance.

Special training / vocational (5.5 Mixed Use Overlay District)

A facility offering instruction or training in trades or occupations such as secretarial, paralegal, business, beauty, barber, bartender, acupuncture, massage, design, or other similar vocations.

This classification excludes training and education in any activity that is not otherwise permitted in the zone.

Note Not used in the ordinance – Under *Public or private schools* as example *vocational* as a conditional use in the Mixed Use Overlay District

State licensed residential facility (5.5 Mixed Use Overlay District)

Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act).

This definition includes adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.

T

Transit facility (5.5 Mixed Use Overlay District)

A facility providing accommodations by public, private, and non-profit entities for the conveyance of persons from one place to another by means of a transportation system, including but not limited to bus and rail terminals.

Note Not used in the ordinance

V

Variance

A modification of the literal provisions of the zoning ordinance granted by the Zoning Board of Appeals.

CHOCOLAY TOWNSHIP NEWSLETTER

February 2023

DEPARTMENT REPORTS

Assessing

By John Gehres

The change notices went out to taxpayers in order to give them ample opportunity to review and possibly appeal their assessments. This year we have the largest increase in assessed values due to much higher sales in the last 2 years and the largest taxable value increase due to inflation. We are expecting higher than normal participants for the Board of Review, although we haven't seen a higher than normal volume of calls. We are reviewing the advertisement for a seasonal employee as our field staff moved on to a full time position in another municipality.

Clerk

By Lisa Perry

The Clerk's Department is busy setting up for the May 2, 2023 Special Election. On February 24 there were 2259 Absentee Ballot applications sent out. This has proven challenging as it is the time of year when a portion of those applications are for "snowbirds". We feel have been in contact with the majority of them to verify mailing addresses. I have also encountered voters that have moved from our jurisdiction and have not changed their driver's license.

It is very important that you change your driver's license with each move. If the move is within Michigan, our office will get notified by the State of Michigan, however, if you are moving out of the State, it would be helpful to notify your Clerk's office as we do not get notified. This helps to keep our

voting records up to date and prevents any extra mailings.

If you are on the absentee voting list, you may have noticed there was a postage paid envelope included with the application. This is one of the results of Proposal 22-2 that was passed by Michigan voters in November 2022. Voters will also see a postage paid envelope to return their ballot. The absentee ballots will be going out the last week of March.

If you have any questions regarding the permanent absentee voting list or elections in general, please contact the Clerk's office during business hours.

Fire Department

By Lee Gould

Our fire truck replacement has been completed! Equipment has been transitioned to the new truck and it is in service. Closing out a 3-year fire truck replacement project brings relief to the department due to the amount of time it takes to go through the replacement process. Fire truck replacement in today's technology driven world is vastly different than former fire trucks replaced. Former trucks didn't come with so many options and decisions to make. It was a learning process that has set up the department to be better for future truck replacement.

We will slowly begin to transition to the spring season in March. With the loss of our brush truck in the fall of 2022, we are adapting to life without it until we can replace it. This means our other apparatus will have to help fill that void along with



mutual aid fire departments when a smaller brush truck is needed.

Call volume has been slower than normal for this winter. But after 20 years on the department, everything cycles so we take the quiet and slower times to train more and be better prepared when the call volume picks up.

Public Works

By Brad Johnson

We have completed our first round of interviews for the Public Works Technician position. The first round of interviews are Brad, Chris, Joe and Lori. The second round will be held by Bill and Brad.

The second week of February we had a very welcome warm up, however the melt off left us with rock solid banks after they refroze. When the banks get this hard it makes it very difficult to plow snow into them and even harder to blow the banks back.

The ice rink at the Lions field was a complete flop this year due to the abnormal weather conditions. We received less than a handful of calls regarding this which leaves me to believe they understand how critical the weather is for making ice rinks.

Technology

By Dale Throenle

As many of you already know, the Township has converted to a new phone system. This system gives the staff additional capability of routing calls, answering calls, and leaving messages for staff members when the offices are closed.

Staff is working with a website vendor to develop a new Township web site. The current site is about eight years old and is not a mobile-friendly site. Primary goals for the site are to make information easier to find and available for use on mobile devices (tablets, phones, etc.) A first draft of the site will be presented at the Township Board meeting in March.

The Township is exploring different ways to connect to the public; one of those options is called FlashVote. FlashVote will be used to do quick surveys throughout the year on a variety of Township-oriented topics. The surveys will be limited to five questions, with the idea that users can take the survey quickly and get immediate feedback on their entries. Users will be able to sign up to get survey notifications, and data will be analyzed internally as a method of providing data to the Board and Commissions regarding survey topics. Staff have tested the software internally, and will be rolling out the first survey in the near future.

Planning / Zoning

By Dale Throenle

Planning Commission

The Planning Commissioners participated in two meetings on February 13 in the Township Fire Hall.

The first meeting was a joint meeting between the Township Board and the Planning Commission.

Roger Zappa, Township Attorney, presented detailed information regarding the potential rezoning of the Agriculture / Forestry district (AF). After his presentation, both Board members and Commissioners discussed the information presented and how that would apply to the new zoning ordinance. The Board gave the direction to the Commissioners to continue to work on the zoning ordinance, with the intent of presenting an ordinance that was easy to read and reasonably easy to enforce.

There was one item on the agenda for the regularly scheduled meeting.

New Business

1) Joint Meeting Discussion

Commissioners discussed the directions, comments, and concerns from the joint meeting. Much of the discussion centered on process and how to continue with the writing of the new zoning ordinance.



Commissioners decided on four agenda items for the March meeting:

1. Hearing to discuss rezoning of properties in the Industrial district on south US 41 South
2. Determine first set of survey questions for the zoning ordinance
3. Resume discussion of zoning ordinance definitions
4. Table showing the potential reduction of non-conformance based on acreage sizes in the AF zoning district

Unfinished Business

Zoning Board of Appeals

The Zoning Board of Appeals did not meet for its regular meeting in February and will not meet in March.

Police

By Liz Norris-Harr

We had a slight change in Interns for our program. Alec Olivier decided to further his career elsewhere. We did, however, hire Tyler Harvala. Tyler currently works for MCSO at the jail. Tyler and Mason have been learning the ropes with the police department as well as attending fire training weekly. We are excited for them to start the academy.

The officers were excited to finally get a nice snowfall late this month so they could get out on the snowmobile for patrol. They were even able to get the interns out for some snowmobile driving training.

Prescription Drug Collection

Prescription drug collection through the drop-off box at the Township Police Station.

Month 2019	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Pounds To-Date	5.5	4										
Pounds Year To-Date	5.5	9.5										

FOIA

REQ #	Date Rec	Res by Date	Invoice Sent	48 Days Invoice	10 day Ext Sent	10 day Ext	Response Date	Link to Documentation	Description
23-1	2/6/2023	2/10/2023					2/7/2023	23-1 Glendon	Police Reports
23-2	2/15/2023	2/21/2023					2/15/2023	23-2 Dankin	Police Reports
23-3	2/24/2023	3/3/2023					2/28/2023	23-3 Skyline Lein Search 03.03.23	Property Information



Web Page Statistics

Year to date totals through February are shown in the table.

Month	Unique Visits	Number of Visits	Pages	Hits	Bandwidth (GB)
January	2,121	4,153	16,070	30,207	7.85
February	1,927	3,923	21,825	33,723	20.19
Totals	4,093	8,191	38,342	64,816	34.87
Averages	1,927	3,923	21,825	33,723	20.19

Highest hits per day in February for the Township web site occurred on Monday and the highest peak usage time was 10 PM to 11 PM.

Downloads

There were 866 downloaded documents in February. The top ten documents downloaded were:

Page	Number of Downloads
2023 meeting dates	112
Township Board agenda materials – 02.13.23	110
2023 notification dates	108
Township Board minutes – 12.12.22	80
Township Board minutes – 10.10.22	77
Township Board minutes – 11.14.22	76
Township Board agenda materials – 01.09.23	69
FOIA request	57
DPW Technician job description	55
Township Board combined minutes – 2014	52



Page Visits

Top ten pages visited in February were:

Top ten pages visited in July were: Page	Number of Views
Employment	944
Directory email	712
Contacts	543
Public Works	530
Agendas and Minutes – Planning Commission	499
Forms	498
Information and Newsletters	495
Assessor	456
Police	455
Agendas and Minutes – Board of Review	430

Zoning Permit Counts

Zoning permit counts through February, 2023:

2023 Reviewed Permits by Month		2023 Reviewed Permits by Type		
Month	Number of Permits		Approved	Denied
		Permit Type	Number	Number
January	0	Addition	0	0
February	0	Alteration	0	0
		Commercial Outbuilding	0	0
		Conditional Use	0	0
		Deck	0	0
		Fence	0	0
		Garage	0	0
		Grading	0	0
		Home	0	0
		Home / Garage	0	0
		Home Occupation	0	0
		New Commercial	0	0
		Outbuilding	0	0
		Pole Building	0	0



2023 Reviewed Permits by Month		2023 Reviewed Permits by Type		
			Approved	Denied
		Rezoning Application	0	0
		Sign	0	0
		Site Plan Review	0	0
		Zoning Variance Request	0	0
Total	0	Total	0	0



**MARQUETTE COUNTY PLANNING COMMISSION
MEETING MINUTES
FEBRUARY 1, 2023**

1. Call to Order: The meeting of the Marquette County Planning Commission was called to order by Ms. Leach at 6:00 p.m.
2. Roll Call: Commissioners present: Karen Alholm, Charles Bergdahl, Ken Kaiser, David Slater, Bob Struck, Mike Touchinski, and Kathy Vermaat. Staff present: Emily Leach, Jen Sides, and Katie Labyak. Public Present: Patti Bergdahl, Eli Williams and Anni Skillcorn.
 - a. Election of Officers: Ms. Leach requested nominations for the 2023 Chairperson seat. Commissioner Alholm nominated Commissioner Kaiser, supported by Commissioner Bergdahl. The nomination/motion carried unanimously. Commissioner Kaiser accepted the nomination. Commissioner Kaiser opened nominations for the Vice Chairperson seat. Commissioner Touchinski nominated Commissioner Vermaat, supported by Commissioner Struck. The nomination/motion carried unanimously. Commissioner Vermaat accepted the nomination. Commissioner Kaiser opened nominations for the Secretary seat. Commissioner Struck nominated Commissioner Touchinski, supported by Commissioner Alholm. The nomination/motion carried unanimously. Commissioner Touchinski accepted the nomination.
3. Approval of Minutes: Commissioner Alholm motioned to approve the December 7, 2022 minutes, supported by Commissioner Vermaat. The motion carried unanimously.
4. Public Comment: Eli Williams introduced herself as the new planning intern. She is will work on planning, forestry, community development and recreation projects.
5. Approval of Agenda: Commissioner Alholm motioned to approve the agenda, supported by Commissioner Touchinski. Motion carried unanimously.
6. Public Hearing: None.
7. Communications:
 - a. MCSWMA Meeting Minutes: December 21, 2022: Commissioner Vermaat asked for clarification on page 6 of 7 under the Attorney Report in regards to: Mr. Nordeen “contacted the County to make sure they include Authority personnel when updating their Master Plan”. Ms. Leach stated the Planning Commission has a role as the designated planning agency for materials management in the County. The county will apply for \$60,000 to facilitate meetings and support staff time to update the Solid Waste Plan to a Materials Management Plan. The Plan was last amended in 2007.
 - g. 2022 Marquette County Recreation Report: Commissioner Slater enjoyed reading this, but asked why numbers were down in the recreation areas. Ms. Leach said that revenue was higher at Perkins Park because rates were increased. Staff presumes visitation was low due to high gas prices in 2022. Commissioner Vermaat asked how funding was going to happen to make updates to the parks. Ms. Leach stated through both capital funding and grants. Commissioner Vermaat also stated it would be better to phrase that it is a 23% return rate, instead of using the 1.51% that it increased by at Perkins Park in 2022. Commissioner Slater asked about the collecting of funds at Sugarloaf and Little Trout Lake. Ms. Leach said the intent is not to charge, but to accept donations. Staff is working on updating the point of sales for fees, reservations and donations by utilizing QR codes for people to scan and also by implementing a metal donation pipe for monetary donations.

Commissioner Alholm motioned to approve all communications presented, supported by Commissioner Struck. Motion carried unanimously.
8. Monthly Reports: Commissioner Vermaat asked about the year-end report. Ms. Leach said the year-end totals would be included in the packet next month. Commissioner Alholm motioned to approve the monthly reports, supported by Commissioner Touchinski. Motion carried unanimously.

9. Old Business:

- a. Climate Resolution Review: Planning intern, Anni Skillicorn, provided an overview of the resolution work thus far. She started writing the resolution in the Fall of 2022 utilizing the Marquette County 2040 plan and that passed by the City of Marquette. Discussion ensued about updating the 2013 Climate Adaptation Plan and creating a climate action plan concentrating on reducing energy usage and other actionable items. Commissioner Alholm questioned the cost of creating this. Ms. Leach stated there is funding available that is coming down from the federal government to the state. We are eligible for a grant right now and also seeking other grants.
Commissioner Struck would like building codes consistent with climate change. He also inquired if changes come back to the committee after they go through the County Board. Ms. Leach said the Board can do whatever they want with this resolution once sent to them. She also noted that they are trying to align with the County's strategic plan and are waiting for the strategic plan to be approved before bringing this to the Board.
Commissioner Alholm asked about how electric cars are being measured into things and there was discussion. There was also discussion about road maintenance.
Commissioner Slater is concerned with the term "must" as related to affordable housing. Emily and Commissioner Vermaat suggested using the word "should" in place of "must".
Ms. Leach chairs the Climate Adaptation Task Force (CATF). Her 2023 goal to get more diverse membership and make it more of a tool kit and resource.
Commissioner Alholm motioned to forward the Climate Resolution to the County Board for approval and to include the 3 changes made tonight: making the Adaptation Plan more of an action plan, building codes consistent with climate changes, and changing the word "must" to "should" as related to affordable housing. Commissioner Bergdahl supported the motion. The motion carried unanimously.
- b. Capital Improvements Project Subcommittee Update: Commissioner Alholm said they are looking at a survey for the Department Heads to use. The scoring rubric is shaping up and will be shared with the Planning Commission at the March meeting.

10. New Business:

- a. Sands Township Zoning Amendment: The proposed amendment is to rezone one 19-acre parcel from Rural Residential to Commercial. Discussion occurred about the DNR Hatchery impacts if this change occurred and creation of spot zoning. Commissioner Alholm motioned to approve Staff Recommendation that the Commission not support the proposed zoning map change and submit comments to the Sands Township Board and Planning Commission., supported by Commissioner Kaiser. Motion carried unanimously.
- b. 2022 Planning Commission Report: Commissioner Vermaat asked if there were two plan reviews because it looks like three. Ms. Leach will check on that. Ms. Leach asked for thoughts on strategies: Commissioner Vermaat liked them. Commissioner Struck asked about L.U.G and if there was an explanation on the initials anywhere. A motion was made by commissioner Struck to approve the 2022 Planning Commission Report pending edits, supported by Commissioner Touchinski. Motion carried unanimously.
- c. 2023 Proposed Meeting Schedule: A motion was made by commissioner Slater, supported by Commissioner Vermaat to accept the proposed meeting schedule changing the time of the meetings to 6:30 p.m. pending room schedule availability. Motion carried unanimously.

11. Announcements: Ms. Leach mentioned that they are hosting a couple of interviews for the Planning position. Commissioner Alholm gave an update on the town hall landfill meeting attended by herself and Ms. Leach. There was discussion.
Commissioner Vermaat cannot make the CUPPAD meeting in February. Discussion regarding regional trail planning occurred and Emily said they are involved and Eli will be helping out.
Commissioner Kaiser got an email regarding a listening tour on rural broadband scheduled for Saturday, February 18th from 10-noon. If interested, reach out to Commissioner Kaiser or Ms. Leach.
Ms. Leach said there is an open house for the City of Marquette Master Plan update on February 15, 2023 from 4-7 p.m. at NMU.

12. Public Comment: None.

13. Adjournment: Commissioner Slater motioned, seconded by Commissioner Touchinski to adjourn the meeting. The motion carried unanimously. Commissioner Kaiser adjourned the meeting at 7:01p.m.

Respectfully submitted,

Katie Labyak, R/M/D Support Staff

**MARQUETTE COUNTY PLANNING COMMISSION
MEETING MINUTES
MARCH 1, 2023**

1. Call to Order: The meeting of the Marquette County Planning Commission was called to order by Commissioner Kaiser at 6:30 p.m.
2. Roll Call: Commissioners present: Karen Alholm, Ken Kaiser, David Slater, Bob Struck, Mike Touchinski, and Kathy Vermaat. Commissioner absent: Charles Bergdahl. Staff present: Emily Leach, Jen Sides, and Katie Labyak. Public Present: Eli Williams.
3. Approval of Minutes: Commissioner Struck motioned to approve the February 1, 2023 minutes, supported by Commissioner Alholm. The motion carried unanimously.
4. Public Comment: None.
5. Approval of Agenda: Commissioner Struck motioned to approve the agenda, supported by Commissioner Vermaat. Motion carried unanimously.
6. Public Hearing: None.
7. Communications:
 - d. MCSWMA Meeting Minutes: February 15, 2023 (Draft): Commissioner Touchinski stated page 4 of 5 says the Marquette General Hospital demolition may start on March 1, 2023. He questioned there being safeguards for the neighborhood. Ms. Leach stated they are starting on the inside for demolition. Commissioner Vermaat said she drafted the safeguards through her work with TriMedia. She stated that all the hazardous materials have been identified and the workers have to comply with state and federal regulations. An independent party will be doing the oversight of the work. The first phase will be South of College Avenue and the second phase will be the overpass and other buildings. The parking garage is currently going to stay. Commissioner Slater added he had an observation that should be noted: The landfill is considering a natural gas pipeline and a goal of the Master Plan is to transition away from fossil fuels. Commissioner Alholm motioned to approve communications, supported by Commissioner Struck. Motion carried unanimously.
8. Monthly Reports: Commissioner Struck made a motion to file the February, 2023 monthly reports, supported by Commissioner Kaiser. Motion carried unanimously.
9. Old Business: None.
10. New Business:
 - a. Forsyth Township Zoning Amendment: Ms. Leach mentioned the proposed rezoning came to the Township in the form of an application from a property owner to rezone from Commercial-2 (C-2) to Rural Residential- 1 (RR-1). The rezoning would not be consistent with the surrounding current zoning districts and would create spot zoning. The proposed amendment also would not conform to the future land use designation of the parcel. There is currently a non-conforming house on the one-acre parcel. Commissioner Touchinski stated Commercial zoning has failed in some ways and maybe they should consider if their intent is to build more residential in the area. There was further discussion about how small the parcel is and the house was probably built before zoning was enacted. Ms. Leach stated someone is trying to buy the house, but buyers can't get a loan for a house on a commercial lot. Commissioner Alholm made a motion to suggest to the Township that they consider language in their ordinance regarding non-conforming structures and potential for grandfathering in the current use, and not supporting the zoning amendment from C-2 to RR-1 due to stated reasons. Commissioner Struck supported. Motion carried unanimously.

- b. 2024 Capital Improvement Project Ranking: Commissioner Kaiser and Ms. Leach provided an update on the 5 meetings the sub-committee held to create a new Capital Improvements Program (CIP) scoring criteria. The process of updating the CIP gave Commissioners and staff a better understanding of CIP, and have created a more user friendly and streamlined process. Ms. Leach met with the Finance Department to ensure the process is consistent and beneficial for the broader budget process. Commissioner Struck suggested taking out the word “project” from 2, 3, 4 and 5. Commissioner Struck motioned to approve the scoring criteria with revisions, supported by Commissioner Alholm. Motion carried unanimously.
11. Announcements: Commissioner Slater made an observation that under Communications; 7 e., in regards to climate adaptation, it is interesting another gas station is being developed. He thinks the possibility of a gas station on the South side of US-41 with that size of a lot could be beneficial for large trucks.
Commissioner Kaiser mentioned that the bids were too high for the construction of a round-about on Lakeshore Blvd. in Ishpeming. He also went to the high speed internet meeting put on by the State. It was an interactive meeting and recommends anyone with bad internet service to go to the next one in May.
Commissioner Slater will be out-of-town for the April meeting.
Commissioner Struck asked if the County Board approved the climate change resolution. Ms. Leach said the resolution is tentatively slated to be on the March 21st County Board agenda and encouraged the Planning Commission to attend in support.
Ms. Leach announced that Amy Stephens, the new planner, started today!
Sven will be at the Recreation Show in the Superior Dome at the end of the month to promote Perkins Park and the other recreation areas.
12. Public Comment: None
13. Adjournment: Commissioner Touchinski motioned, seconded by Commissioner Vermaat to adjourn the meeting. The motion carried unanimously. Commissioner Kaiser adjourned the meeting at 7:17p.m.

Respectfully submitted,

Katie Labyak, R/M/D Support Staff

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
February 21, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, February 21, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Present: W. Premeau, M. Rayner, K. Clegg, Chair J. Cardillo, D. Fetter, and S. Mittlefehldt
Absent: A. Andres and N. Williams (both excused).

AGENDA

It was moved by K. Clegg, seconded by S. Mittlefehldt, and carried 8-0 to approve the agenda as presented.

MINUTES

The minutes of 02-07-23 were approved by consensus with the corrections changing the date to be February 7, 2023, and of removing the word "if" from the last sentence of K. Clegg's statement on page 4.

CITIZENS ADDRESSING THE COMMISSION ON NON-AGENDA ITEMS

Christine Howko, 339 E. Park St, stated:

I'm only here because I recently read an article that was posted on a neighborhood site stating that there is some City land for sale at 601 Lakeshore Boulevard and that the City Commission is considering selling it and they mentioned a hotel. And it just looks like such a small area and that's a concern, And we had talked about a hotel near where we live on Park before, and it didn't pass, and we didn't know if this was something similar to that or if you even know what I'm referring to.

J. Cardillo said that she knows the property referred to but that this commission doesn't have a lot of information about it, and that you would probably be more effective going to the City Commission. She also said that the comment would be recorded in the minutes.

City Planner and Zoning Administrator D. Stensaas asked to contribute something. He stated that the parcel referenced is part of the Founders Landing Brownfield Work Plan, it is one of the original four or so parcels in that Work Plan, and there is evidently some discussion taking place about removing it from the Work Plan. He said that would make sense, since the Founders Landing project seems to be completed now and that parcel was not brought into other proposals in the area and may be best to stand as its own parcel without a Brownfield plan. He said that he doesn't have any details and isn't privy to conversations about selling it, but wanted to point out that it is part of the original plan for Founders Landing.

CORRESPONDENCE**Letter from Mr. C. Reed**

J. Cardillo asked if anyone had any thoughts. She said it was very thoughtful.

K. Clegg said that it was thoughtful, and it was good to have input and information from the public.

J. Cardillo said that she agrees, and it speaks to a lot of the things we've been working on and that the City Commission is trying to balance, and it's great to have engaged citizens giving their thoughts. She asked Mr. Reed, who was sitting in front, if he wanted to speak briefly.

Caden Reed, of 803 N. Front St., stated:

Everything is kind of stirred up right now with the Community Master Plan project and commotion over potential development, particularly the one that was brought up earlier, and the idea was just to raise the importance of communicating with community members so that we don't have constant misinformation like one article coming out in the Mining Journal right after the Master Plan project was started, I think, from what I've heard from talking with community members, there was a lot of confusion on the City requesting public input on development and stopping certain development and then seeing the Mining Journal release an article about the proposal to allow the potential sale – so for now the evaluation of the property and those considering buying the property. There's a lot of people thinking that what came out is that the City is planning on selling this and there's going to be another hotel, when if you look into the meeting and the minutes from the meeting you can understand that they aren't just putting the property up for sale and developing it right now. That is kind of a tangent, but the point is that between this letter and what I've been noticing is the reminder to try our best to continue to communicate what's going on, because there's just so much gray space right now and it's leading to more arguing than constructive growth around these topics and with engagement with the community.

D. Stensaas said that he has a thought on that and that it is that government bodies and agencies are often frustrated to some extent with the media reporting, and that the City isn't necessarily going to forestall the consideration of an offer to buy its property because we are working on a Master Plan update. He also said that consistency in media reporting, especially in a small town, is really not there because reporters come and go and often don't have depth of knowledge and don't always ask the right questions. He said it is something the City often spends a lot of time on, often after the reporting, and we had to ask that a couple of articles be retracted not too long ago because of incorrect information.

J. Cardillo also said that for clarity, when it comes to the sale of the property the Planning Commission has no impact at all, that is a City Commission decision. She also said that if it has to do with zoning or existing regulations then it is for the Planning Commission, but that it is good to have it on the record here, but the most effective place for things to do with property sales is the City Commission because they are the elected officials and have authority to make those decisions.

Mr. Reed requested and was granted more time to explain his points. He stated that what he was trying to say isn't about that development per se, but that to further educate the community on things going on and to further support to wanting to see that going forward.

S. Mittlefehldt thanked Mr. Reed for his letter and said in his letter there was a lot about housing affordability and availability and that in the recent community survey that came out loud and clear that is a major concern for our community, and it's something we've been working on. She also said that in all the years that the Planning Commission has been working on our zoning and codes and making improvements we are realizing that the PC can set foundational rules that allow for more housing of various sorts, but it has very little power over housing pricing or housing stock or any of that. She said that Mr. Premeau could talk about building costs from his experience, but that is way outside of our purview. There are things we have done that help, but it may be disappointing for the public to learn, but the Planning Commission can't make affordable housing, as much as all of us would love to do that. She said that in the spirit of education and responding to your comment, I just wanted to let you know that we are trying but there is only so much we can do.

WORK SESSION

A. Land Development Code Draft Amendments

D. Stensaas provided some background to the work session, saying this review of potential code amendments began a couple months ago and staff's goal is to schedule a Planning Commission public hearing for the amendments for March 21st, which would allow them to be presented in a hearing at the City Commission during their second meeting of April. He also said that there may be a joint work session of the City Commission and Planning Commission to review the proposed amendments on March 15th, although it isn't confirmed yet. He said that the draft document does not include everything they hoped could be in it, but that some of the things staff is working on will take more time and he plans to provide some information on those things soon as well. He stated that he doesn't want to go back over things discussed already, unless there are questions about those items, because there is a lot to cover and that they were going to work through the document sequentially. He began explaining amendments to Article 2 – Definitions, and the discussion ended with section 54.902, where the Commission agreed to pick up again at their next meeting.

Quite a bit of time was spent discussing items in section 54.705, regarding the allowable size of residential accessory structures. The width of driveways and the regulations concerning expansion of driveways in Section 54.902 was also a subject of lengthy discussion. The Planning Commission and staff agreed to continue that discussion in the March 7th meeting.

COMMISSION AND STAFF COMMENTS

K. Clegg stated:

I want to thank Mr. Reed for his letter and I appreciate your input and know that I'm on your side and I'm hoping that we can get something moving forward.

D. Fetter stated:

I was excited to see the community turnout for the Master Plan project. It was well done, well laid out, and a lot of people had some really good input and I was glad to see how many people were involved.

S. Mittlefehldt stated:

Yeah, that was the same thing I was going to talk about. It was nice to chat with the consultants and hear from them in one on one conversations and hear about what they've been doing, the results of the survey, and I was impressed by the participation last Wednesday. I look forward to continuing to be part of that process.

J. Cardillo stated:

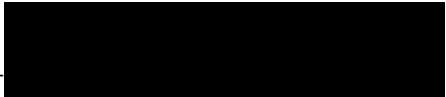
I agree with all of that. When I was there I was thinking that it would be wonderful if we could get some of the large posterboards, great graphics and large diagrams and put them on the walls or in the hallways here because they were very illustrative.

D. Stensaas said they were going to be scheduling that public hearing for the LDC amendments for March 21st and asked if anyone had a conflict for that meeting. He also stated he would inform the PC about the joint work session as soon as a date is confirmed, and that the consultants want to set up a virtual meeting to go into more depth about the results of the survey and what they learned at the open house, and he'll follow up with some dates to discuss. He said that they did photograph all the Open House posters before they packed them up and that they packed them up like they came off the wall, with

the pins and notes attached, and hopefully we can at least get photographs of them soon and of course a breakdown of all of that information.

ADJOURNMENT

The meeting was adjourned by Chair J. Cardillo at 8:10 p.m.

Prepared by:  _____

David Stensaas, City Planner and Zoning Administrator Planning Commission Staff Liaison