



**CHARTER TOWNSHIP OF CHOCOLAY**  
**PLANNING COMMISSION**  
**AGENDA**

Monday, July 17, 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

**III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA**

**IV. MINUTES**

A. June 19, 2023 Meeting

**V. PUBLIC COMMENT**

Limit of three minutes per person.

**VI. PRESENTATIONS**

None

**VII. UNFINISHED BUSINESS**

**A. Proposed Zoning Ordinance Definitions**

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

**B. Proposed Agriculture Zoning District Language**

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

**C. Proposed Zoning District Intent Statements and Land Uses**

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

## **VIII. NEW BUSINESS**

### **A. Proposed Zoning Ordinance Document Layout**

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

## **IX. PUBLIC COMMENT**

Any item of interest – limit 3 minutes per person

## **X. COMMISSIONER'S COMMENTS**

## **XI. DIRECTOR'S REPORT**

## **XII. INFORMATIONAL ITEMS AND CORRESPONDENCE**

- A. Township Board Minutes – 06.12.23
- B. Marquette County Planning Commission minutes 06.07.23 draft
- C. City of Marquette Planning Commission minutes 05.16.23
- D. City of Marquette Planning Commission minutes 06.06.23

## **XIII. ADJOURNMENT**

### **Planning Commission Rules for Public Hearings and Public Comment**

1. Please wait for the Planning Commission 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.



**CHOCOLAY TOWNSHIP  
PLANNING COMMISSION**

**Monday, June 19, 2023 Minutes**

**VII. Meeting Call to Order**

Chair Ryan Soucy called the meeting to order at 6:00 PM.

**VIII. Roll Call**

Members present at roll call:

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

Members absent at roll call:

Rebecca Sloan (Vice Secretary)

Staff present:

Dale Throenle (Planning Director / Zoning Administrator)

**IX. Additional Agenda Items / Approval of Agenda**

Soucy requested that the conditional use hearing be moved to the beginning of the agenda, and the rezoning be moved to the end of the agenda or until the applicant arrives at the meeting.

*Meister moved, Rhein seconded, to approve the agenda as changed.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**X. Minutes**

**A. May 15, 2023 Meeting**

*Rhein moved, Mullen-Campbell seconded, to approve the May minutes as written.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

**XI. Public Comment**

Bill Sanders, 105 Country Lane

Spoke on his concerns with the proposals related to the proposed changes to the parcel sizes in the agriculture zoning district.

Deborah Mulcahey, 633 Lakewood Lane

Spoke about the size of acreage in the agriculture zoning district and the uses within the district, the conditional use agenda item, and the rezoning agenda item.

Frank Jeffries, 545 Mangum Road

Spoke on his concerns with the proposals related to the proposed changes to the parcel sizes in the agriculture zoning district. He added that no one knew about the meeting and the discussion concerning the agriculture properties.

Rich Reader, 333 Green Garden Road

Spoke on his concerns with the proposals related to the proposed changes to the parcel sizes in the agriculture zoning district. He also added that he did not know about the meeting, and asked for a better way for residents to find out about what is going on.

## **XII. Presentations**

None

## **XIII. New Business**

### **B. Conditional Use Permit CU 23-19 – 6565 US 41 South**

#### **Staff Introduction**

Throenle stated the reason for the conditional use request was give the new property owners the ability to move into the existing house and make it their residence. He added that the primary reason the process had to happen was that the mortgage insurance company could not insure the property as it was. He added that the zoning ordinance had been updated to allow the conditional use to happen.

No written comments were received from the public regarding the conditional use. No comments opposing the conditional use were received during the meeting.

#### **Commissioner Discussion**

Soucy stated the following findings of fact for discussion:

That the proposed special use is supported by the master plan's vision of future land use and complies with the standards of the zoning ordinance and

The special land use would bring the property into conformity. There is nothing different about it than what currently exists and so the change would have no impact other than to reduce that non-conformity and provide relief to the non-conformity.

Meister asked if the owner / applicant were in the right order to complete the conditional use. Throenle stated that the owner applied and that the conditional use would transfer to the new owner after purchase of the property was completed.

#### **Commissioner Decision**

*Mullen-Campbell moved, Rhein seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 23-19, and the understanding that the proposed use is compliant with all terms of Section 16.2 Conditional Use Permits Basis of Determination and General Standards and the intent of the Township Zoning Ordinance, the Planning Commission approves Conditional Use Permit 23-19 as presented.*

Vote:      Ayes: 6      Nays: 0      Motion carried

## **XIV. Unfinished Business**

### **A. Proposed Zoning Ordinance Definitions**

#### **Staff Introduction**

Throenle stated that the definitions presented were the remaining definitions for consideration for the proposed zoning ordinance. He added that the definitions highlighted in yellow in the document were definitions that were for the same item but were found in two different places in the ordinance.

#### **Commissioner Discussion**

Gencheff asked why the State of Michigan requirements were removed from the day care definition. Throenle responded that it was an inadvertent removal from the language. Soucy added that he wanted to see the definition names changed to match the PA 116 Act of 1973 and to include the capacities in the definition.

Rhein suggested starting at the top of the definitions and going through the list. Throenle suggested looking at each group of definitions under each letter.

Meister stated that the second condominium definition could be removed; Soucy agreed.

Meister brought up questions regarding the fence definition and the height. He was concerned with the specified height for hedges or living bushes. He added that height should be clarified when the fence portion of the ordinance is discussed.

Gencheff asked about ground cover ratio. After a brief discussion, the Commissioners decided to leave the definition as is.

Meister recommended removing the second multi-family dwelling unit definition; Gencheff agreed.

Meister recommended removing "Subdivision" from the Rural Cluster Development Subdivision title.

Soucy requested that State licensed residential facility be removed as each are defined elsewhere in the definitions.

Commissioners decided to remove the word "literal" from the proposed variance definition.

Throenle emphasized to the public that the definitions would be draft only, and that they would not be officially adopted until the new ordinance was adopted.

### **B. Proposed Agriculture Zoning District Language**

#### **Staff Introduction**

Throenle stated that in 2008 the agriculture district was changed to move all agriculture properties to a twenty acre minimum. He added that the reason for the establishment of the proposed agriculture districts was to return the sizes to the sizes established prior to the 2008 ordinance, and to reduce the current non-conformities in the current AF zoning district.

He also stated that the agenda was posted each month on the Township web site, and he apologized to those in attendance if they did not get the meeting notice prior to the meeting.

He added that Commissioners should look at each of the district's uses to determine what would be permitted and what would be conditional. He stated that the language developed will be considered draft language, and that there would be future town hall meetings with the public to review the language.

### **Commissioner Discussion**

Soucy stated that the Township attorney said that nothing could be completed until the public had a reasonable opportunity to respond to the changes. Throenle added that the intent was not to overdevelop the Township or to increase the tax base.

Meister added that the intent was to address the sizes of the existing parcels, especially those that were in the one and two acre sections. He added that changes may occur after reviewing the draft maps and public input. Throenle added that the review of the uses would determine what could happen in each of the smaller districts.

Commissioners reviewed the intent statements for each of the districts. Throenle explained the legend in the document that would be used during the discussion. Throenle requested that the Commissioners use the *Proposed Land Use Cross Reference* document that was provided in the packet to review the districts.

Commissioners reviewed each of the land uses found on the document, and provided suggested changes. Throenle explained that the uses highlighted in green were State-related, and he would provide further detail on those at the next meeting.

Commissioners reviewed the restrictions and prohibitions comparison included in the document. They removed "no animal farming or riding activity" from AG 1; removed "limit of one domestic animal per acre" from AG 2; and removed "Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed" from AG 3.

Commissioners did not remove anything from the regulatory control comparison table. Soucy recommended adding the *Michigan Planning Enabling Act* and *Michigan Zoning Enabling Act*.

Commissioners did not add any additional items to the use table from the suggested added uses table as those items were covered in earlier discussions during the meeting.

## **C. Proposed Land Uses**

### **Commissioner Discussion**

Meister stated he was not sure he wanted the minimum acreage size to be ten acres for the agricultural district. Rhein asked Meister if Meister wanted the size to be fifteen acres. Meister stated he was concerned what the view would be and if it would still be "rural character" if the acreage was set to ten acres.

Commissioners discussed this change and decided to change the acreages to under three acres in AG 1, three to fifteen acres in AG 2, fifteen acre minimum in AG 3.

Commissioners discussed the lot size minimums and setbacks and accepted them as presented in the document.

Sanders requested to be able to give public comment; Soucy suggested that Sanders meet with him during the break.

Commissioners took a five minute break at 8:31 PM and started with the rezoning application (item VII.B) when they returned.

## **VIII. New Business**

### **B. Rezoning Application 34 23-19 – 537 West Branch Road**

#### **Staff Introduction**

Throenle stated that the applicant, who is the owner of the parcel, had purchased the property from the State of Michigan. Throenle said that this presented a unique situation, as the land was shown on the Township zoning map as State Lands, but there was no corresponding section in the zoning ordinance that provided permitted or conditional uses for State lands. Because the applicant wanted to put a structure on the property, Throenle stated he could not sign a *Zoning Compliance* permit because there were no uses defined in the zoning ordinance. He added that the Township attorney had stated that because the lands were identified on the zoning map, they were considered zoned, and a rezoning of the property was required to get the issue properly resolved.

Throenle added that the applicant had already built a structure on the property without a permit, which further added to the complexity of the problem. He added that regardless of the type of structure, agricultural or otherwise, a zoning compliance permit was required for reasons of determining where the structure was located on the property.

#### **Public Hearing**

*Rhein moved, Meister seconded, to open the public hearing.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

#### **Public Hearing Comment**

Kathy Aalto, 430 Foster Creek Drive

Gave a brief history on the parcel in question. She expressed concerns about the structure being built without permits and owner hunting on the new property. Using the computer monitor available at the meeting, she showed the Commissioners the location of the property and the location of the new structure.

*Rhein moved, Meister seconded, to close the public hearing.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

#### **Commissioner Discussion**

Soucy asked Throenle what the options were regarding the rezoning and the violation on the property. Throenle responded that the State lands had to be rezoned according

to the attorney direction. Meister stated he was not sure that the structure was an agriculture building. Throenle stated staff had looked at the same picture and had drawn the same conclusion; he added that the concern was rezoning the property with a newly added violation on the property.

Further discussion continued among the Commissioners regarding the rezoning. Commissioners decided to rezone the property, and to forward it to the Board for approval.

### **Commissioner Decision**

*Soucy moved, Milton seconded, that the zoning for the parcel known as 52-02-135-016-02 located at 537 West Branch Road be changed from State Lands to Agriculture / Forestry (AF), and the rezoning be sent to the Township Board for consideration, pending legal review.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

Commissioners decided to continue with item VIII.C *Proposed Land Uses* in the agenda.

## **VII. Unfinished Business**

### **C. Proposed Land Uses**

#### **Staff Introduction**

Throenle explained the items detailed on the *Proposed Zoning Districts* document found in the meeting agenda materials.

#### **Commissioner Discussion**

Gencheff asked why there was no commercial zoning district shown in the table. Throenle explained that commercial was now under the mixed use zoning district, as the mixed use overlay zone was applied to all commercial districts within the Township.

Meister asked Soucy if mixed use was a general direction for planning. Soucy stated that it was, particularly in urban areas. Throenle added that the overlay district was added to all the commercial districts, and that there was really no intent to have a separate commercial-only district. Mullen-Campbell and Soucy both expressed that mixed use fit the Township.

Mullen-Campbell asked if the industrial district would remain separate from other districts; Throenle replied that it would.

Milton asked where the multi-family residential areas are currently located in the Township; Throenle detailed where the locations were.

Meister shared comments regarding mobile home parks, especially the look related to them after being in place for 20 years or more. Commissioners discussed the intent statement for multi-family residential, especially regarding mobile home parks. Throenle added that he would further research the mobile home park portion of the intent statement for the next meeting.

Soucy suggested adding an element of residential to mixed use. Commissioners



agreed to change the intent to “the intent is to provide a mix of commercial and residential services to residential areas”.

Commissioners shorted the R2 intent statement to “The intent to provide greater housing diversity and density”.

Commissioners decided to table the discussion on the proposed land use cross reference.

## **IX. Public Comment**

None

## **X. Commissioner’s Comments**

Milton

Asked if the Shaw’s property was considered a brownfield. Throenle responded that the County Treasurer was the owner of the property and that there were plans underway to have the County Land Bank take control of the property. Soucy asked if the property was identified by the land bank as a potential demolition project. Throenle responded that that was part of the discussion, and no decision had been made yet.

Gencheff

Expressed that she was trying to understand why there were no commercial districts within the Township. She asked if it was acceptable to put a house in the commercial district. Throenle responded that the intent of the mixed use overlay district was to allow property owners to work and live on the same property.

Mullen-Campbell

Felt that it was a good work session, and that everyone kept working to get things completed.

Rhein

Expressed a “thanks” (along with Milton and Mullen-Campbell) to staff for the materials in the agenda packet.

Meister

Stated that it was good meeting, and that he was satisfied with the results of the meeting discussions.

Soucy

No comments.

## **XI. Director’s Report**

Planning / Zoning Administrator Throenle

Throenle thanked the Commissioners for their efforts during the meeting, especially regarding the amount of information that was reviewed.

Throenle gave an update on the FlashVote process and stated that the first survey would be released soon.

Throenle stated there was a Planning and Zoning training opportunity available that

Commissioners could attend in Harris sponsored by the Michigan Township Association and that the details were available at the Commissioner's table.

Throenle stated that FEMA has published a new method of applying for a Letter of Map Amendment (LOMA) for those that were concerned about their homes being in the flood zones on the proposed FEMA maps. He told the Commissioners that the details were provided to them at the Commissioner's table, and that they would be available to the public.

Throenle indicated that there were 27 topics still to be covered for the proposed zoning ordinance.

He suggested that the items to be covered for the next meeting be a completion of the definitions, finish up the zoning districts and uses, and present a layout of the new zoning ordinance document. He suggested that the next discussion after that would be related to the accessory dwelling units.

Throenle reminded the Commissioners that the August meeting would be a joint meeting with the Board.

Commissioners agreed that the suggested agenda items be used for the July meeting.

Throenle again thanked the Commissioners for their extended participation.

## **XII. Informational Items and Correspondence**

- A. Township Board minutes – 05.08.23
- B. Township Newsletter – May 2023
- C. Marquette County Planning Commission minutes 04.05.23
- D. Marquette County Planning Commission minutes 05.03.23
- E. City of Marquette Planning Commission minutes 05.02.23

## **XIII. Adjournment**

*Rhein moved, Mullen-Campbell seconded, to adjourn the meeting.*

*Vote: Ayes: 6 Nays: 0 Motion carried*

Soucy adjourned the meeting at 9:30 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell



## Charter Township of Chocolay

### Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

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### Agenda Item: VII.A Proposed Zoning Ordinance Definitions

#### Suggested Motion

After Commissioner review, \_\_\_\_\_ moved, \_\_\_\_\_ seconded, that the proposed zoning ordinance definitions be approved as [presented / revised].



## 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: July 17, 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.

Commissioners tabled the discussion at the March meeting until the April meeting and began the review at that meeting.

At the May meeting, Commissioners decided to remove the definitions that were not used in the text of the current zoning ordinance, with the understanding that the definitions could be used in the future if necessary.

Commissioners reviewed the remaining definitions at the June meeting, with an understanding that staff would research the definitions that had additional State of Michigan requirements.

### Staff Research

Staff combined all proposed definitions into one final draft document. Staff added six new definitions to the document (highlighted in green) that are directly extracted from Michigan State law. Those definitions are:

- Adult foster care facility
- Child care center
- Family child care home
- Group child care home
- Qualified residential treatment program
- State licensed residential facility

The definition titled *Group day care facility* (highlighted in yellow) is a definition that should be deleted.

### Staff Recommendations for Commissioner Discussion

Staff is recommending the Planning Commission members:

- 1) Evaluate the definitions in the attached document to determine if the definition should be retained, and if so, determine if the language needs to be revised.
- 2) Review the definitions highlighted in green to determine if the language that used for those definitions should be modified.
- 3) Review the definition highlighted in yellow to determine if the definition should be deleted.



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Author: Dale Throenle  
Date: July 13, 2023

**Attachments**

1. *Proposed zoning ordinance definitions*



# Proposed Zoning Ordinance Definitions

## II. Definitions and Diagrams

### Note

The following uses are mandated under the Michigan *Zoning Enabling Act*, section 125.3206:

- Adult foster care facility
- Child care center
- Family child care home
- Group child care home
- Qualified residential treatment program
- State licensed residential facility

Definitions for each are included below.

### A

#### Abandoned sign

A sign which for a period of at least ninety consecutive days no longer identifies or advertises a legal, ongoing business establishment, product, location, service, idea, or activity.



#### Access

A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

#### Access management

The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

#### Accessory

Both subordinate and incidental to a principal use or structure that is located on the same lot or contiguous properties.

#### Adult foster care facility

A governmental or nongovernmental establishment that provides foster care to adults. Subject to Michigan Public Act 218 of 1979, as amended, (Adult Foster Care Facility Licensing Act) adult foster care facilities include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.

An adult foster care facility does not include a child caring institution, a residential facility for persons released from or assigned to adult correctional institution, an establishment commonly described as an alcohol or substance abuse rehabilitation center, county infirmary, facility for the developmentally disabled, home for the aged, hospital, hospital for the mentally ill, nursing home, and any other use excluded under Act 218 of 1979, as amended.

**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.

**Agritourism**

Activities on a farm that may or may not be directly related to the farm operation, conducted for the purpose of increasing income for the farm business including educational or entertainment experiences, but does not change the general intent of the farm operation.

**Antenna**

A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures for the purpose of communication.

**Apartment**

A suite of rooms or a room in a building, including bath and kitchen facilities, arranged and intended as a place of residence for a single family.

**Applicant**

A person who submits an application under one of the procedures set forth in this Ordinance.

**Art**

Sculpture; murals; and painted, carved, and / or applied building accents and decorations (including those on awnings, canopies, or other extensions) that are not signs related by language or logo to the identification of any business.



**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.

**Basement**

That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**Bed and breakfast**

A use of a single-family dwelling unit in which guests are provided temporary sleeping rooms, meals, and related amenities in return for monetary payment to the owner.

The dwelling unit is the owner’s personal residence, is occupied by the owner at the time of rental, and the owner does not provide more than six sleeping rooms for guests.

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

**Buffer strip**

A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts.

**Buildable area**

The portion of a lot remaining after the minimum yard and setback requirements have been met.

**Building**

Any structure, either temporary or permanent, having a fixed location and a roof supported by columns, walls or other supports, and used or built for the shelter or enclosure of persons, animals, or property of any kind or for the conduct of business.

**Building height**

The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

**Business center**

Any group of two or more commercial establishments having not less than 100 feet of frontage on a major street and which are under one common ownership or management, have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies, or other structural members to form one continuous structure; or share a common parking area.



**Business office**

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**

**Campground**

A tract of land under the control of a state-licensed owner or owner designee where the land is divided into sites offered for use by organizations or the public for the establishment of temporary living quarters consisting of any combination of three or more recreational vehicles, tents or other temporary habitable structures or sites.

This tract of land can be offered for use either free of charge or for a fee.

**Carport**

A shelter for one or more vehicles which is not fully enclosed by walls and one or more doors.

**Child care center**

A facility, other than a private residence, receiving one or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child.



A child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include any of the following:

- A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
- A facility operated by a religious organization where children are in the religious organization's care for not more than 3 hours while persons responsible for the children are attending religious services.
- A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
- A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

**Clinic**

A place where medical, dental, or veterinarian care is furnished.

**Commercial**

Conducting sales or trade intended for the sake of profit.

**Common open space**

Land within or related to a development, not individually owned, that is intended for the common use and enjoyment of the residents, and their guests of the development, or the public at large if dedicated to and accepted by the public.

**Community residential care facility**

State-regulated facility that provides shelter and care for individuals with special needs are assisted in a single family dwelling for six or less persons or in a larger facility for more than six persons.

**Communication tower**

A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunication signals.

**Conditional use**

A use essentially compatible with uses permitted in a zoning district, but which possesses characteristics which require individual review in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land.

**Condominium Act**

Means Act 59 of 1978, as amended.

**Condominium building envelope**

The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed.

**Condominium building site**

The portion of a condominium project that includes the condominium unit and that may also include limited common elements as described in the master deed.

For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, area, width, and setback requirements) or with other applicable laws, ordinances, or regulations, "building site" shall be considered to be the equivalent of a "lot."

**Condominium general common area**

The portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the master deed.

**Condominium limited common area**

The portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in, as described in the master deed.

**Condominium limited common element**

The portion of a condominium project other than the condominium unit that is reserved in the master deed for the exclusive use of the owner of the condominium unit.

**Condominium master deed**

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 lot**

Shall mean the same as "site condominium unit."

**Condominium plan**

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**

The portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

The owner of a condominium unit also owns a share of the common elements.

The term "condominium unit" shall be equivalent to the term "lot" or "building site", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage, and within which a building or other improvements may be constructed by the condominium unit owner. The condominium unit shall not include any limited common elements.

**Conservation easement**

An interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf

of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

**Contractible site condominium (current zoning ordinance section 12 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.

**Contractor yard**

Outside area of lot or parcel used for storage and maintain equipment and other materials customarily used in the trade carried on by the contractor.

**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.

**Corner lot**

A lot located at the intersection of two or more streets or roads.

**D**

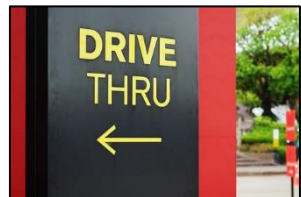
**Deck**

An unenclosed exterior structure, attached or adjacent to the exterior wall of a building, which has a floor, but no roof.



**Directional sign**

A sign giving directional information about goods, services and events of interest to the traveling public.





**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.

**Driveway**

Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

**Driveway, shared**

A driveway connecting two or more contiguous properties to the public road system.

**Dwelling unit in a mixed-use building**

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

**Dune**

A mound or ridge of sand formed by wind or water action located along the Lake Superior coastline.

**E**

**Electronic message sign**

An electrically activated, changeable, permanent sign whose variable message and / or graphic presentation capability can be electronically programmed without physically or mechanically replacing the sign face.



**Entertainment and recreation facility**

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.

**Erosion hazard line**

The line along the shoreland that is the landward edge of the zone of active erosion or the line where the 603.3 feet international Great Lakes datum contour on Lake Superior meets the shoreland, whichever is furthest landward.

**Expandable 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**

**Family**

An individual or a group of two or more persons related by blood, marriage, adoption, or foster care, together with not more than three additional persons not related by blood, marriage, adoption, or foster care, living together as a single housekeeping unit.

**Family child care home**

A private home in which one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian. This does not include children related to an adult member of the household.

A family child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

A family child care home does not include an individual providing babysitting services for another individual.

**Fence**

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**

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**

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

**Fence Setback**

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

**Flashing, animated, or moving sign**

A sign that intermittently reflects lights from either an artificial source or from the sun or sign which has movement of any illumination such as intermittent, flashing, scintillating or varying intensity, or a sign that has any visible portion in motion, either constantly or at intervals, which motion may be caused by either artificial or natural sources.



**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.

**Foredune**

One or more low linear dune ridges that are parallel and adjacent to the shoreline of a Great Lake and are rarely greater than 20 feet in height.

**Freestanding sign**

A permanently affixed sign not attached to any building and supported by uprights or braces or some object on the ground, using poles or other similar means to elevate the sign.



**Front lot line**

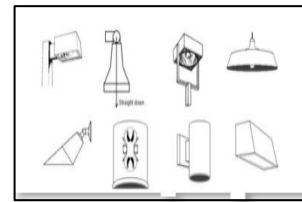
The property line separating a lot from a public or private street or road and from which the required front setback is measured.

**Frontage road**

A local street or road that is typically located in front of principal buildings and parallel to a main road for service to abutting properties for the purpose of controlling access to the main road.

**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**

**Garage**

A fully enclosed building generally used for the storage of motor vehicles.

This definition does not include buildings in which fuel is sold or where repair or other services are performed.

**Garbin**

A garage with living space above the garage space.

**Gas station**

A place where motor vehicle fuels are sold at retail.

**General office**

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

An office shall not include a clinic or the production, distribution or sales of goods or commodities which are physically located on the premises.

**Glare**

Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

**Golf course**

A tract of land for playing golf with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

This definition does not include miniature golf courses.

**Governmental sign**

A sign erected and maintained for governmental or utility functions, or as required by law, or other governmental regulation.



**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.

**Ground or monument sign**

A low-profile ground sign incorporating the design and building material of the primary use of the property, where poles for the support of the sign face are not used.



**Group child care home**

A private home in which more than six but not more than twelve minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian. This does not include children related to an adult member of the household.

Group child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year. Group child care home includes a private home with increased capacity.

**Group day care facility**

A private home, or a facility other than a private home, receiving more than six preschool or school aged children for day care or supervision for periods of less than twenty-four hours a day.

A facility licensed as a day care center or a home licensed as a group day care home by the Michigan Department of Social Services.

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

**H**

**Height**

The vertical distance from the average natural grade, prior to any breaking of ground, as determined by the Township Zoning Administrator, to the highest point of the roof.

**Home occupation**

A business, profession, occupation, or trade conducted by an occupant of a dwelling unit as a secondary use subordinate and incidental to the use of the dwelling that meets the standards of Section 6.9.

**Hospital**

A licensed institution providing medical and surgical treatment and nursing care for sick or injured animals or people.

## Hotel

A place of business that rents multiple rooms at the same location for temporary occupancy, and generally offers other amenities that may also be offered to the public (such as restaurants, pools, meeting rooms, and retail stores).

The length of stay for the same guest is not limited to a set number of calendar days.

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

## I

### Impervious material or surface

Any material or surface which does not allow water to be absorbed so it may percolate into deeper ground, (such as bituminous asphalt, composed stone or gravel, concrete, paving brick).

### 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.

### Inflatable sign

A sign that is either expanded to its full dimension or supported by gases contained within the sign or sign parts at a pressure greater than atmospheric pressure.



## K

### Kennel

An establishment where four or more dogs or cats are boarded for compensation or where four or more dogs or cats are bred or raised for sale purposes.

## L

### Laundromat

A business where clothes and other fabrics are washed or dried and other fabrics in machines operated by the patron.

### Light mounting height

The height of the photometric center of a luminaire above finished grade.

### Light pollution

An adverse effect of unnatural light.

### Living space

An area within a structure that provides sleeping quarters, bathroom facilities and kitchen facilities.

### Lodging

A room or rooms in the house of another person rented as a place to live.

### Lodging unit

A furnished room of a minimum 200 square feet that includes sanitary facilities and may include limited kitchen facilities.



**Lot**

A quantity of land capable of being described with a definite location and established boundaries.

**Lot area**

The total horizontal area within the lot lines of the lot excluding any part open to public uses.

**Lot of record**

A parcel of land with dimensions shown on a document or map that is recorded with the County Registrar of Deeds prior to the effective date of this Ordinance.

**Lot line**

A line marking one boundary of a lot.

**Lumen**

The unit of measure used to quantify the total amount of visible light produced by a lamp or emitted from a luminaire (as distinct from "watt," a measure of power consumption). One footcandle is one lumen per square foot. One lux is one lumen per square meter.

**Luminaire**

The complete lighting assembly consisting of a lamp, or lamps and ballast(s), housing, and shields together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

**M****Maximum size of sign**

The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display, excluding the necessary supports or uprights on which such sign is placed.

**Mental health center**

Means a hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.

**Minimum landscaped open space**

The percentage of lot area which must be maintained in grass or other living vegetation.

**Mobile home**

A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required facilities.

**Motor vehicle**

A vehicle which is self-propelled by means of an engine, including, but not limited to, all-terrain vehicles (ATVs), automobiles, boats, buses, construction equipment (such as bulldozers and front end loaders), electric vehicles, hybrid vehicles, logging skidders, motorbikes, motorcycles, off-road recreational vehicles (ORVs), personal watercraft, snowmobiles, trucks, truck tractors, and vans.

**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.

## N

### **Natural grade**

The elevation of the ground surface in its natural state before manmade alterations.

### **Non-conforming lot**

A lot where the boundaries are recorded in a plat, deed or land contract executed and delivered prior to the effective date of this ordinance and the width, depth and / or area of which does not meet the minimum dimensional requirements of the district in which it is located.

## O

### **Office building**

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

### **Ordinary high water mark**

The line between upland and bottomland which persists along the shore of Lake Superior.

### **Outdoor wood boiler**

A fuel burning appliance that (1) the manufacturer specifies for outdoor installation or in structures not normally occupied by humans (e.g. sheds) or is an indoor-rated device housed in a modular or containerized structure; (2) is designed to transfer or provide heat by burning approved solid fuels; and (3) heats space or water, or both, through the distribution, typically through pipes or ducts, of a fluid or air heated in the device. Also known as hydronic heaters or outdoor wood furnaces.

This definition does not include outdoor smokers or wood-fired stoves for cooking food; fire pits; or chimineas.

## P

### **Person**

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

### **Pervious surface**

A surface that presents an opportunity for precipitation to infiltrate into the ground.

### **Place of worship**

A building where persons regularly assemble for religious worship, which is used only for such purpose and related accessory activities.

### **Private road**

A road or driveway on private property, limited to the use of the owner or a group of owners who share the use and maintain the road without help in maintaining the road from the Township, County or State.

## Q

### **Qualified residential treatment program**

Services provided following a child's removal from their own home or ongoing out of home placement.

This program has a trauma-informed treatment model that is designed to address the emotional or behavioral needs of children and provide clinical treatment as appropriate.

## R

### **Rear lot line**

The line dividing one lot from another and on the opposite side of the lot from the front lot line.

In the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

### **Recreational unit**

A tent or vehicular type structure, primarily designed as temporary living quarters for recreational, camping or traveling use, which either has its own motive power or it is mounted on or drawn by another vehicle which is self-powered.

This definition does not include single-wide or double-wide mobile homes.

### **Registered rental dwelling**

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.

### **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**

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**

A facility offering instruction at from 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**

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

### **Shielded light**

A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

### **Side lot line**

Any lot line that is not a front lot line or a rear lot line.

### **Single-family dwelling**

A building designed for use as one dwelling unit.

**Site condominium**

A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Land Division Act of 1967, Public Act 288 of 1967, as amended. Also known as a site condominium or site condo.

**State licensed residential facility**

A structure constructed for residential purposes that is licensed by the State of Michigan under the adult foster care facility licensing act, 1979 PA 218 OF 1979 (Adult Foster Care Facility Licensing Act), or 1973 PA 116 of 1973 (Child Care Organizations) and provides residential services for six or fewer individuals under 24-hour supervision or care.

**Structure**

Placement of constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by way or limitation – buildings, garages, mobile homes, pole barns, sheds, signs, and towers that will be in use more than six consecutive months.

A fence and deck are excluded from the definition of structure but still need permits.

**T**

**Tiny home**

A home that falls under a maximum of 500 square feet that can be built on either a non-motorized mobile platform or a permanent house foundation.

**V**

**Variance**

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



## Charter Township of Chocolay

### Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

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### **Agenda Item: VII.B Proposed Agriculture Zoning District Language**

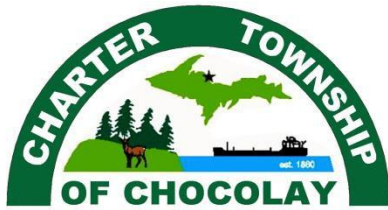
#### **Suggested Motions**

*With intention to amend the current Township Zoning Ordinance:*

After Commissioner review, \_\_\_\_\_ moved, \_\_\_\_\_ seconded, that the proposed agriculture zoning district language be approved as [presented / revised] and that the proposed language be presented for a public hearing at a future Planning Commission meeting.

*With no intention to amend the current Township Zoning Ordinance:*

After Commissioner review, \_\_\_\_\_ moved, \_\_\_\_\_ seconded, that the proposed agriculture zoning district language be approved as [presented / revised].



## Charter Township of Chocolay

### Planning and Zoning Department

5010 US 41 South

Marquette, MI 49855

Phone: 906-249-1448

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**Issue Brief:** Proposed Agriculture Zoning District Language

**Meeting: Planning Commission Meeting**

**Date: July 17, 2023**

### Issue Summary

Proposed agriculture zoning district ordinance language.

### 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.

At the March meeting, Commissioners reviewed recommendations for splitting the current AF zoning district into three separate districts. Commissioners requested additional details on these districts at a future meeting.

At the June meeting, Commissioners reviewed recommendations for splitting the current AF zoning district into three separate districts, and set the acreage sizes for each district. Commissioners also reviewed the uses for the proposed districts.

### **Staff Research**

Staff has prepared a document showing the updated proposed agriculture zoning districts, using the details from the recommendations presented in June and the current Township Zoning Ordinance uses (see attached). Staff has also combined those recommendations into a comparison document (see attached).

### **Staff Recommendations for Commissioner Discussion**

Staff is recommending the Planning Commission members:

- 1) Review the proposed zoning ordinance language and uses.
- 2) Come prepared with ideas to review the intent language, parcel sizes, and uses for each district.

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Author: Dale Throenle

Date: July 13, 2023

### **Attachments**

1. *Proposed Agriculture Zoning Districts*
2. *Proposed Agriculture Zoning District – Comparisons*

## Proposed Agriculture Zoning Districts

### AG 1 – Agriculture 1

#### Intent

The intent of this district is to accommodate medium-density residential and agriculture-related development.

#### Acres and Setback Requirements

District Acreage	Frontage Minimum	Setbacks (in feet)		
		Front	Side	Rear
3 acres or less	75 feet	30	10	30

#### District Uses

#### Legend

#### Use

<b>C</b>	conditional use	<b>C ***</b>	conditional use – 60 acres or more
<b>C *</b>	conditional use – 20 acres or more	<b>P</b>	permitted use
<b>C **</b>	conditional use – 40 acres or more	<b>P *</b>	permitted use – 20 acres or more

Proposed Use	2008 Ordinance	Proposed
Accessory dwelling unit	C	P
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	P
Accessory structure <i>Examples</i> garage pole barn shed storage container	P	P



Proposed Use	2008 Ordinance	Proposed
Adult foster care facility		P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm hoop house	C	C
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed garden center plant nursery rental and small equipment repair		C
Agricultural - commercial soil modifications <i>Examples</i> fertilizer herbicide pesticide		C
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store food truck maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery	P	C
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits library museum petting farm pumpkin patch roadside market or stand		C

Proposed Use	2008 Ordinance	Proposed
U-pick operation wedding barn		
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C
Boarding stable <i>Example</i> horse boarding		P *
Campground	C *	C *
Cemetery		C
Child care center		P
Commercial recreation - outdoor <i>Examples</i> amusement park batting cage golf driving range miniature golf course zoo	C	
Community garden as a principal use on a lot		P
Contractor shop	C	C
Contractor yard	C	C
Craft brewery / micro-brewery / nano-brewery sales		C
Electric vehicle charging station for private use		P
Electric vehicle charging station for public use		C
Family child care home		P
Farmer's market as the accessory use of a lot		P
Farmer's market as the principal use of a lot		C
Food truck or other mobile vendor as principal use of a lot		C
Group child care home		C
Hunting or shooting preserve	C **	C **
Indoor sport shooting range		C
Kennel	C *	C *
Large housing		

Proposed Use	2008 Ordinance	Proposed
<p><b>Note Does not include:</b>  adult foster care facility  child care center  correctional facility  family child care home  hotel, motel, or similar lodging facility  group child care home  medical or social care  multifamily residential  qualified residential treatment program  state licensed residential facility</p> <p><i>Examples</i>  co-op  convent  fraternity or sorority  monastery  seminary</p>		
<p>Light use structure</p> <p><i>Examples</i>  communication tower  recycling collection center  satellite antennae larger than ten feet in diameter</p>		
<p>Medical or social care</p> <p><i>Examples</i>  assisted living facility  halfway house  homeless shelter  home for the aged  nursing or convalescent home  orphanage  sanitarium  spouse abuse shelter</p>		C
<p>Medical clinic</p>		
<p>Medical hospital</p>		
<p>Medium manufacturing, including some outdoor operations or storage of materials or vehicles</p> <p><i>Examples</i>  Exterminator  landscape supply  machine shop  recycling operation other than vehicles  small vehicle, body, and frame repair  towing with temporary outdoor storage  welding shop  wholesale lawn and garden services</p>		
<p>Mining and / or mineral extraction and the incidental activities associated with such use</p>	C	C

Proposed Use	2008 Ordinance	Proposed
Mobile processing facility <i>Examples</i> food game processing meat processing		P
Multi-family residential		C
On-site composting accessory to a non-residential use		C
Outdoor flea market		
Outdoor food preparation		C
Outdoor storage – not accessory to a business		C
Outdoor wood boiler	P	P
Place of worship <i>Examples</i> church mosque synagogue temple	C	C
Planned Unit Development (PUD)	C	C
Private park	C	C
Private school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C
Public park <i>Examples</i> neighborhood park public garden		C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center		C
Public school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C

Proposed Use	2008 Ordinance	Proposed
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines		P
Qualified residential treatment program, 10 or fewer individuals		P
Recycling drop off site		C
Registered rental dwelling <i>Examples</i> bed and breakfast single family rental tourist home vacation rental similar rental with four units or less	P	P
Resort	C	C
Riding stable or animal breeding facility accessory to a residence		C
Rural Cluster Development	C	C
Sawmill		C
Single family residential	P	P
Site condominiums		P
Solar energy system (SES) - roof mounted		P
Solar energy system (SES) - accessory ground mounted		P
Solar energy system (SES) - large commercial arrays		C
State licensed residential facility		P
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale		P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C
Wind energy conservation system (WECS), ground mounted	C	C
Wind energy conservation system (WECS), roof mounted	C	C
Wildlife management	P	P
Wireless communication facility	C	C

### *District Restrictions and Prohibitions*

1. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed.

*District Regulatory Control*

1. Michigan Right to Farm Act
2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)

**AG 2 – Agriculture 2**

*Intent*

The intent of this district is to accommodate low-density residential and agriculture-related development.

*Acreage and Setback Requirements*

District Acreage	Frontage Minimum	Setbacks (in feet)		
		Front	Side	Rear
3 acres to 15 acres	150 feet	30	30	30

*District Uses*

**Legend**

- |             |                                    |              |                                    |
|-------------|------------------------------------|--------------|------------------------------------|
| <b>C</b>    | conditional use                    | <b>C ***</b> | conditional use – 60 acres or more |
| <b>C *</b>  | conditional use – 20 acres or more | <b>P</b>     | permitted use                      |
| <b>C **</b> | conditional use – 40 acres or more | <b>P *</b>   | permitted use – 20 acres or more   |

Proposed Use	2008 Ordinance	Proposed
Accessory dwelling unit	C	P
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	P
Accessory structure <i>Examples</i> garage pole barn shed	P	P

Proposed Use	2008 Ordinance	Proposed
storage container		
Adult foster care facility		P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm hoop house	C	P
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed garden center plant nursery rental and small equipment repair		P
Agricultural - commercial soil modifications <i>Examples</i> fertilizer herbicide pesticide		C
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store food truck maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery	P	P
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits library museum petting farm pumpkin patch		C

Proposed Use	2008 Ordinance	Proposed
roadside market or stand U-pick operation wedding barn		
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C
Boarding stable <i>Example</i> horse boarding		P *
Campground	C *	C *
Cemetery		C
Child care center		P
Commercial recreation - outdoor <i>Examples</i> amusement park batting cage golf driving range miniature golf course zoo	C	
Community garden as a principal use on a lot		P
Contractor shop	C	C
Contractor yard	C	C
Craft brewery / micro-brewery / nano-brewery sales		C
Electric vehicle charging station for private use		P
Electric vehicle charging station for public use		C
Family child care home		P
Farmer's market as the accessory use of a lot		P
Farmer's market as the principal use of a lot		P
Food truck or other mobile vendor as principal use of a lot		C
Group child care home		C
Hunting or shooting preserve	C **	C **
Indoor sport shooting range		C
Kennel	C *	C *



Proposed Use	2008 Ordinance	Proposed
<p>Large housing</p> <p><b>Note Does not include:</b></p> <ul style="list-style-type: none"> <li>adult foster care facility</li> <li>child care center</li> <li>correctional facility</li> <li>family child care home</li> <li>hotel, motel, or similar lodging facility</li> <li>group child care home</li> <li>medical or social care</li> <li>multifamily residential</li> <li>qualified residential treatment program</li> <li>state licensed residential facility</li> </ul> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>co-op</li> <li>convent</li> <li>fraternity or sorority</li> <li>monastery</li> <li>seminary</li> </ul>		
<p>Light use structure</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>communication tower</li> <li>recycling collection center</li> <li>satellite antennae larger than ten feet in diameter</li> </ul>		
<p>Medical or social care</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>assisted living facility</li> <li>halfway house</li> <li>homeless shelter</li> <li>home for the aged</li> <li>nursing or convalescent home</li> <li>orphanage</li> <li>sanitarium</li> <li>spouse abuse shelter</li> </ul>		C
<p>Medical clinic</p>		
<p>Medical hospital</p>		
<p>Medium manufacturing, including some outdoor operations or storage of materials or vehicles</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>Exterminator</li> <li>landscape supply</li> <li>machine shop</li> <li>recycling operation other than vehicles</li> <li>small vehicle, body, and frame repair</li> <li>towing with temporary outdoor storage</li> <li>welding shop</li> <li>wholesale lawn and garden services</li> </ul>		
<p>Mining and / or mineral extraction and the incidental activities associated with such use</p>	C	C

Proposed Use	2008 Ordinance	Proposed
Mobile processing facility <i>Examples</i> food game processing meat processing		P
Multi-family residential		C
On-site composting accessory to a non-residential use		P
Outdoor flea market		
Outdoor food preparation		C
Outdoor storage – not accessory to a business		C
Outdoor wood boiler	P	P
Place of worship <i>Examples</i> church mosque synagogue temple	C	C
Planned Unit Development (PUD)	C	
Private park	C	C
Private school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C
Public park <i>Examples</i> neighborhood park public garden		C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center		C
Public school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C

Proposed Use	2008 Ordinance	Proposed
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines		P
Qualified residential treatment program, 10 or fewer individuals		P
Recycling drop off site		C
Registered rental dwelling <i>Examples</i> bed and breakfast single family rental tourist home vacation rental similar rental with four units or less	P	P
Resort	C	C
Riding stable or animal breeding facility accessory to a residence		C
Rural Cluster Development	C	C
Sawmill		P
Single family residential	P	P
Site condominiums		P
Solar energy system (SES) - roof mounted		P
Solar energy system (SES) - accessory ground mounted		P
Solar energy system (SES) - large commercial arrays		C
State licensed residential facility		P
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale		P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C
Wind energy conservation system (WECS), ground mounted	C	C
Wind energy conservation system (WECS), roof mounted	C	C
Wildlife management	P	P
Wireless communication facility	C	C

### *District Restrictions and Prohibitions*

1. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed.
2. No Planned Unit Development (PUD) permitted.

*District Regulatory Control*

1. Michigan Right to Farm Act
2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)

**AG 3 – Agriculture 3**

*Intent*

The intent of this district is to establish and maintain areas suitable for a wide range of agricultural uses.

*Acreage and Setback Requirements*

District Acreage	Frontage Minimum	Setbacks (in feet)		
		Front	Side	Rear
15 acres or more	200 feet	30	30	30

*District Uses*

**Legend**

- |             |                                    |              |                                    |
|-------------|------------------------------------|--------------|------------------------------------|
| <b>C</b>    | conditional use                    | <b>C ***</b> | conditional use – 60 acres or more |
| <b>C *</b>  | conditional use – 20 acres or more | <b>P</b>     | permitted use                      |
| <b>C **</b> | conditional use – 40 acres or more | <b>P *</b>   | permitted use – 20 acres or more   |

Proposed Use	2008 Ordinance	Proposed AG 3
Accessory dwelling unit	C	P
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	P
Accessory structure <i>Examples</i> garage pole barn shed	P	P

Proposed Use	2008 Ordinance	Proposed AG 3
storage container		
Adult foster care facility		P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm hoop house	C	P
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed garden center plant nursery rental and small equipment repair		P
Agricultural - commercial soil modifications <i>Examples</i> fertilizer herbicide pesticide		C
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store food truck maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery	P	P
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits library museum petting farm pumpkin patch		P

Proposed Use	2008 Ordinance	Proposed AG 3
roadside market or stand U-pick operation wedding barn		
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services		P
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C
Boarding stable <i>Example</i> horse boarding		P *
Campground	C *	C *
Cemetery		C
Child care center		P
Commercial recreation - outdoor <i>Examples</i> amusement park batting cage golf driving range miniature golf course zoo	C	C *
Community garden as a principal use on a lot		P
Contractor shop	C	C
Contractor yard	C	C
Craft brewery / micro-brewery / nano-brewery sales		C
Electric vehicle charging station for private use		P
Electric vehicle charging station for public use		C
Family child care home		P
Farmer's market as the accessory use of a lot		P
Farmer's market as the principal use of a lot		P
Food truck or other mobile vendor as principal use of a lot		C
Group child care home		C
Hunting or shooting preserve	C **	C **
Indoor sport shooting range		C
Kennel	C *	C *

Proposed Use	2008 Ordinance	Proposed AG 3
<p>Large housing</p> <p><b>Note Does not include:</b></p> <ul style="list-style-type: none"> <li>adult foster care facility</li> <li>child care center</li> <li>correctional facility</li> <li>family child care home</li> <li>hotel, motel, or similar lodging facility</li> <li>group child care home</li> <li>medical or social care</li> <li>multifamily residential</li> <li>qualified residential treatment program</li> <li>state licensed residential facility</li> </ul> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>co-op</li> <li>convent</li> <li>fraternity or sorority</li> <li>monastery</li> <li>seminary</li> </ul>		C
<p>Light use structure</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>communication tower</li> <li>recycling collection center</li> <li>satellite antennae larger than ten feet in diameter</li> </ul>		C
<p>Medical or social care</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>assisted living facility</li> <li>halfway house</li> <li>homeless shelter</li> <li>home for the aged</li> <li>nursing or convalescent home</li> <li>orphanage</li> <li>sanitarium</li> <li>spouse abuse shelter</li> </ul>		C
<p>Medical clinic</p>		C
<p>Medical hospital</p>		C
<p>Medium manufacturing, including some outdoor operations or storage of materials or vehicles</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>Exterminator</li> <li>landscape supply</li> <li>machine shop</li> <li>recycling operation other than vehicles</li> <li>small vehicle, body, and frame repair</li> <li>towing with temporary outdoor storage</li> <li>welding shop</li> <li>wholesale lawn and garden services</li> </ul>		C
<p>Mining and / or mineral extraction and the incidental activities associated with such use</p>	C	C

Proposed Use	2008 Ordinance	Proposed AG 3
Mobile processing facility <i>Examples</i> food game processing meat processing		P
Multi-family residential		
On-site composting accessory to a non-residential use		P
Outdoor flea market		C
Outdoor food preparation		C
Outdoor storage – not accessory to a business		
Outdoor wood boiler	P	P
Place of worship <i>Examples</i> church mosque synagogue temple	C	C
Planned Unit Development (PUD)	C	
Private park	C	C
Private school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C
Public park <i>Examples</i> neighborhood park public garden		C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center		C
Public school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C



Proposed Use	2008 Ordinance	Proposed AG 3
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines		P
Qualified residential treatment program, 10 or fewer individuals		P
Recycling drop off site		C
Registered rental dwelling <i>Examples</i> bed and breakfast single family rental tourist home vacation rental similar rental with four units or less	P	P
Resort	C	C
Riding stable or animal breeding facility accessory to a residence		C
Rural Cluster Development	C	
Sawmill		P
Single family residential	P	P
Site condominiums		C
Solar energy system (SES) - roof mounted		P
Solar energy system (SES) - accessory ground mounted		P
Solar energy system (SES) - large commercial arrays		C
State licensed residential facility		P
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale		P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C
Wind energy conservation system (WECS), ground mounted	C	C
Wind energy conservation system (WECS), roof mounted	C	C
Wildlife management	P	P
Wireless communication facility	C	C

### *District Restrictions and Prohibitions*

1. No Planned Unit Development (PUD) permitted.
2. No divisions allowed under PA116 or Qualified Forestry Program Property.

3. No land divisions beyond the Michigan Land Division Act for parent parcels.

*District Regulatory Control*

1. Michigan Right to Farm Act
2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
3. Michigan Land Division Act
4. Michigan PA 116

## Proposed Agriculture Zoning Districts – Comparisons

### Intent Comparison

District	Intent
AG 1	The intent of this district is to accommodate medium-density residential and agriculture-related development.
AG 2	The intent of this district is to accommodate low-density residential and agriculture-related development.
AG 3	The intent of this district is to establish and maintain areas suitable for a wide range of agricultural uses.

### Acreeage and Setback Requirements Comparison

District	District Acreeage	Frontage Minimum	Setbacks (in feet)		
			Front	Side	Rear
AG 1	3 acres or less	75 feet	30	10	30
AG 2	3 acres to 15 acres	150 feet	30	30	30
AG 3	15 acres or more	200 feet	30	30	30

### District Uses Comparison

#### Legend

#### Zoning District

**AG 1** Agriculture – 0.5 to 3 acres      **AG 2** Agriculture – 3 to 10 acres      **AG 3** Agriculture – 10 acres or more

#### Use

**C** conditional use      **C \*\*\*** conditional use – 60 acres or more  
**C \*** conditional use – 20 acres or more      **P** permitted use  
**C \*\*** conditional use – 40 acres or more      **P \*** permitted use – 20 acres or more

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Accessory dwelling unit	C	P	P	P
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P	P	P

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	P	P	P
Accessory structure <i>Examples</i> garage pole barn shed storage container	P	P	P	P
Adult foster care facility		P	P	P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm hoop house	C	C	P	P
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed garden center plant nursery rental and small equipment repair		C	P	P
Agricultural - commercial soil modifications <i>Examples</i> fertilizer herbicide pesticide		C	C	C
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store food truck maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises	P	C	P	P

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
winery				
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits library museum petting farm pumpkin patch roadside market or stand U-pick operation wedding barn		C	C	P
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P	P	P
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C	C	P
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C	C	C
Boarding stable <i>Example</i> horse boarding		P *	P *	P *
Campground	C *	C *	C *	C *
Cemetery		C	C	C
Child care center		P	P	P
Commercial recreation - outdoor <i>Examples</i> amusement park batting cage golf driving range miniature golf course zoo	C			C *
Community garden as a principal use on a lot		P	P	P
Contractor shop	C	C	C	C

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Contractor yard	C	C	C	C
Craft brewery / micro-brewery / nano-brewery sales		C	C	C
Electric vehicle charging station for private use		P	P	P
Electric vehicle charging station for public use		C	C	C
Family child care home		P	P	P
Farmer's market as the accessory use of a lot		P	P	P
Farmer's market as the principal use of a lot		C	P	P
Food truck or other mobile vendor as principal use of a lot		C	C	C
Group child care home		C	C	C
Hunting or shooting preserve	C **	C **	C **	C **
Indoor sport shooting range		C	C	C
Kennel	C *	C *	C *	C *
Large housing <b>Note Does not include:</b> adult foster care facility child care center correctional facility family child care home hotel, motel, or similar lodging facility group child care home medical or social care multifamily residential qualified residential treatment program state licensed residential facility <b>Examples</b> co-op convent fraternity or sorority monastery seminary				C
Light use structure <b>Examples</b> communication tower recycling collection center satellite antennae larger than ten feet in diameter				C
Medical or social care <b>Examples</b> assisted living facility halfway house homeless shelter home for the aged nursing or convalescent home orphanage sanitarium spouse abuse shelter		C	C	C
Medical clinic				C
Medical hospital				C

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Medium manufacturing, including some outdoor operations or storage of materials or vehicles <i>Examples</i> Exterminator landscape supply machine shop recycling operation other than vehicles small vehicle, body, and frame repair towing with temporary outdoor storage welding shop wholesale lawn and garden services				C
Mining and / or mineral extraction and the incidental activities associated with such use	C	C	C	C
Mobile processing facility <i>Examples</i> food game processing meat processing		P	P	P
Multi-family residential		C	C	
On-site composting accessory to a non-residential use		C	P	P
Outdoor flea market				C
Outdoor food preparation		C	C	C
Outdoor storage – not accessory to a business		C	C	
Outdoor wood boiler	P	P	P	P
Place of worship <i>Examples</i> church mosque synagogue temple	C	C	C	C
Planned Unit Development (PUD)	C	C		
Private park	C	C	C	C
Private school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C	C	C
Public park <i>Examples</i> neighborhood park public garden		C	C	C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center		C	C	C

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Public school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C	C	C
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines		P	P	P
Qualified residential treatment program, 10 or fewer individuals		P	P	P
Recycling drop off site		C	C	C
Registered rental dwelling <i>Examples</i> bed and breakfast single family rental tourist home vacation rental similar rental with four units or less	P	P	P	P
Resort	C	C	C	C
Riding stable or animal breeding facility accessory to a residence		C	C	C
Rural Cluster Development	C	C	C	
Sawmill		C	P	P
Single family residential	P	P	P	P
Site condominiums		P	P	C
Solar energy system (SES) - roof mounted		P	P	P
Solar energy system (SES) - accessory ground mounted		P	P	P
Solar energy system (SES) - large commercial arrays		C	C	C
State licensed residential facility		P	P	P
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale		P	P	P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C	C	C
Wind energy conservation system (WECS), ground mounted	C	C	C	C



Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Wind energy conservation system (WECS), roof mounted	C	C	C	C
Wildlife management	P	P	P	P
Wireless communication facility	C	C	C	C

### District Restrictions and Prohibitions Comparison

District	Restrictions and Prohibitions
AG 1	1. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed.
AG 2	1. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed. 2. No Planned Unit Development (PUD) permitted.
AG 3	1. No Planned Unit Development (PUD) permitted. 2. No divisions allowed under PA116 or Qualified Forestry Program Property 3. No land divisions beyond the Michigan Land Division Act for parent parcels.

### District Regulatory Control Comparison

District	District Regulatory Control
AG 1	1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AG 2	1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AG 3	1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD) 3. Michigan Land Division Act 4. Michigan PA 116

(e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.

(f) The overall public interest in the extraction of the specific natural resources on the property.

(6) Subsections (3) to (5) do not limit a local unit of government's reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

(7) This act does not limit state regulatory authority under other statutes or rules.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2011, Act 113, Imd. Eff. July 20, 2011;—Am. 2012, Act 389, Eff. Mar. 28, 2013;—Am. 2018, Act 366, Eff. Mar. 12, 2019.

#### **125.3205a Amateur radio service station antenna structures.**

Sec. 205a. (1) 47 CFR 97.15 provides that owners of certain amateur radio service station antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the federal aviation administration and register with the federal communications commission as required by 47 CFR part 17.

(2) An amateur radio service station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur radio service communications. Regulation of an amateur radio service station antenna structure by a local unit of government must not preclude amateur radio service communications. Rather, it must reasonably accommodate those communications and must constitute the minimum practicable regulation to accomplish the local unit of government's legitimate purpose.

(3) To obtain information about the regulation of amateur radio service station antenna structures, a person may contact any advisory board that is jointly established by the Michigan section of the American radio relay league and 1 or more state organizations representing local units of government.

**History:** Add. 2014, Act 556, Imd. Eff. Jan. 15, 2014.

#### **125.3205d Zoning ordinance; prohibition or regulation of commemorative signs.**

Sec. 205d. (1) A zoning ordinance shall not regulate or prohibit a sign that is located on or within a building and that commemorates any of the following:

(a) Any of the following who die in the line of duty:

(i) Police officers.

(ii) Firefighters.

(iii) Medical first responders.

(iv) Members of the United States Armed Forces.

(v) Corrections officers.

(b) Veterans of the United States Armed Forces.

(2) As used in this section, "medical first responder" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

**History:** Add. 2018, Act 506, Eff. Mar. 28, 2019.

#### **125.3206 Residential use of property; adult foster care facilities; family, group child care homes, or qualified residential treatment programs.**

Sec. 206. (1) Except as provided in subsection (2), each of the following is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone:

(a) A state licensed residential facility.

(b) A facility in use as described in section 3(4)(k) of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

(c) A qualified residential treatment program that provides services for 10 or fewer individuals.

(2) Subsection (1) does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

(3) For a county or township, a family child care home is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.

(4) For a county or township, a group child care home shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all of the following standards:

(a) Is located not closer than 1,500 feet to any of the following:

(i) Another licensed group child care home.

(ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(iii) A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

(iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.

(b) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.

(c) Maintains the property consistent with the visible characteristics of the neighborhood.

(d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.

(e) Meets regulations, if any, governing signs used by a group child care home to identify itself.

(f) Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

(5) For a city or village, a group child care home may be issued a special use permit, conditional use permit, or other similar permit.

(6) A licensed or registered family or group child care home that operated before March 30, 1989 is not required to comply with this section.

(7) This section does not prohibit a local unit of government from inspecting a family or group child care home for the home's compliance with and enforcing the local unit of government's zoning ordinance. For a county or township, an ordinance shall not be more restrictive for a family or group child care home than 1973 PA 116, MCL 722.111 to 722.128.

(8) The establishment of any of the facilities listed under subsection (4)(a) after issuance of a special use permit, conditional use permit, or other similar permit pertaining to the group child care home does not affect renewal of that permit.

(9) This section does not prohibit a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed group child care home that does not meet the standards listed under subsection (4).

(10) The distances required under subsection (4)(a) shall be measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

**History:** 2006, Act 110, Eff. July 1, 2006;—Am. 2007, Act 219, Imd. Eff. Dec. 28, 2007;—Am. 2018, Act 513, Eff. Mar. 28, 2019;—Am. 2022, Act 206, Imd. Eff. Oct. 7, 2022.

### **125.3207 Zoning ordinance or decision; effect as prohibiting establishment of land use.**

Sec. 207. A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful.

**History:** 2006, Act 110, Eff. July 1, 2006.

### **125.3208 Nonconforming uses or structures.**

Sec. 208. (1) If the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment. This subsection is intended to codify the law as it existed before July 1, 2006 in section 16(1) of the former county zoning act, 1943 PA 183, section 16(1) of the former township zoning act, 1943 PA 184, and section 3a(1) of the former city and village zoning act, 1921 PA 207, as they applied to counties, townships, and cities and villages, respectively, and shall be construed as a continuation of those laws and not as a new enactment.

(2) The legislative body may provide in a zoning ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance. In establishing terms for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning ordinance with different requirements applicable to each class.

(3) The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The legislative body may



## Charter Township of Chocolay

### Planning and Zoning Department

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

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### **Agenda Item: VII.C Proposed Zoning District Intent Statements and Land Uses**

#### **Suggested Motions**

*For the proposed zoning districts and intent statements:*

After Commissioner review, \_\_\_\_\_ moved, \_\_\_\_\_ seconded, that the proposed zoning districts and zoning district intent statements approved as [presented / revised].

*For the proposed land uses:*

After Commissioner review, \_\_\_\_\_ moved, \_\_\_\_\_ seconded, that the proposed land uses be approved as [presented / revised].



## Charter Township of Chocolay

### Planning and Zoning Department

5010 US 41 South

Marquette, MI 49855

Phone: 906-249-1448

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**Issue Brief:** Proposed Zoning District Intent and Land Uses

**Meeting: Planning Commission Meeting**

**Date: July 17, 2023**

### Issue Summary

Proposed zoning district names, proposed zoning district intent statements and proposed land uses.

### Background

At the December 2022 meeting, Commissioners reviewed zoning districts and proposed intent statements for those districts for the new zoning ordinance. Commissioners made recommendations for staff consideration.

At the June 2023 meeting, Commissioners reviewed the language presented for each district. Commissioners left the decision regarding mobile home parks for an additional discussion at the next meeting.

### Staff Research

Staff has prepared two documents for Commissioner consideration (see attached).

The first document gives the revisions of the proposed zoning districts and the proposed intent statements for those districts. The second document shows the proposed use permissions (permitted, conditional, not permitted) for each district in a cross reference format.

Mobile home parks is highlighted in green for additional Commissioner discussion.

### Staff Recommendations for Commissioner Discussion

Staff is recommending the Planning Commission members:

- 1) Review the proposed zoning ordinance districts and intent statements.
- 2) Review the use permissions for each item listed in the use cross reference table, with the intent of determining if the use permission is correctly identified for each zoning district.
- 3) Bring proposed locations for mobile home parks to the meeting.

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Author: Dale Throenle

Date: July 13, 2023

### Attachments

1. *Proposed zoning districts and district intent statements*
2. *Proposed land use cross reference*



## PROPOSED ZONING DISTRICTS AND DISTRICT INTENT STATEMENTS

### Proposed Zoning Districts

Zoning Code	Proposed District Name	Proposed District Intent
AG 1	Agriculture 1	The intent of this district is to accommodate low-density residential and agriculture-related development.
AG 2	Agriculture 2	The intent of this district is to accommodate medium-density residential and agriculture-related development.
AG 3	Agriculture 3	The intent of this district is to establish and maintain areas suitable for a wide range of agricultural uses.
CR	Conservation Recreation	The intent is to preserve lands primarily for conservation or recreation, and to protect lands that contain sensitive natural resources, natural features, valuable habitats, and floodplains.
GP	Government Properties	The intent is to provide for government owned properties that are used for governmental administration, recreation, and other purposes that provide a public benefit.
I	Industrial	The intent is to provide for commercial and industrial manufacturing, processing, and related uses.
MFR	Multi-Family Residential	The intent is to provide opportunity for multi-family units and mobile home parks.
MU	Mixed Use	The intent is to provide a mix of commercial and residential services adjacent to residential areas.
R1	Residential	The intent is to provide opportunity for residential development within a neighborhood setting.
R2	High Density Residential	The intent is to provide greater housing diversity and density.
SR	Shoreline Residential	The intent is to provide opportunity for residential development along the shorelines of bodies of water with a focus on preserving natural features.

# VII.C.4

**Proposed Land Use Cross Reference**

**Note**

The following uses are mandated under the Michigan *Zoning Enabling Act*, section 125.3206:

- Adult foster care facility
- Child care center
- Family child care home
- Group child care home
- Qualified residential treatment program
- State licensed residential facility

**Legend**

**Zoning District**

**AG 1** Agriculture 1 – 0.5 to 3 acres    **AG 2** Agriculture 2 – 3 to 10 acres    **AG 3** Agriculture 3 – 10 acres or more    **CR** Conservation Recreation  
**GP** Government Properties    **I** Industrial    **MFR** Multifamily Residential    **MU** Mixed Use  
**R1** Residential    **R2** High Density Residential    **SR** Shoreline Residential

**Use**

**C** conditional use    **C\*** conditional use – 20 acres or more    **C\*\*** conditional use – 40 acres or more    **C\*\*\*** conditional use – 60 acres or more  
**P** permitted use    **P\*** permitted use – 20 acres or more

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Accessory dwelling unit	P	P	P			C	P	P	P	P	P
Accessory drive-through facility <i>Examples</i> bank fast food pharmacy						P		P	C	C	C
Accessory entertainment facility, food and beverage service, or other similar compatible uses						P		P			
Accessory gas sales						P		P			

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P	P				P	P	P	P	P
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	P	P				C	C	C	C	C
Accessory structure <i>Examples</i> garage pole barn shed storage container	P	P	P		P	P	P	P	P	P	P
Adult foster care facility	P	P	P		P		P	P	P	P	P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm hoop house	C	P	P								



Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed garden center plant nursery rental and small equipment repair	C	P	P			P		P			
Agricultural - commercial soil modifications <i>Examples</i> fertilizer herbicide pesticide	C	C	C			P		P			
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store food truck maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery	C	P	P								
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits library museum petting farm	C	C	P								

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
pumpkin patch roadside market or stand U-pick operation wedding barn											
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P	P		P		P	P	P	P	P
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services	C	C	P			P		P			
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services	C	C	C			C		C			
Athletic, fitness or exercise establishment <i>Examples</i> bowling alley fitness membership club ice or roller blade rink						C		P			
Auditorium and other place for public assembly <i>Example</i> amphitheater					P			P	C		
Auto repair shop						P		P			
Boarding stable <i>Example</i> horse boarding	P*	P*	P*						C*		
Campground	C*	C*	C*	C	P						
Cemetery	C	C	C		P		C		C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Charitable or philanthropic organization sales <i>Examples</i> Goodwill Habitat for Humanity Red Cross Salvation Army St. Vincent de Paul						P		P			
Child care center	P	P	P		P		P	P	P	P	P
Commercial recreation - indoor <i>Examples</i> batting cage curling hockey multi-sports (such as pickleball, curling, and soccer combined) pickleball soccer					P	C		P			
Commercial recreation - outdoor <i>Examples</i> amusement park batting cage golf driving range miniature golf course zoo			C*			P		P			
Community center <i>Example</i> senior center					P			P	C	C	
Community garden as a principal use on a lot	P	P	P	C	P		C	C	C	C	C
Contractor shop	C	C	C			P		P			
Contractor yard	C	C	C			P		C			
Correctional facility					P						
Craft brewery / micro-brewery / nano-brewery sales	C	C	C			P		P	C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Culture center <i>Examples</i> art gallery library museum					P			P	C	C	C
Emergency services facility <i>Examples</i> EMS fire station police station					P						
Electric vehicle charging station for private use	P	P	P		P	P	P	P	P	P	P
Electric vehicle charging station for public use	C	C	C	P	P	P	C	P	C	C	C
Family child care home	P	P	P		P		P	P	P	P	P
Farmer's market as the accessory use of a lot	P	P	P		P			P			
Farmer's market as the principal use of a lot	C	P	P		C			C			
Financial institution <i>Examples</i> bank brokerage house credit union financial lender						C		P	C	C	C
Fishing pier				C	P						C
Food packaging and bottling works						P		C			
Food truck or other mobile vendor as accessory use of a lot						P		P			
Food truck or other mobile vendor as principal use of a lot	C	C	C			C		C			
Funeral home								P	C	C	C
Gas station or automotive service station						P		P	C	C	
Golf course - unlighted					C***		C***		C***		
Group child care home	C	C	C		C		C	C	C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
Heavy regional commercial / high traffic intensity or large outdoor storage and handling areas <i>Examples</i> boats and marine supplies building supplies construction equipment sales industrial equipment or heavy consumer good sales and service large vehicle / equipment sales, repair, and rental mobile home sales and service recreation vehicle sales and service vehicle rental, sales and service warehouse or superstore						P		C			
Hotel, motel, or similar lodging facility						C		P	C	C	
Hunting or shooting preserve	C **	C **	C **								
Indoor sport shooting range	C	C	C			C		C			
Indoor theater or other place of amusement <i>Examples</i> movie theater video arcade								P			
Kennel	C *	C *	C *								
Large housing <b>Note Does not include:</b> adult foster care facility correctional facility family child care home hotel, motel, or similar lodging facility group child care home medical or social care multifamily residential qualified residential treatment program state licensed residential facility <i>Examples</i> co-op convent fraternity or sorority monastery			C				C	C	C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
seminary											
Light intensity processing with accessory storage <i>Examples</i> commercial kitchen kitchen incubator small craft bottling facility						P		P			
Light manufacturing, including large scale processing and assembly <i>Examples</i> electrical appliance and electronic instrument fabricated metal product food forming and molding plastic product furniture and related wood product processing facility industrial laundry cleaning / dyeing machine shop monument and art stone production musical instrument design printing publishing and engraving shop small vehicle, machinery or vehicle parts assembly solar device assembly / manufacturing						P		C			
Light use structure <i>Examples</i> communication tower recycling collection center satellite antennae larger than ten feet in diameter			C		P	C		C			
Maintenance facility					P	P		P			
Marina				C	P		C				C
Medical or social care <i>Examples</i> assisted living facility halfway house homeless shelter home for the aged nursing or convalescent home orphanage	C	C	C		C		C	P	C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
sanitarium spouse abuse shelter											
Medical clinic			C					P	C	C	C
Medical hospital			C			C		C	C		
Medium intensity processing and handling <i>Examples</i> food aggregation site small meat, food and beverage processing winery or brewery with bottling, packaging, or distribution activities						P		P			
Medium manufacturing, including some outdoor operations or storage of materials or vehicles <i>Examples</i> Exterminator landscape supply machine shop recycling operation other than vehicles small vehicle, body, and frame repair towing with temporary outdoor storage welding shop wholesale lawn and garden services			C			P		C			
Mining and / or mineral extraction and the incidental activities associated with such use	C	C	C		C	C		C	C		C
Mobile home park							P				
Mobile processing facility <i>Examples</i> food game processing meat processing	P	P	P			P		P			
Moderate regional commercial – moderate traffic intensity <i>Examples</i> appliances and household goods and service ATV, motorcycle, and snowmobile sales and repair automotive parts car or truck wash convenience store without gas sales						C		P			

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
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 (such as boat motors and lawn mowers)											
shopping center or department store											
stone monuments or slab											
Multi-family residential	C	C					P	C	C	C	C
Office – commercial building						P		P			
Office – commercial						P		P			
On-site composting accessory to a non-residential use	C	P	P			C		C			
Outdoor display and sales area						P		P			
Outdoor flea market			C					C			
Outdoor food and beverage service								P			
Outdoor food preparation	C	C	C					P			
Outdoor storage – not accessory to a business	C	C				P		C			
Outdoor wood boiler	P	P	P		C	C	C	C	C	C	C
Place of worship	C	C	C		P		C	P	C	C	C
<i>Examples</i>											
church											
mosque											
synagogue											
temple											
Planned Unit Development (PUD)	C					P	P	P	P	P	P
Private club								P			
Private park	C	C	C		C		C	C	C	C	C
Private school	C	C	C		C	C	C	P	C	C	C
<i>Examples</i>											
art											
associated education research											
dance											
driver's training											



Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
K-20 music vocational											
Public park <i>Examples</i> neighborhood park public garden	C	C	C	C	P		C	C	C	C	C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center	C	C	C		P		C	P	C	C	C
Public school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C	C		C	C	C	P	C	C	C
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines	P	P	P	P	P	P	P	P	P	P	P
Qualified residential treatment program, 10 or fewer individuals	P	P	P		P		P	P	P	P	P
Racetrack <i>Examples</i> ATV dirt bike snowmobile vehicle						C		C			
Recycling drop off site	C	C	C		P	P	C	C	C	C	C
Registered rental dwelling <i>Examples</i>	P	P	P			C	P	P	P	P	P

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
bed and breakfast single family rental tourist home vacation rental similar rental with four units or less											
Resort	C	C	C				C	C	C	C	C
Retail food and drink can include indoor entertainment <i>Examples</i> bakery bar brewpub coffee shop delicatessen ice cream store microbrewery nightclub restaurant soup kitchen tavern							C	P	C	C	C
Retail sales <i>Examples</i> art gallery art, craft, and hobby supplies bicycle rental, repair, and sales books and magazines caterer dry cleaner fine art instruction handcrafted items health store laundromat light repair of consumer goods such as televisions, clocks, watches, cameras, shoes, guns, office equipment, clothing, and upholstery non-motorized recreation equipment rental, sales, and service (such as kayaks, canoes, and outdoor equipment)						P	C	P	C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
personal care products or services pet grooming sale of prepared or prepackaged food and beverage seamstress / tailor small grocery store sporting goods											
Riding stable or animal breeding facility accessory to a residence	C	C	C					C			
Rural Cluster Development	C	C					C		C		
Sawmill	C	P	P			P		C			
Self-service storage facility Indoor and / or outdoor <i>Examples</i> boats mini-warehouse recreational vehicles storage unit						P		C			
Single family residential	P	P	P			C	P	P	P	P	P
Site condominiums	P	P	C		P	P	P	P	P	P	P
Solar energy system (SES) - roof mounted	P	P	P		P	P	P	P	P	P	P
Solar energy system (SES) - accessory ground mounted	P	P	P		P	P	P	P	P	P	P
Solar energy system (SES) - large commercial arrays	C	C	C		C	C	C	C	C	C	C
Solid waste transfer station					P	C					
State licensed residential facility	P	P	P		P		P	P	P	P	P
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale	P	P	P			P	P	P	P	P	P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C	C	C	C	C	C	C	C	C	C
Transportation - low impact <i>Examples</i> commuter parking					P	P		P	C	C	C

Proposed Use	AG 1	AG 2	AG 3	CR	GP	I	MFR	MU	R1	R2	SR
park and ride facility											
Transportation - high impact <i>Examples</i> bus depot helipad parking garage					C	C		C			
Truck stop						P		C			
Wind energy conservation system (WECS), ground mounted	C	C	C	C	C	C	C	C	C	C	C
Wind energy conservation system (WECS), roof mounted	C	C	C	C	C	C	C	C	C	C	C
Wind energy conservation system (WECS), commercial					C	C		C			
Wildlife management	P	P	P		P						
Wireless communication facility	C	C	C		P	P	C	P	C	C	C



**Charter Township of Chocolay**

**Planning and Zoning Department**

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

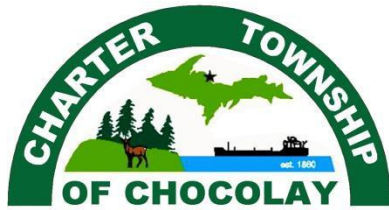
Fax: 906-249-1313

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**Agenda Item: VIII.A Proposed Zoning Ordinance Document Layout**

**Suggested Motion**

After Commissioner review, \_\_\_\_\_ moved, \_\_\_\_\_ seconded, that the proposed zoning ordinance document layout be approved as [presented / revised].



## 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 Document Layout

**Meeting: Planning Commission Meeting**

**Date: July 17, 2023**

### Issue Summary

The proposed zoning ordinance document requires a new layout as prescribed in the 2021 Township master plan.

### Background

In the 2021 Township master plan, a proposed layout for the new zoning ordinance can be found on pages 100 and 101 (see attached). This proposed layout is considerably different from the current zoning ordinance layout.

### Staff Research

Staff prepared a proposed layout document for the new zoning ordinance using the sections identified in the master plan (see attached). Staff cross referenced those sections to the current zoning ordinance so that the current ordinance sections would be covered in the new ordinance (see attached).

There is a legend provided with the new layout. Items highlighted in yellow indicate that the section or title exists in the master plan layout, but no corresponding section or title was found in the current zoning ordinance.

Sections highlighted in green indicate a new section or new title. These do not exist in either the master plan layout or in the current zoning ordinance.

Sections or titles highlighted in orange indicate sections or titles that exist in the current ordinance that should be removed, as the text has been incorporated into another section of the proposed zoning ordinance.

Additionally, there are ten sections that exist in the current ordinance that were not incorporated into the new layout. These sections will be added or modified during future Planning Commission discussions.

### Staff Recommendations for Commissioner Discussion

Staff is recommending the Planning Commission members:

- 1) Review the proposed layout to determine if the layout should be modified.

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Author: Dale Throenle

Date: July 13, 2023

### Attachments

1. *2021 Chocolay Township Master Plan extract – pages 100 and 101*
2. *Proposed zoning ordinance outline*
3. *Zoning ordinance cross reference*





CHARTER TOWNSHIP OF CHOCOLAY

MASTER PLAN

*Superior Living ... Simply*

2021 EDITION

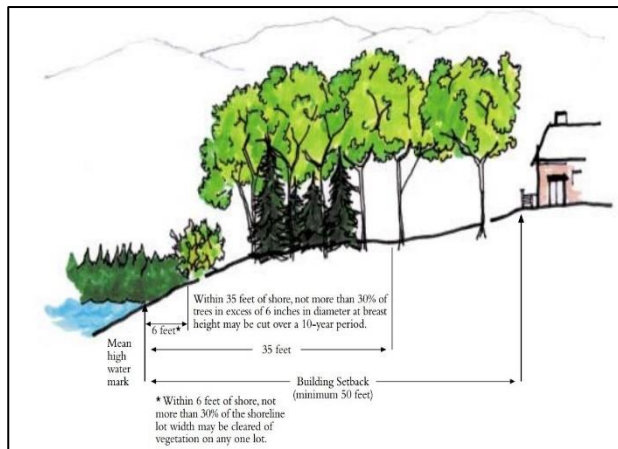


provisions should be reviewed for appropriate definition and reasonableness.

The minimum floor area for a dwelling unit may need to be reduced to accommodate tiny homes or cottage developments for seniors. This will facilitate more affordable housing for people who can no longer care for, pay for, or who no longer need larger homes.

The provision of Section 6.4 *Non-Conforming Lots of Record* in the *Zoning Ordinance* regarding the combination of contiguous parcels under the same ownership to reduce dimensional nonconformities should be reviewed for practicality and administration issues.

Consequences need to be specified for noncompliance with the vegetation requirements of the waterfront setback standards of Section 6.8 *Waterfront Setback* in the *Zoning Ordinance*.



*Shoreline setback example*

Section 6.12 *Rural Cluster Development Subdivisions* in the *Zoning Ordinance* should be reviewed for consistency with the intent of the master plan. The examples should be reviewed to determine if they are aligned with the standards as provided in the *Michigan Zoning Enabling Act*.<sup>(138)</sup>

Simplified site plan review submittals could be allowed for some types of commercial site plan reviews when the more detailed requirements are not really necessary.

Consideration should be given to eliminating the minimum lot size and width for Planned Unit Developments provided they meet the other goals for such developments. The Township needs to review the districts in which PUDs are permitted.

All other articles and sections in the *Zoning Ordinance* should be reviewed for consistency with the master plan.

## Suggested Zoning Ordinance Table of Contents

A suggested table of contents for the Township *Zoning Ordinance* revision is:

### Section 1 Introductory Provisions

- Title
- Purpose
- Legal Basis
- History and Repeal of Prior Ordinances
- Jurisdiction and Applicability
- Relationship to Other Regulations
- Vested Rights
- Severability
- How to Use the Ordinance
- Ordinance Interpretation
- Map Interpretation

### Section 2 Definitions and Diagrams

- Definitions
- Diagrams and Illustrations

### Section 3 General Provisions

- Accessory Structures
- Essential Services
- Environment
  - Nuisance
  - Open Space Preservation
  - Stormwater
- Fences
- Landscaping and Screening
- Lots
  - Division or Combination of Lots
  - Number of Dwellings on a Lot
  - Yard and Setback Exceptions
- Outdoor Lighting
- Parking and Loading
- Permanent Dwellings
- Private Roads
- Public Facilities, and Utilities
- Road Frontage
- Signs





- Structures
  - Height Exemptions
  - Measurement Standards
    - Height in Relation to Grade and Fill
    - Structure footprints
  - Structures Requiring Permits
- Temporary Dwellings
- Waterfront Setback

#### Section 4 Use Regulations

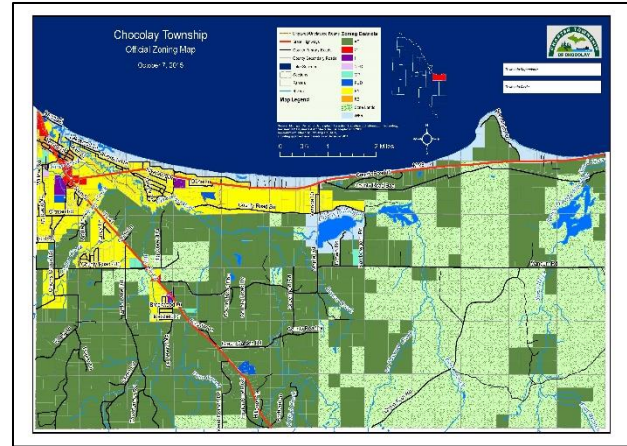
- Principal, Accessory, and Temporary Uses

#### Section 5 Zoning Districts and District Regulations

- Conditional Uses
  - Principal
  - Accessory
- Development Requirements including Lot Configuration
  - Minimum Lot Area
  - Minimum Lot Width
  - Maximum Ground Coverage
- Intent, Uses by Right
  - Principal
  - Accessory
- Maximum Height (Principal and Accessory Structures)
  - Principal
  - Accessory
- Minimum Structure Setbacks
  - Principal
  - Accessory
- Miscellaneous Standards for each Zoning District
  - Commercial vehicle
  - Recreational unit parking

#### Section 6 Overlay Zoning Districts Regulations

- Lake Superior Shoreline / Dune Protection
- Mixed Use
- Snowmobile Trail
- US 41 South / M-28 East Access Management



Township zoning map

#### Section 7 Development Standards

- Conditional Uses
- Open Space Preservation Developments
- Planned Unit Development
- Site Condominiums

#### Section 8 Zoning Administration

- Amendments
- Duties
- Nonconformities
- Performance Guarantees
- Permit Details
- Procedures
  - Appeals and Interpretation Procedures
  - Application Contents and Procedures
  - Conditional Rezoning
  - Conditional Use Permit
  - Notice and Hearing
  - Open Space Preservation Development
  - Planned Unit Development
  - Site Condominium
  - Site Plan Review and Permitting
- Types of Permits
- Violations and Penalties




#### Section 9 Zoning Maps

(See *Zoning Maps* in *Appendix B* for current maps).



# PROPOSED ZONING ORDINANCE LAYOUT

## LEGEND

-  no section found in current ordinance
-  new section or new title
-  remove section or title

## Section 1. Introductory Provisions

**1.1 Title**

Section 1.2

**1.2 Purpose**

Section 1.1

**1.3 Effective Date (new section)**

Section 1.4

**1.4 Legal Basis**

open

**1.5 History and Repeal of Prior Ordinances**

open

**1.6 Jurisdiction and Applicability**

Section 3.3

**1.7 Relationship to Other Regulations**

Section 1.5

**1.8 Vested Rights**

open

**1.9 Severability**

Sections 1.3, 18.11(G)

**1.10 How to Use the Ordinance**

open

**1.11 Ordinance Interpretation**

Section 3.1

**1.12 Zoning Maps (new title)**

Section XIX

**1.12.1 Location and Boundaries (new section)**

Sections 19.1, 19.2

**1.12.2 Interpretation of the Zoning Map (new section)**

Section 19.3

## Section 2. Definitions and Diagrams

**2.1 Definitions**

Section II

**2.2 Diagrams and Illustrations**

open

## Section 3. General Provisions

**3.1 Accessory Structures**

Section 6.10

**3.2 Essential Services**

open

**3.3 Environment**

**3.3.1 Nuisance**

open

**3.3.2 Open Space Preservation**

open

**3.3.3 Stormwater**

open

**3.4 Fences**

Section 18.11

**3.5 Landscaping and Screening**

Section XI

**3.6 Lots**

open

**3.6.1 Division or Combination of Lots**

open

**3.6.2 Number of Dwellings on a Lot**

open

**3.6.3 Yard and Setback Exceptions**

open

**3.7 Outdoor Lighting**

Section 11.12

**3.8 Parking and Loading**

Section VIII

**3.9 Permanent Dwellings**

open

**3.10 Private Roads**

Section 6.7

**3.11 Public Facilities and Utilities**

open

**3.12 Road Frontage**

Section 6.7

**3.13 Signs**

Section 18.1 through 18.10

**3.14 Structures**

**3.14.1 Height Exemptions**

open

**3.14.2 Measurement Standards**

open

**3.14.2.1 Height in Relation to Grade and Fill**

open

**3.14.2.2 Structure Footprints**

Section 6.3

**3.14.3 Structures Requiring Permits**

open

**3.15 Temporary Dwellings**

open

**3.16 Shoreline Setback (new title; was Waterfront Setback)**

Section 6.8

## Section 4. Use Regulations

**4.1 Principal, Accessory, and Temporary Uses**

Section IV

## Section 5. Zoning Districts and District Regulations

**5.1 Conditional Uses**

Section IV

**5.1.1 Principal**

open

**5.1.2 Accessory**

open

**5.2 Development Requirements including Lot Configuration**

**5.2.1 Minimum Lot Area**

Section 6.1

**5.2.2 Minimum Lot Width**

Section 6.1

**5.2.3 Maximum Ground Coverage**

Section 6.1

**5.3 Intent, Uses by Right**

**5.3.1 Principal**

open

**5.3.2 Accessory**

open

**5.4 Maximum Height (Principal and Accessory Structures)**

**5.4.1 Principal**

Section 6.1

**5.4.2 Accessory**

Section 6.1

**5.5 Minimum Structure Setbacks**

**5.5.1 Principal**

Section 6.1

**5.5.2 Accessory**

Section 6.1

**5.6 Miscellaneous Standards for each Zoning District**

**5.6.1 Commercial vehicle**

Section 6.11

**5.6.2 Recreational unit parking**

**open**

## Section 6. Overlay Zoning Districts Regulations

**6.1 Lake Superior Shoreline / Dune Protection**

Section 5.2

**Mixed Use**

Section 5.5

**6.2 Snowmobile Trail**

Section 5.1

**6.3 US 41 South / M-28 East Access Management**

Sections 5.3, 5.4

## Section 7. Development Standards

**7.1 Conditional Uses**

XIV Conditional Use Permits

**7.2 Open Space Preservation Developments**

**open**

**7.3 Planned Unit Development**

Section X

**7.4 Site Condominium (title change; was Site Condominiums)**

Section XII

## Section 8. Zoning Administration

**8.1 Amendments**

open

**8.2 Duties**

Sections 17.1, 17.2, 17.4

**8.3 Nonconformities**

Sections 14.1, 14.2

**8.4 Performance Guarantees**

Section 6.13

**8.5 Permit Details**

Section 17.2, 17.3

**8.6 Procedures**

Section 1.6

**8.6.1 Appeals and Interpretation Procedures**

Section XV

**8.6.2 Application Contents and Procedures**

open

**8.6.3 Conditional Rezoning**

open

**8.6.4 Conditional Use Permit**

Section XVI

**8.6.5 Notice and Hearing**

open

**8.6.6 Open Space Preservation Development**

open

**8.6.7 Planned Unit Development**

Section X

**8.6.8 Site Condominium**

Section XII

**8.6.9 Site Plan Review and Permitting**

Section IX

**8.7 Types of Permits**

open

**8.8 Violations and Penalties**

Section 17.5

## Section 9. Zoning Maps

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### Current Zoning Ordinance Sections Not Assigned

3.2 Exemptions

5.4 Traffic Impact Study

6.2 Zoning District Boundary Setback Regulations

6.4 Non-Conforming Lots Of Record

6.5 Outdoor Wood Burning Boilers And Appliances

6.6 Wind Energy Conversion Systems (WECS) Conditions for Approval Within All Districts With Chocolay Township

6.9 Home Occupations

6.12 Rural Cluster Development Subdivisions

VII. Mining and Mineral Extraction

XIII. Wireless Communication Facilities



**Chocolay Township**  
**Zoning Ordinance Cross Reference**

**VIII.A.5**

Proposed to Current

Proposed Ordinance		Current Ordinance	
<b>Legend</b>			
	no section found in current ordinance		
	New section or new title		
	Remove section or title		
<b>Section</b>	<b>Title</b>	<b>Section</b>	<b>Title</b>
<b>1</b>	<b>Introductory Provisions</b>	I	Purpose, Title, Severability, Effective Date, Relationship to Other Laws, Administrative
1.1	Title	1.2	Short Title
1.2	Purpose	1.1	Purpose
1.3	Effective Date	1.4	Effective Date
1.4	Legal Basis		open
1.5	History and Repeal of Prior Ordinances		open
1.6	Jurisdiction and Applicability	3.3	Establishment Of Districts
1.7	Relationship to Other Regulations	1.5	Relationship to Other Laws
1.8	Vested Rights		open
1.9	Severability	1.3	Severability (also 18.11 (G))
1.10	How to Use the Ordinance		open
1.11	Ordinance Interpretation	3.1, XV	Application Of this Ordinance, Zoning Board Of Appeals--Powers, Duties, Rules
1.12	Zoning Maps	XIX	Zoning Maps
1.12.1	Location and Boundaries	19.1, 19.2	Chocolay Township Zoning Map, Harvey Area Zoning
1.12.2	Interpretation of the Zoning Map	19.3	Interpretation of the Zoning Map
<b>2</b>	<b>Definitions and Diagrams</b>		
2.1	Definitions	II	actual definitions
2.2	Diagrams and Illustrations		open
<b>3</b>	<b>General Provisions</b>		
3.1	Accessory Structures	6.10	Accessory Housing Unit
3.2	Essential Services		open
3.3	Environment		open
3.3.1	Nuisance		open

**Chocolay Township**  
**Zoning Ordinance Cross Reference**

Proposed to Current

3.3.2	Open Space Preservation		open
3.3.3	Stormwater		open
3.4	Fences	18.11	Fences
3.5	Landscaping and Screening	XI	Landscape and Grading Requirements
3.6	Lots		open
3.6.1	Division or Combination of Lots		open
3.6.2	Number of Dwellings on a Lot		open
3.6.3	Yard and Setback Exceptions		open
3.7	Outdoor Lighting	11.12	Outside Lighting (#34-13-03)
3.8	Parking and Loading	VIII	Off Street Parking and Loading Requirements
3.9	Permanent Dwellings		open
3.10	Private Roads	6.7	Road Frontage Requirements
3.11	Public Facilities and Utilities		open
3.12	Road Frontage	6.7	Road Frontage Requirements
3.13	Signs	18.1 through 18.11	Signs and Fences
3.14	Structures		open
3.14.1	Height Exemptions		open
3.14.2	Measurement Standards		open
3.14.2.1	Height in Relation to Grade and Fill		open
3.14.2.2	Structure Footprints	6.3	Minimum Floor Area For Dwelling Units
3.14.3	Structures Requiring Permits		open
3.15	Temporary Dwellings		open
3.16	Shoreline Setback	6.8	Waterfront Setback
<b>4</b>	<b>Use Regulations</b>		
4.1	Principal, Accessory, and Temporary Uses	IV	Zoning District Regulations
<b>5</b>	<b>Zoning Districts and District Regulations</b>		
5.1	Conditional Uses	IV	Zoning District Regulations
5.1.1	Principal		open
5.1.2	Accessory		open

**Chocolay Township**  
**Zoning Ordinance Cross Reference**

Proposed to Current

5.2	Development Requirements including Lot Configuration		
5.2.1	Minimum Lot Area	6.1	Height and Placement Regulations
5.2.2	Minimum Lot Width	6.1	Height and Placement Regulations
5.2.3	Maximum Ground Coverage	6.1	Height and Placement Regulations
5.3	Intent, Uses by Right		open
5.3.1	Principal		open
5.3.2	Accessory		open
5.4	Maximum Height (Principal and Accessory Structure)	6.1	Height and Placement Regulations
5.4.1	Principal		open
5.4.2	Accessory		open
5.5	Minimum Structure Setbacks	6.1	Height and Placement Regulations
5.5.1	Principal	6.1	Height and Placement Regulations
5.5.2	Accessory	6.1	Height and Placement Regulations
5.6	Micellaneous Standards for each Zoning District		open
5.6.1	Commercial vehicle	6.11	Commercial Vehicle Parking in Residential Districts
5.6.2	Recreational unit parking		open
<b>6 Overlay Zoning District Regulations</b>			
6.1	Lake Superior Shoreline / Dune Protection	5.2	Lake Superior Shoreline / Dune Protection Overlay District
	Mixed Use	5.5	Mixed Use Overlay District (#34-18-01)
6.2	Snowmobile Trail	5.1	Overlay Zone for Snowmobile Trail
6.3	US-41 / M-28 Access Management	5.3	US-41 / M-28 Access Management Overlay District
<b>7 Development Standards</b>			
7.1	Conditional Uses	XIV	Conditional Use Permits
7.2	Open Space Preservation Developments		open
7.3	Planned Unit Development	X	Planned Unit Development
7.4	Site Condominium	XII	Site Condominium
<b>8 Zoning Administration</b>			
8.1	Amendments		open

**Chocolay Township**  
**Zoning Ordinance Cross Reference**

Proposed to Current

8.2	Duties	17.1, 17.2, 17.4	The Zoning Administrator, Zoning Compliance Permits, Special Zoning Orders Book and Map
8.3	Nonconformities	14.1, 14.2	Definitions of Lawful Nonconforming Uses and Structures, Regulations Pertaining to Lawful Nonconforming Uses and Structures
8.4	Performance Guarantees	6.13	Fees in Escrow for Professional Reviews
8.5	Permit Details	17.2, 17.3	Zoning Compliance Permits, Conveyance
8.6	Procedures	1.6	Administrative Standards and Procedures
8.6.1	Appeals and Interpretation Procedures	XV	Zoning Board Of Appeals--Powers, Duties, Rules
8.6.2	Application Contents and Procedures		open
8.6.3	Conditional Rezoning		open
8.6.4	Conditional Use Permit	XVI	Conditional Use Permits
8.6.5	Notice and Hearing		open
8.6.6	Open Space Preservation Development		open
8.6.7	Planned Unit Development	X	Planned Unit Development
8.6.8	Site Condominium	XII	Site Condominium
8.6.9	Site Plan Review and Permitting	IX	Site Plan Review
8.7	Types of Permits		open
8.8	Violations and Penalties	17.5	Violations And Penalties
<b>9</b>	<b>Zoning Maps</b>	<b>XIX.</b>	<b>Zoning Maps</b>
<b>Current Zoning Ordinance Sections Not Assigned</b>			
3.2	Exemptions		
5.4	Traffic Impact Study		
6.2	Zoning District Boundary Setback Regulations		
6.4	Non-Conforming Lots Of Record		
6.5	Outdoor Wood Burning Boilers And Appliances		
6.6	Wind Energy Conversion Systems (WECS) Conditions for Approval Within All Districts With Chocolay Township		
6.9	Home Occupations (#34-12-05 replaced #34-08-01)		
6.12	Rural Cluster Development Subdivisions		
VII	Mining and Mineral Extraction		

**Chocolay Township**  
**Zoning Ordinance Cross Reference**

Proposed to Current

XIII	Wireless Communication Facilities		
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June 12, 2023

The regular meeting of the Chocolay Township Board was held on Monday, June 12, 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 Zyburdt, David Lynch, Don Rhein, Judy White, Kendra Symbal (arrived at 5:54 pm)

STAFF PRESENT: William De Groot, Suzanne Sundell

APPROVAL OF AGENDA.

Lynch moved, Rhein supported to approve the agenda as modified (**add Supervisor's Report after Consent Agenda**).

MOTION CARRIED

PUBLIC COMMENT

Mary Jane Lynch, 316 Kawbawgam Road – spoke on attention needed at the park that is at Kawbawgam Road / Magnum Road, grooming the trails at Lake Levasseur, and if there is any way to help MDOT with getting stairways to the lake along M-28.

Deborah Mulcahey, 633 Lakewood Lane – (1) audit report and monies being spent on FOIA, but could not see anything in the data; (2) FEMA and flood plain issues and this may not be communicated to some of our residents – maybe use the sign to get this information out; (3) Master Plan and planning – wonders why the Township has just finished the Master Plan and is now making changes to the zoning; and (4) Flashvote – feels it took too long for the Township to start using.

Daniel Ondov, 555 Cherry Creek Road – looking to see if there is a way to get some type of signage for trucks that are braking at the end of the hill.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting, May 8, 2023.
- B. Approve Revenue and Expenditure Reports –May 2023.
- C. Approve Bills Payable, Check Register Reports – May 11, 2023 (Check # 26116 - 26139, in the amount of \$17,187.12), May 17, 2023 (Check #26140 – 26151, in the amount of \$9,788.27), and May 25, 2023 (Check # 26152 – 26175, in the amount of \$43,169.37).
- D. Approve Bills Payable – Regular Payroll of May 11, 2023 (Check #'s DD3281 – DD3332 and Check #'s 11356 - 11361, Federal, State, and MERS in the amount of \$46,487.81), and Regular Payroll of May 25, 2023 (Check #'s DD3333 – DD3361 and Check #'s 11362 – 11367, Federal State, and MERS in the amount of \$45,669.47).

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

#### SUPERVISOR'S REPORT

Supervisor Bohjanen stated that we have a new employee in the Assessing Department that is training and doing the fieldwork – Justin Vasseau. Justin is working out well and seems to be a good fit. We should accomplish our goals this year.

Supervisor Bohjanen also reminded the Board that the meeting time will be changing effective the July 10<sup>th</sup> meeting to 6:00 p.m.

#### TREASURER'S REPORT - NONE

#### CLERK'S REPORT

Clerk Engle pointed out the information in the packet concerning the 2022 election – results / how voted (in person, absentee), and a report regarding elections. There are also close to a dozen bills in the House and Senate to make us compliant with the 2022 election proposal that was passed.

Supervisor Bohjanen asked about the difference between votes of 1,194 and ballot count of 1,196. Clerk Engle indicated this was due to the fact that ballots had been received, but two people had died before the election, so the votes were not counted.

#### PUBLIC HEARING – NONE

#### PRESENTATIONS – JEFF JOHNSON 30-YEAR FIREFIGHTER RETIREMENT

Fire Chief Lee Gould read the following background information and presented Jeff with a helmet plaque:

*In November of 1991, Jeff Johnson joined the Chocolay Township Fire Department. After passing the State of Michigan Firefighter class, Jeff settled into his role of being a firefighter. During his career, he worked his way up to the rank of Captain in the department. His leadership on the fire ground was unmatched. He brought a calm demeanor and was always teaching others. He sat on many committees for the purchasing of equipment, fire trucks, the building of the fire station and many others. Jeff lived through the change in the fire service from the old days of riding on the tailboard of the truck to calls, using heavy cumbersome gear and being able to work on equipment to modern standards that using a computer to diagnose equipment issues, lightweight gear and trucks with air conditioning.*

*Jeff's legacy on the Chocolay Township Fire Department will carry on for years to come. His guidance, leadership and passion for the fire service ensures the fire department will stay strong for years to come. The Chocolay Township Fire Department is grateful for his years of service and commitment to Chocolay Township.*

## PRESENTATIONS – FY 2022 AUDIT – ANDERSON, TACKMAN & COMPANY, PLC

Mike Grentz from Anderson, Tackman and Company PLC presented the FY2022 audit. Grentz indicated that this was an unmodified opinion which means the Township complied with all the General Accepted Accounting Principles and that a sampling of transactions was done. The total net position for the Township is \$11.3 million in equity, which is a \$400,000 increase. The net pension liability is about \$280,000. This took a hit this year from a benefit last year to a liability this year. This loss is all on MERS, and the Township is not the only one that took a hit like this. Even with this, we are still in a good position. The general fund had a loss of about \$62,000, which gives the Township a fund balance of just under \$2 million. This was about \$100,000 under budget – no specific concern.

The only significant deficiency was that Anderson Tackman assists in preparing the financial statements and footnotes, due to the Township not having adequate staffing and / or time to prepare all the information, which is something that is reported every year. There were no other significant issues.

Grentz feels that the audit went good, and everyone is settling into their roles.

Supervisor Bohjanen asked about the pension liability – wondered if MERS uses unrealistic numbers. Grentz felt it was more of a market issue.

Treasurer Zyburt asked about the deficiency that we have been carrying for years on preparing the financial statements. Zyburt wondered if this may be able to be eliminated in the next couple of years. Grentz felt that this could probably be attained next year, but there is also the cost element of the time necessary to put it together.

## CONSIDER ACCEPTANCE OF FISCAL YEAR 2022 AUDIT FINDINGS

Lynch moved, Rhein supported that the Chocolay Township Board accept the Annual Audit performed by Anderson, Tackman & Company for Fiscal Year 2022 as presented fairly.

ROLL CALL VOTE

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

NAYS: None

ABSTAIN: Symbal (arrived at end of discussion – 5:54 pm)

MOTION CARRIED

## CONSIDER 6-MONTH BUDGET AMENDMENTS

### **CIF BA#1 – ALLOCATION OF KBIC 2% GAMING FUNDS**

Lynch moved, Rhein supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund expenditures of the Township on December 12, 2022 for fiscal year 2023; and



Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures,

Now Therefore, Be It Hereby Resolved, that the FY2023 budget be modified as follows:

	PREVIOUS	CHANGE (+ / -)	AMENDED
REVENUE			
KBIC 2% Gaming Money			
401.000.582	\$ -	\$ 125,000.00	\$ 125,000.00
EXPENDITURE			
Fire Department Vehicles			
401.340.981	\$ 246,535.00	\$ 125,000.00	\$ 371,535.00

**ROLL CALL VOTE**

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

NAYS: None

MOTION CARRIED

White questioned the issue brief – discrepancy between the vehicle and equipment expenditure line item. This was thought to be an error, but Township Manager De Groot indicated that SCBA pack is considered part of the vehicle as they are hard mounted into the seats.

**CIF BA#2 – INSURANCE SETTLEMENT FOR 2021 SILVERADO**

Zyburt moved, Rhein supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund expenditures of the Township on December 12, 2022 for fiscal year 2023; and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures,

Now Therefore, Be It Hereby Resolved, that the FY2023 budget be modified as follows:

	PREVIOUS	CHANGE (+ / -)	AMENDED
REVENUE			
MMRMA - Distributions / Grants			
401.000.586	\$ -	\$ 5,520.00	\$ 5,520.00
EXPENDITURE			
Other General Government			
Miscellaneous			
401.285.956	\$ -	\$ 5,520.00	\$ 5,520.00

**ROLL CALL VOTE**

AYES: Symbal, Rhein, Lynch, White, Zybert, Engle, Bohjanen

NAYS: None

MOTION CARRIED

**CIF BA#3 – ALLOCATION OF CELL TOWER RENT (FIRST 6 MONTHS)**

White moved, Zybert supported that:

Whereas, a budget was adopted by the Chocloy Township Board to govern the anticipated Capital Improvement Fund expenditures of the Township on December 12, 2022 for fiscal year 2023; and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures,

Now Therefore, Be It Hereby Resolved, that the FY2023 budget be modified as follows:

	PREVIOUS	CHANGE (+ / -)	AMENDED
REVENUE			
Rent			
401.000.670		\$ 8,250.00	\$ 8,250.00
EXPENDITURE			
Recreation & Properties			
Land Improvements			
401.756.972	\$ 3,000.00	\$ 8,250.00	\$ 11,250.00

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

**CIF BA#4 – SALE OF OLD FIRE TRUCK, UNIT 2142**

Lynch moved, Rhein supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund expenditures of the Township on December 12, 2022 for fiscal year 2023; and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures,

Now Therefore, Be It Hereby Resolved, that the FY2023 budget be modified as follows:

	<b>PREVIOUS</b>	<b>CHANGE (+ / -)</b>	<b>AMENDED</b>
<b>REVENUE</b>			
Miscellaneous			
401.000.698	\$ -	\$ 12,500.00	\$ 12,500.00
<b>EXPENDITURE</b>			
Fire Department Vehicles			
401.340.981	\$ 234,035.00	\$ 12,500.00	\$ 246,535.00

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

**CIF BA#5 – GRANT FROM MARQUETTE COUNTY POLICE AND FIRE – POLICE DEPARTMENT**

Zyburt moved, White supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund expenditures of the Township on December 12, 2022 for fiscal year 2023; and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures,

Now Therefore, Be It Hereby Resolved, that the FY2023 budget be modified as follows:

	<b>PREVIOUS</b>	<b>CHANGE (+ / -)</b>	<b>AMENDED</b>
REVENUE			
Miscellaneous			
401.000.698		\$ 1,500.00	\$ 1,500.00
EXPENDITURE			
Police Department			
Equipment			
401.305.977	\$ 62,205.00	\$ 1,500.00	\$ 63,705.00

**ROLL CALL VOTE**

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

NAYS: None

MOTION CARRIED

**GF BA#3 – OVERTIME REIMBURSEMENT – POLICE DEPARTMENT**

Symbal moved, White supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated General Fund expenditures of the Township on December 12, 2022 for fiscal year 2023; and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures,

Now Therefore, Be It Hereby Resolved, that the FY2023 budget be modified as follows:

	<b>PREVIOUS</b>	<b>CHANGE (+ / -)</b>	<b>AMENDED</b>
REVENUE			
Miscellaneous			
101.000.698	\$ 36,750.00	\$ 7,042.00	\$ 43,792.00
EXPENDITURE			
Police Department			
Overtime			
101.305.713	\$ 25,000.00	\$ 7,042.00	\$ 32,042.00

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

**GF BA#4 – GRANT FROM MARQUETTE COUNTY POLICE & FIRE – FIRE DEPARTMENT**

White moved, Zyburt supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund expenditures of the Township on December 12, 2022 for fiscal year 2023; and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures,

Now Therefore, Be It Hereby Resolved, that the FY2023 budget be modified as follows:

	PREVIOUS	CHANGE (+ / -)	AMENDED
REVENUE			
Miscellaneous			
101.000.698	\$ 35,350.00	\$ 1,400.00	\$ 36,750.00
EXPENDITURE			
Fire Department			
Capital Outlay			
101.340.957	\$ 90,000.00	\$ 1,400.00	\$ 91,400.00

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

**AUTHORIZATION TO EXPEND**

Lynch moved, Rhein supported that the Chocolay Township Board authorized the Township Manager to work with the Fire Chief in ordering the necessary Thermal Cameras in accordance with the grant application and draw the funds from the Fire Departments’ Capital Outlay budget line item 101.341.957.

MOTION CARRIED

**RF BA#1 – INCREASE IN ROAD FUND REVENUE**

Symbal moved, Rhein supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Road Fund expenditures of the Township on December 12, 2022 for fiscal year 2023; and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures,

Now Therefore, Be It Hereby Resolved, that the FY2023 budget be modified as follows:

	PREVIOUS	CHANGE (+ / -)	AMENDED
REVENUE			
Miscellaneous			
204.000.402	\$ 409,480.00	\$ 16,520.00	\$ 426,000.00
EXPENDITURE			
Streets			
Capital Outlay			
204.440.957	\$ 426,000.00	\$ -	\$ 426,000.00

**ROLL CALL VOTE**

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

NAYS: None

MOTION CARRIED

Supervisor Bohjanen asked if it would be possible to put the Issue Brief before the Motion, as it tends to get confusing when looking at Budget Amendments. Township Manager De Groot agreed that it could be confusing and will change this. De Groot also gave information on how the timing of the Budget Amendments could be changed – quarterly, every 6 months, or as they come up.

Lynch moved, Rhein supported that Budget Amendments be brought forth as they come up.

MOTION CARRIED

**DISCUSSION OF BUDGET PRIORITIES AND UPDATES**

Township Manager De Groot discussed where the Township stands on the targeted projects that were discussed last year.

1. Water System / Septic system replacement and the Township securing funding to reduce any potential health harm to the residents. ***The Township has conducted a water study. We are not currently moving forward with this as the revenue sources are limited and would be a significant monthly impact for the residents.***

2. Asset management plans for vehicles within the Public Works, Police, and Fire Department. ***This is in the process of being done – the Police vehicles have all been replaced within the last two years. DPW will be presenting the Asset Management on their vehicles as part of the budget process.***
3. Melding the Master Plan priorities with the Zoning Ordinance especially for agriculture. ***Staff is currently working on aligning the 2008 Zoning Ordinance with the Master Plan.***
4. A Community Center. ***This is still being researched. Two RFP's have been done on how to rebuild Beaver Grove. De Groot stated that there may come a time when our property becomes too valuable, and we would possibly be looking at relocating. The Township owns 20 properties and we need to take a look at what the possibilities are.***

There are two more budgets before a newly elected Board is seated. Historically, in an election year, the outgoing Board will approve the new budget prior to the new Board being seated.

K. Symbal asked if another item could be added to the list – sidewalks at school. Manager De Groot wondered if the school system is ready as that is what halted the project before. That funding stream no longer exists. Supervisor Bohjanen mentioned that there may be other sources, and that J. Neumann has the information and is checking into. There would still be the issue of the school wanting to do it.

Supervisor Bohjanen asked that the Board bring back any suggestions at the August joint meeting. This will be an agenda item for July.

#### CONSIDER AWARD OF TOWNSHIP HALL SIDING PROJECT

Manager De Groot indicated that constant maintenance is being performed on the Township office building. Bids have gone out, with two bids received. Both bids submitted suggested a composite product that is much more durable than traditional siding.

White asked why we would want to look at replacing the siding with a long life, if we are also thinking about the property being a prime property and the possibility of selling. De Groot indicated that there is no guarantee that day will come, and we could be getting a lesser quality by going with something with a shorter guarantee.

Lynch moved, Zyburt supported that the Chocolay Township Board approves the proposal from Timber Ridge Construction to replace the siding on the Township Office Complex. The total cost shall not exceed \$90,000.

AYES: 6

NAYS: 1 (White)

MOTION CARRIED

#### MANAGER UPDATE FOR THE SEWER AND BUDGET

Sewer – the grass is growing at the lift stations and we are looking at finalizing. All contingencies have been met.

Budget – we are budgeting conservatively. We are also not getting the bidders we need to look at competitive bidding. Sees no major surprises in the next 6 months. There may be more budget amendments coming if we land some more grants, such as for the Marina. We are also looking at grant funding for feasibility study of our parks. There are also grants available for the police and fire. Our interns at the Police Academy should be graduating in August. They are still doing ride-alongs when they can.

HR – working with department leaders to finalize internal documents in our policy manual. Looking at hiring policy, exempt vs non-exempt. Have applied for a MERS Impact award nomination on MERS recommendation due to the many opportunities we provide our employees for achieving financial security in retirement.

#### BOARD MEMBER COMMENTS

Don Rhein – none

Kendra Symbal – none

Judy White – none

Dave Lynch – none

Ben Zybert – none

Max Engle - none

Richard Bohjanen – none

#### PUBLIC COMMENT - NONE

Lynch moved, Engle supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:45 p.m.

#### INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of May 15, 2023, Draft.
- B. Minutes - Marquette County Solid Waste Management Authority, Regular Meeting of May 27, 2023, Draft.
- C. Minutes – Marquette Area Wastewater Advisory Board, Regular Meeting of April 20, 2023.
- D. Information – Chocolay Township Newsletter – May 2023

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Max Engle, Clerk

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Richard Bohjanen, Supervisor



**MARQUETTE COUNTY PLANNING COMMISSION  
MEETING MINUTES**

**June 7, 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, Mike Touchinski, Kathy Vermaat, Dave Slater, Charles Bergdahl and Bob Struck. Staff present: Thyra Karlstrom, Amy Stephens, and Katie Labyak.
3. Approval of Minutes: Commissioner Alholm motioned to approve the minutes with the change that Dave Slater was present, but not listed. It was supported by Commissioner Struck with a comment that number 11 announcements read Planning Commission, but he meant, more importantly the staff is doing the work. The motion carried unanimously.
4. Public Comment: None.
5. Approval of Agenda: Commissioner Struck motioned to approve the agenda with the added amendment, supported by Commissioner Touchinski. Motion carried unanimously.
6. Public Hearing: None.
7. Communications:
  - a. Commissioner Vermaat stated that Brad Austin had resigned from his position. There was further discussion about his position and the great job he has done. Commissioner Struck would like the commission to say thanks to him. Commissioner Touchinski stated that a letter would be nice. Commissioner Alholm motioned to file and approve communication, supported by Commissioner Vermaat. Motion carried unanimously
8. Monthly Reports: Commissioner Kaiser mentioned staff did a lot of training this year. Thyra added that they attended the American Planning Association Conference virtually and Amy has gone through the Citizen Planner Program. Commissioner Touchinski made a motion to file the May, 2023 monthly reports, supported by Commissioner Struck. Motion carried unanimously
9. Old Business: None.
10. New Business:
  - a. Capital Improvement Project Ranking: Amy stated that 17 capital improvement projects were submitted and were ranked by staff. Commissioner Kaiser questioned if the process was easier and if there is any feedback. Commissioner Vermaat asked about incomplete submissions or was all the information given. Commissioner Struck questioned why Road Commission was included. There was further discussion on how it was more easy to understand, refined better. Commissioner Touchinski states a new jail will have to be addressed at some point. Commissioner Alholm made a motion to approve as ranked, supported by commissioner Vermaat. Motion carried unanimously
  - b. Ely Township Zoning Map Amendment 1: Amy stated that Ely Township is proposing to rezone five parcels, totally 478 acres, from Timber Production to Recreational Structure-10. The proposed amendments are consistent with the Future Land Use zoning map designations and bridge areas of parcel currently zoned Recreational-10. She recommends supporting this amendment. Commissioner Alholm moves to support staff recommendations, supported by Commissioner Struck. Commissioner Slater commented that he understands it meets criteria, but rezoning is concerning for the forest product industry. It will eliminate a lot of timber production and we have companies and corporations here that have invested millions of dollars. They are good paying jobs that could be impacted.

- c. Ely Township Zoning Map Amendment: Amy said this amendment is to rezone a 41 acre parcel from Resource Production to Residential-10. The Future Land Use Map shows this area as Recreational. Staff recommends to not support this amendment. Thyra added that if the intent is to permit the construction of a single family home, it can be accomplished as a conditional use under the current zoning district on a 20 acre minimum lot. Commissioner Touchinski motioned to support with staff recommendations and comment, supported by Commissioner Struck. Motion carried unanimously
- d. Negaunee City Master Plan: Amy stated Negaunee City has a new master plan for review, replacing the previous one from 2016. The plan does a good job supporting county wide and regional trends and planning efforts and recommends supporting. Commissioner Struck motioned to support with staff recommendations, supported by Commissioner Touchinski. Motion carried unanimously. Commissioner Vermaat commented that the figures are small and hard to read. The functionality can be improved.
- e. Republic Township Zoning Text Amendment: Amy stated that the amendments are for the addition of residential and commercial Solar Energy Systems regulations. They are well thought out and staff supports it. Commissioner Slater questioned the second line under purpose, to provide for the land development and is concerned that land will be taken out of timber production. Thyra stated that such a development will be required to go through a public hearing. Commissioner Struck made a motion to approve with staff recommendations, supported by Commissioner Touchinski. Motion carried unanimously
- f. Skandia Township Zoning Text Amendment: Amy stated that Skandia Township proposed amendments relate to shipping cargo containers, campgrounds, short term rentals, and flags. Staff recommends supporting the amendments with consideration of regulating the number of containers allowed per parcel. Commissioner Slater commented on how shipping containers can be unsightly, should consider requiring them to be a neutral color, and that they can be carrying invasive species or unknown hazards depending on their past use. After further discussion, Commissioner Touchinski made a motion to support the staff recommendations and comments, supported by Commissioner Slater. Motion carried unanimously
- g. Forsyth Township Zoning Text Amendment: Amy stated Forsyth Township is proposing to add a definition for campgrounds and resorts and recommends support. Commissioner Alholm moves to support staff recommendations, supported by Commissioner Struck. Motion carried unanimously

Announcements: Thyra said they are working on applying for a spark grant to make improvement to Little Trout Lake: bring electricity and water, renovate the rectangular pavilion with two ADA bathrooms, create gathering areas, ADA accessible path and a lake loop, demolish the old bathhouse and campground pedestals, vegetation, grounds, surveillance, lighting, community art project. Bring it back to a respectable place. In conjunction, planning staff have been working on a concept to establish a public greenway along the Silver Lake Creek. There was further discussion about how important the Little Trout Lake project is and how it will impact lives in the community.

Commissioner Alholm asked about the harbor break wall. Thyra said she had no update.

Commissioner Slater mentioned a fire along Marshall road adjacent to Marquette County Timberland caused by an ATV coming off of the trail. Our fire department was there within 10 minutes and took it upon themselves to care of the burned vehicle. They did a fabulous job squashing the fire and saving the Jack Pines. We have good roads with good access for these situations.

Commissioner Kaiser reminded us the will not be at the July meeting.

11. Public Comment: None

12. Adjournment: Commissioner Alholm motioned, seconded by Commissioner Bergdahl to adjourn the meeting. The motion carried unanimously. Commissioner Kaiser adjourned the meeting at 7:31p.m.

Respectfully submitted,

Katie Labyak, R/M/D Support Staff

**OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY PLANNING COMMISSION  
May 16, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, May 16, 2023, in the Commission Chambers at City Hall.

**ROLL CALL**

Planning Commission (PC) members present: W. Premeau, M. Rayner, S. Lawry, Vice-Chair N. Williams, Chair S. Mittlefehldt, K. Clegg, D. Fetter C. Gottlieb, A. Andres

PC members absent: none

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

**AGENDA**

*It was moved by S. Lawry, seconded by D. Fetter, and carried 9-0 to approve the agenda as presented.*

**MINUTES**

*The minutes of 05-02-23 were approved by consensus with two corrections pointed out by S. Lawry.*

**NEW BUSINESS****A. 04-SPR-05-23 1200 & 1220 Wilson St. – Site Plan Review for Best Western Hotel**

Zoning Official A. Landers read the memo for the case and presented visuals from the agenda packet including the application and staff comments, consultant replies to staff comments, the area and block map with the parcel outlined in blue, photos of the site, the site plan that was submitted including the civil plans and architectural plans and the items of correspondence.

S. Mittlefehldt stated that the applicant can now come up and speak to this, and you can come to the podium and give your name, address, and maybe give us a little explanation or context for your request.

Mr. Andrew Kemper, said that he is here for Moyle Construction of 46702 Hwy. M26 up in Houghton, for the Marquette Hotel LLC project, and that they have contracted with civil engineer Brian Savolinen. Like Andrea said, we are looking at an 81-room hotel, three stories developing this site from the state it currently is to a completed site with parking lot, dumpster enclosure, retaining wall and site utilities. We did receive staff comments regarding MDOT curbing at the right of way. We've been engaged with the Michigan Department of Transportation engineer, and we've contracted with Brian Savolinen here locally, a civil engineering Consultant. Brian has been working with the MDOT permitting agents on the traffic impact assessment that they required. I personally discussed with both parties that ongoing process. Brian estimates that he's 60 to 70% complete with that. When we complete that study, we'll submit that to MDOT for their review and further correspondence. They also will be requiring some simple storm water calculations that I believe we've already completed. We just got that correspondence this afternoon, but we'll work diligently to submit that information to them as well, because we're tying into the state's stormwater system at McClellan. Their requirements have not changed in the past several years. We had previously done those calculations and submitted them, so I believe it's just a formality of digging up that prior information and resubmitting that to the state. My understanding is that we should have all the information to MDOT by the middle part of next month, and

we anticipate a fairly short turnaround with their permit process based on our preliminary conversations with them.

S. Lawry said that he noticed the sanitary sewer lateral from the Secretary of State's office runs across the corner of this lot. It may be written somewhere, but I didn't see in Glen Van Neste's descriptions an easement for that. Is there a recorded easement?

Mr. Kemper said that he can't speak to if there's currently a recorded easement. The owners of both properties are related properties, they're both owned by one of the companies. If that would be a requirement of the city, and I don't think that's a bad requirement, we would certainly record that easement so that would be taken care of for any future landowners in that area.

S. Lawry stated:

I do know that the city has found itself in the middle of some battles in other parts of this community, because properties changed hands after something like that was allowed and there was no easement, and a new owner would've had a lot of trouble with the existing lateral, and so I would highly recommend that be a condition that we put on this that that lateral, in particular, is protected by a utility easement. Not necessarily to the city, but to the private parties. Also, I had a question about MDOT – I know in the staff report, Mr. Kemper said they're dealing with MDOT. Do either of you know whether U.S. 41 Corridor Access Committee has actually reviewed this site plan?

D. Stensaas stated:

They have not. It'll be on the agenda for their next meeting, but my experience with the committee is that they can make some recommendations, but it's probably not going to make any difference, because MDOT has already reviewed this, it's exactly the same project they reviewed a few years ago. And to clarify, it's not just MDOT that is requiring the TIS, it's also the city engineer, and so I would recommend a condition of approval that if either the city engineer or MDOT requires any improvements related to or any changes in infrastructure related to the outcome of that, that those are incorporated into the amended site plan.

S. Lawry stated:

One more comment, regarding what I believe is a change from the site plan that was previously reviewed - the runoff storage area infiltration system that's being proposed for under the parking lot, I'm not a soils engineer, so I don't want to question the design of it if it's been reviewed properly - but the City has experienced a couple of problems up in this area in the past, because of the hydraulics in that bank and to east of there, it's very highly erosive and so you're adding water underground and I just wouldn't want to see a slip plane or something created underneath the building because of that. So I just recommend that your hydraulic engineer is asked to review that issue particularly.

Mr. Kemper stated:

I appreciate that. I'm not an expert, I'll be the first to admit that. But we've engaged with GEI to perform site inspections throughout the construction of the retaining wall, building and site development including the installation of the utilities so that we have assurances below that things are constructed correctly. I have a lot of faith in their abilities and their team, so I think I would probably leave it at that that our plan is to make sure we have the experts involved and its constructed in the proper manner.

C. Gottlieb stated:

Has there been any significant change between the 2019 proposal and the current, will those also be met

here? It was still a three-story building in 2019?

A. Landers said that these are the exact same plans that were submitted for final review from the plans submitted back in 2019.

C. Gottlieb asked:

So, it was approved in 2019?

A. Landers said yes.

S. Mittlefehldt stated that if there are no more questions for the applicant at this time, the Planning Commission can now make a motion or suspend the rules for discussion.

*It was moved by C. Gottlieb, seconded by D. Fetter, and carried 7-0 to suspend the rules for discussion.*

S. Lawry stated:

Well, with regards to the traffic, the hotel will certainly generate some additional traffic at an intersection that's already becoming congested, but I think a far larger impact will come from the total buildout on Harlow Farms, further development of the old Marquette Mall site that's connected through here and certainly the housing that is being developed on S. McClellan and further south into Sands Township. Traffic is going to get worse at that intersection, but not necessarily because of the hotel.

S. Mittlefehldt stated:

I don't know if this is true, Andrea or Dave, in the letter that received from the landowners, it said that it's 45 miles per hour on McClellan St. in that stretch?

A. Landers said that is correct.

S. Mittlefehldt stated:

I mean, that does seem very fast and not appropriate for given how many intersections are there and the traffic. Again, that's probably out of our jurisdiction, but maybe that's part of the study that MDOT is working on to turn in.

D. Stensaas said he doubts they're not going to have anything to say about the speed limit.

S. Mittlefehldt stated:

My understanding is this is, and you guys probably know, but this is probably one of the more dangerous intersections in our city limits, right. Again, this is irrelevant for this case and I know we're supposed to stick to this case, but at some level it would affect this project and others that are going to be coming. It does seem – reducing that speed limit might be an important consideration for increased traffic use that's going to be at that site.

D. Fetter stated:

I do have a question regarding the traffic and also the retaining walls, with increased traffic exiting onto Wilson St. - I drove there today, and I have a lower profile vehicle, and I wasn't able to see what was coming around the corner or the bend there. I'm curious, I didn't take into account if that was a current sidewalk there or if that's something that's planning to be built, and if there's a retaining wall that's also

going along those lines and if that's going to be considered - the sight that you have when you're about to exit onto Wilson St.

Mr. Kemper asked:

Are you asking about the driveway from the site onto Wilson St.?

D. Fetter said yes.

Mr. Kemper stated:

There's no planned retaining wall there. The retaining wall would be in the front at O'Dovero and McClellan, at that intersection.

D. Fetter said okay.

Mr. Kemper stated:

So, the existing drive entrance into that existing parking lot would essentially remain the same, and the sidewalks that are there, again, would essentially remain the same. There may be some minor improvements made just due to construction, but any significant grade changes or anything like that won't be taking place as part of this plan at that location.

M. Rayner stated:

I'm out there all the time because the North Care Board meets out there. The issue isn't Wilson, it's where you come out on McClellan and seeing around to the right on McLellan, because those cars come faster. Of the two intersections, that would be my greater concern. Not the one off of Wilson. There's very little traffic coming up from the right as you pull out onto Wilson. Because the Secretary of State comes out of there too and the other way. There's also that back road that drops down and goes by Econo as well, that's another exit out of there. It's at the end of the parking lot for the Secretary of State.

D. Fetter stated:

I think what we're saying is it's kind of in the same realm. It's the intersection of McClellan and Wilson and also right onto Wilson, because you can't see around that bend.

Ms. Rayner asked – do you mean from coming off of McClellan?

D. Fetter said yes.

Ms. Rayner stated:

Okay, I thought you meant the other direction.

S. Mittlefehldt stated:

That's in the code, right? The clear vision triangle is something that they would've had to meet.

M. Rayner stated:

You just need to make sure you pull all the way up to the edge of it before you turn to see around to the left.

S. Mittlefehldt stated:

Okay. Any other questions, comments? Anybody ready to make a motion?

C. Gottlieb asked if there have been any significant changes in zoning or codes that would've affected this between 2019 and now?

A. Landers stated:

No, and I did a review of all the changes, and the only thing was the parking space calculation, and that was in my staff comments when they made that.

D. Fetter stated:

I know that there are additional parking spaces than what's necessary, and I'm curious, is that going to be utilized for snow removal or if there is a plan for snow removal?

Mr. Kemper:

I believe there's a snow storage calculation that's required. Is that -

A. Landers:

Yep, and the areas are shown in the site plan in the landscape areas.

D. Fetter:

Is there a certain drawing that that's showing?

A. Landers:

What was that, I'm sorry?

D. Fetter:

Is there a certain drawing additionally?

A. Landers:

Yeah. Showed the site plans and pointed out the snow storage areas.

M. Rayner:

You said there were two exits?

Mr. Kemper:

I believe I said that there's one exit on the Wilson St. and there's two exits from the parcels onto the shared drive access, business partnership.

M. Rayner:

Okay. I was trying to figure out where did the other road come from.

Mr. Kemper:

Regarding the comments on traffic. That's, you know, the state and the city engineer are requiring us to do the study, and we've hired professionals to do the study, right.

D. Fetter: Would you mind describing a little bit of what the study is that they're doing?

Mr. Kemper:

I, honestly, only know enough to be dangerous. I read the requirements that the state puts on the civil engineer, and he has to go out there and monitor existing traffic counts at multiple times. He has to do it at 7:00 in the morning, at noon, and at next time and line time, and he has to do that over multiple scenarios. Then he has to use his best judgment to interpolate what he thinks based on what studies say the hotel is going to do to the intersection use. And then he asked the hotel operator what they think of that peak, what employee counts are going to be at certain peak holiday times or what anticipated occupancy rates are of the hotel based on past experience with other hotel properties. He takes all that information into account and does what he trained to do, I guess, right. And my experience with MDOT is they will scrutinize the reports.

A. Landers stated:

On screen is the snow storage area. They have it hashed out on the site plan. See these two bullets here? This is the minimum snow storage area, and they provide the calculation down here.

D. Stensaas: If I may, I think one thing Andrew probably left out of the description of the traffic study is the ITE, The International Transportation Engineers studies are brought into the analysis. So ITE publishes studies that we use ourselves at the City for looking at every kind of imaginable type of property usage. They have a record of studies. If you put in different variables for like a two-story office building that's used as a one tenant office and it's a certain square footage; you put the square footage of the building in, the location, the type of neighborhood, it'll give you - from all the studies they have of that type of building - an average. They'll plot it out on a graph, where the average parking spaces that should be required for that kind of use, based on what they've seen over time. So that should be incorporated into what they're doing for this analysis too, it wouldn't just be them asking Best Western what do you think you need, they'll look at more unambiguous, unbiased kind of data.

S. Mittlefehldt: Any other questions, just amongst ourselves or for the applicant, who is very patiently waiting. Anybody prepared to make a motion? Considering there's a couple things we heard, right, securing the utility easement across the property. We're just ensuring that this MDOT study is done and that any additional infrastructure must be included in the amended site plan. Those are the two things we talked about.

A. Landers stated:

And then a revised plan is submitted to meet staff comments.

S. Mittlefehldt stated:

Yes, of course, "and the revised plan", that's in there, but just mainly on top of the things in the agenda, the things that we've talked about. Is anybody prepared to make a motion?

D. Stensaas stated:

If you're going to mention the Traffic Impact Study, mention the Traffic Impact Study

S. Mittlefehldt stated:

We'll get the right title, yeah, Traffic Impact Study.

*It was moved by C. Gottlieb, seconded by S. Lawry, and carried 9-0 that after review of the site plan and the supplemental documentation dated 02-18-20, and the STAFF REPORT/ANALYSIS*



*for 04-SPR-05-23, the Planning Commission finds substantial compliance with the City of Marquette Land Development Code and hereby approves the site plan with the following conditions:*

- 1) that an amended Site Plan is submitted to meet staff comments.*
- 2) that the Traffic Impact Study recommendations are incorporated into the Site Plan.*
- 3) that a utility easement be recorded across the property as requested.*

## **Correspondence**

### **A. Site Plan Review Cases of 2023**

D. Stensaas stated:

So, this is what we promised you we would develop for your agendas. This is a truncated version of the document that we have, which has several more form fields than this one, but I paired it down to kind of the basic information, so you can see this and understand what is going on with this. Here we have two cases pending review, at the bottom - the two bottom rows, and then the top row shows we had one site plan that was withdrawn, they cancelled the request and removed it from your agenda very shortly before the meeting. We don't expect to see that site plan back again. So that's what we came up with. Do you like it?

S. Mittlefehldt stated:

Is there a way to get this on the Website? I think we talked about that. I think this is great. It's a nice distilled thing that's useful for us, but I bet there would be people in the community that would love to have access to it too.

A. Landers stated:

They do through the agenda, just so you know.

S. Mittlefehldt asked:

So it would be in the agenda, they would need to go dive into that?

A. Landers stated:

It's on your agenda cover and then it's in the agenda.

S. Mittlefehldt said okay.

D. Stensaas stated:

We can add a form field on our zoning page of the community development page.

S. Mittlefehldt said that would be great.

D. Stensaas stated:

We can do that. That's kind of like all public information we put out there that people typically don't go that deep to look for it, but we can put it there and we will.

S. Mittlefehldt stated:

I think they'd be more likely to do that. They did that for the agenda.

D. Stensaas said yeah, either one is kind of a chore.

S. Mittlefehldt said yeah, but it's great information. Thank you for that.

S. Mittlefehldt asked if there were any other thoughts on this.

D. Stensaas stated:

I would think we'd update this maybe once a month for the website, every agenda though.

M. Rayner stated:

I think it's very helpful to block it out like that. I think that makes it much easier to do an overview of it and kind of get a feel. Kwik Trip is not going to come here then?

D. Stensaas stated:

Well, they're not going to probably be working at getting a Kwik Trip store built at that site anymore with those property owners. They definitely would love to dominate the gas market in Marquette, if they can find a spot to.

M. Rayner said they already did out at the west end, they just put one in Ironwood.

D. Stensaas said they are looking for a spot and their requirements for their stores are something like two-acre minimum site, which is going to be hard for them to pull together in Marquette on a street where there is a highway, where they're interested.

C. Gottlieb stated:

Obviously, there's a lot more building anticipated that just haven't come to the office yet, so this is what you guys are dealing with right now.

A. Landers stated:

This is since January, 2023. So, for 2022, everyone's either been approved or denied. So these are everything since January that's been submitted.

C. Gottlieb stated:

I'm thinking specifically of the old hospital site, for instance.

A. Landers stated:

We haven't seen any, no. These are only the plans that we get official submittals for.

C. Gottlieb said that's what I'm asking.

D. Stensaas stated:

So, people can work on site plans for months and months before they submit something to us. Since we put this together, we've probably gotten a couple more. There are people working on other site plans, but the beginning of the year is typically slow for getting site plans, but just like permits from residences, they're starting to hit us like a tsunami.

C. Gottlieb stated:

That's what, I guess, my question was. I know there's more plans out there, but they're just not to your desks yet?

A. Landers stated:

No, they don't get to us until they're developed or until the plans are ready, because you have to meet so many requirements. So, anything in the concept phase we're not going to see, and you're not going to see on there, because it's not an official submittal unless they want to submit as a concept then they have that opportunity, but most people are submitting for final site plans.

D. Stensaas stated:

To expand on that just a bit, people submit site plans that get kicked back that don't get accepted on a regular basis. They don't meet all requirements, and sometimes that's deliberate. The consultants will submit stuff to us knowing Andrea is really good at what she does, and she's going to go through and give them a list of everything they missed. Isn't that convenient? Give it to Andrea and let her tell us what we need to do. That happens a lot.

C. Gottlieb stated:

Does Andrea get to charge for the city's time?

A. Landers:

That's why a site plan review cost what it does. If those people wouldn't do that, we'd actually have lower fees.

C. Gottlieb asked, so they are paying for your time when we do that?

A. Landers said to the average of it, yeah.

D. Stensaas said but then there's just sloppy work too.

A. Landers said yeah, if somebody is really bad they're getting my time for free.

D. Stensaas stated:

Or they've openly missed something or hoping we'll look the other way or just let it slide.

A. Landers stated:

Or that we'll get worn down.

S. Mittlefehldt asked if there were any other thoughts, comments or questions.

## **TRAINING**

### **A. Article – Better Plans, Fewer Stands - Michigan Planner March-April 2023**

D. Stensaas stated:

This issue of the magazine starts with talking about how master plans are really important, especially with housing development becoming such a crisis issue in a lot of communities that you really need to have good plans so that you can counter Nimbyism - that is one of the big points of emphasis areas of this [article], because there is a lot of Nimbyism. We saw that with the proposal for housing on the north end of McClellan Avenue last year. Nobody in that neighborhood wanted to see 60 or 70 housing units built near them. Part of that is understandable as it was an undeveloped tract of land that would've been used for it, and I don't fault anyone for not wanting undeveloped land turned into anything. But Nimbyism is common, and it doesn't matter if it's developed or undeveloped or whatever. So that's kind of the point of the article.

This particular article kind of takes off on that a little bit and just emphasizes the importance of certain things within the master plan and then within the administration of the plan and so on and so forth. So, I guess this could be a point for discussion some of things if you guys want to discuss any of this. It's really just in there for a kind of education. There are recommendations in here that are great. Some of this stuff will be very hard for us to do. We do compile written responses to, well, consultants, but it says for public hearings. I don't know how we would deal with that, especially when we have one where there's a lot of comments on something with a lot of public opposition and public turnout for it. A lot of it gets down to the fact that we're kind of always struggling to keep up with the portfolio and workload that we already have.

S. Mittlefehldt: Any questions or comments about the reading? Okay, moving on.

### **COMMISSION AND STAFF COMMENTS**

D. Stensaas stated:

When W. Premeau came in he said something about that he got the memo from staff that we've just got to approve this. That wasn't the intent of my message where I made several suggestions, it was just a reminder – because we have several new Planning Commission members on the board, and even a commissioner that has been on the board for over six years asked me today if Site Plan Review requires a public hearing. So, part of our job as staff is to keep educating Planning Commissioners and to remind you of the parameters of the cases we're dealing with. The Planning Commission doesn't have a lot of discretion in Site Plan Review cases. You can't say "what color is the building going to be, and we'd like it to be green". You are limited by what is in the Code, they are in the staff report and those are in the Site Plan Review standards.

My point about comments during case is just a reminder that when we send these cases for transcription it is really difficult sometimes because sometimes the transcriptionists obviously have never been to a public meeting, they don't know what a sewer lateral is, and they hear things on the recording they don't understand and they write all kinds of things that we have to correct and if we have a lot of extra commentary during the meeting or questions that aren't necessary, and at this time of the year we are getting really busy and so our time is getting more and more valuable trying to get everything done that we've got to get done in a week it can be challenging when you have to edit these minutes for three or four hours sometimes to get things right. Every paragraph can have things all screwed up and it begs the question should we even send the minutes out for transcription. Well, we have got to the point where we don't unless its going to be several pages, because it is a value proposition and the transcription is just not that good.

A. Andres asked if there are better transcriptionists than others.

D. Stensaas said yes, and you can tell they are using different methodologies too, you can tell sometimes they are typing what they hear and sometimes they're using voice-to-text transcription, and each has its own problems, so there's no way not to read every word if we want to get it close to accurate.

M. Rayner asked if they have to put the discussion phase in the minutes? I didn't think you did.

D. Stensaas stated that there is stuff that they will leave out, it depends on the case it's a judgement call – what is necessary for understanding the context of the discussion? Robert's Rules say all you have to have in the minutes are the motions, who made them, and roll call, but everything else is discretionary. And that is how the City Commission does minutes, but the PC has a long history of trying to be detailed because if things end up in court or there is an appeal we have a detailed record and a fairly clear picture of what transpired at the meeting.

A. Landers stated:

And that is your findings of facts, how you came to your decisions.

D. Stensaas stated:

So, we're not trying to squash your fun or anything, we're just trying to make things more streamlined. And that brings up that at the beginning of the meetings please say your name. We do try to keep a ordered record of who spoke and then prep an outline of that for the transcriptionist.

But, you all did a good job tonight and asked good questions.

S. Mittlefehldt said that the Chair can help by saying each member's name before they speak.

S. Lawry stated:

Just related to what is our purview and what isn't, I had some qualms about bringing up the issue of the drainage system that was designed there and I know that had created issues, not just for the property owners but for the City, the City has paid out huge claims because of soil conditions and erosion in that area and its not really a Planning Commission issue but it is a public safety issue related to that site and just wanted them to be aware to double check some things of that nature.

D. Stensaas said that is a good point and it's good to get that kind of thing on record in case it becomes an issue later.

A. Lander stated that for June 6<sup>th</sup> you will have a Preliminary site plan review for a PUD.

S. Mittlefehldt stated that it may be a cost savings for the City to invest in transcription software. For research purposes there is a lot of different software that can do that quickly. You would still need to edit it, but I'm just putting it out there.

## **ADJOURNMENT**

The meeting was adjourned by Chair S. Mittlefehldt at 6:50 p.m.

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Prepared by: kw/iMedat

Edited by D.Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison

**OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY PLANNING COMMISSION  
June 6, 2023**

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

**ROLL CALL**

Planning Commission (PC) members present: W. Premeau, M. Rayner, S. Lawry, Vice-Chair N. Williams, Chair S. Mittlefehldt, K. Clegg, D. Fetter, A. Andres

PC members absent: C. Gottlieb (excused)

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

**AGENDA**

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

**MINUTES**

*The minutes of 05-16-23 were deferred for review until the June 20, 2023 meeting, due to not being in complete draft form until a few hours before the meeting.*

**CONFLICT of INTEREST**

*No conflicts of interest were confirmed.*

**PUBLIC HEARINGS****A. 01-PUD-05-22 Preliminary PUD Site Plan for 480 River Park Circle**

Zoning Official A. Landers stated: The Planning Commission is being asked to review an application for a Preliminary Planned Unit Development (PUD) approval. The Planning Commission qualified the project for a PUD on May 17, 2022. The Planning Commission will need to conduct a public hearing for a Preliminary Site Plan Review and draft recommendations to the City Commission, who will issue final approval or denial of the PUD. She described and showed on the monitors in the room the Staff File Report and attachments. Attachments are the PUD application, the Site Plan Review application, the Planning Commission letter from the applicant, the Variance letter from the applicant, the staff and applicants comments, a proof of the granting of an easement, the area map, the block map, the zoning map, photos of the site, the applicant's Pattern Book, the Site Plan set. She also stated that at the time of the agenda [when distributed] there was no correspondence submitted, however today, prior to the deadline, she did receive an item of correspondence from Matthew Songer, MD, in opposition to approval of the PUD project. She read Mr. Songer's letter aloud.

S. Mittlefehldt stated: Andrea, do you mind, just because we have a different composition of Planning Commissioners here today, can you give us a quick history? Because the Planning Commission already approved that it met the PUD requirements. Can you maybe just explain a little bit of the history of that piece of it?

A. Landers stated: When you apply for a PUD there are stages. The first stage was that an applicant has to come to the Planning Commission and ask for concept approval. The Planning Commission has to review the objectives in the Land Development Code, and determine whether it has to meet at least 3 out of 10 objectives and it was determined I believe that it met 4 out of 10, so then that qualified the applicant

to then submit for a Preliminary PUD, which is the stage that we're at now. So during this stage, the applicant goes in front of the Planning Commission. There's a public hearing. You guys would make the recommendation to the City Commission. Next step is that this would go to the City Commission and they would need to review and approve it and ask our attorney to draw up a contract with the applicant or deny it. If they approve it in the contract, then the next step after that is the applicant would have to then come back to the Planning Commission with their final site plan set .

D. Stensaas stated: And to add to that just a bit, this didn't have to be an extra step. A lot of time an applicant will come forward with a Preliminary Site Plan and a Concept Plan, and they can do that at the same meeting. This one just unfolded this way.

S. Mittlefehldt stated: Okay, thank you. At this point the applicant can now come up and provide a little context and overview.

Mr. David Ollila, of 420 E. Prospect St., stated: Thanks for the opportunity to present to the Planning Commission. What I would like to do is to read a little bit of the background that was provided by the Michigan Economic Development Corporation staff to the Michigan Strategic Fund Board, which granted the initial funding for the project. He read a letter that has been added to the agenda packet.

He also stated: We have letters of support from Invest UP, Innovate Marquette SmartZone, who's been a fantastic partner in this process, the Michigan Office of Future Mobility, the Department of Agricultural and Rural Development. We have letters of support from leaders in the power sports industry, Tech Town Detroit, Centropolis Manufacturing Technology Accelerator, Michigan Tech University Advanced Power System, Michigan State University's Mass Timber Program, a global leader in the automobile industry, and the Detroit Regional Partnership. Thank you very much.

S. Mittlefehldt stated: Does anyone on the Planning Commission have questions for the applicant? So, maybe you don't know this, but what is being produced here? What is being created in terms of the industry?

Mr. Ollila stated: Right now actually Michigan is going through an exercise to identify where the state has the best opportunity to increase our economy, whether it be in Detroit or whether it be in the Upper Peninsula. This is more about being a point of discovery for companies developing products and experiences within this ecosystem. It's a way for us to be relevant through automobile and transportation sectors with Detroit so it's less about what would be made specifically and more about being a point of discovery and innovation to support innovation and entrepreneurship throughout the state. So I'll give you an example - the main building, I think we have it listed as Building #2, is essentially a triplex with shop houses. These are garages on the bottom. They have mezzanines on the midlevel and apartments above. The concept is those are places for corporations to visit the area, do research and development, that might be anything from secret development to customer experiences. It's also an opportunity to have those companies come in and then codevelop products with other companies, so I'll give you an example. Polaris Industries is spending about \$1 billion over the next 3 to 5 years to create an electric product in every one of their categories, so soon we will have electric snowmobiles. There's a company right now called Taiga out of Quebec that is producing electric snowmobiles and electric watercraft. There's a big movement in this space to look at new ways to develop products and experiences in the outdoor industry, and what's interesting about this point of time and it's akin to when Henry Ford had manufacturing plants and points of innovation in the United States to connect with Detroit's economy and create relevancy between the peninsulas. So what we are is a place to gather innovators, entrepreneurs, start-ups and corporations. They come to Marquette. They come to the UP, they have access to trail networks. They have access to potential venture capital. They are pulled together in networking opportunities and that is how I believe we can facilitate new economic opportunities for not only Marquette, not only the UP, but the state of Michigan.

K. Clegg stated: Could you speak about the communication you've had with these companies? How are you planning on attracting these companies that you're hoping to come and I'm assuming they're going to rent from you these places on a short-term basis, long-term, how is that going to go and how are you attracting that interest?

Mr. Ollila stated: I think the attraction is a really great question and the number one way that we're attracting these companies is by working with the state of Michigan, organizations like Mich Auto, organizations like the Detroit Regional Partnership or some of the incubators and accelerators that we've talked to. There is an increase of spending and investment in this outdoor recreation space and this is an opportunity for us to participate in that. I'll give you an example. Tomorrow I'm driving down to Detroit to meet with a number of potential ecosystem partners and on Friday there's a statewide summit regarding innovation and entrepreneurship. By creating relationships and being connected to those policymakers and economic developers in other areas of the state creates a relevant connection to our state's economy and so we are going to be part of those conversations that are happening in Detroit, Lansing and Grand Rapids. Also, I have a network from working in the outdoor industry for over 25 years across the United States where we are able to contact, we're able to attract, we're able to engage in conversation from anything from a blanket manufacturing company in Bend, Oregon to climbing companies in Salt Lake City, to bicycle companies in Madison, Wisconsin. We've had experience bring those folks up before, but it's not just start-ups and it's not just small companies. We've had very favorable conversations and visits from some of the top automobile suppliers in the United States who've expressed interest and said that they would be back and they're excited about the construction, the development of Shophouse Park, and therefore they would utilize the upper peninsula more often in research development, customer experiences, and marketing opportunities.

S. Lawry stated: I have quite a few questions. One, I started out with the same concern that Dr. Songer expressed in his letter regarding a new title to the property, having been familiar with the fact that because of the federal funds that the City used to construct that industrial park, there were purchase agreements, contracts for the sale of each lot and I know you're involved in development of your ski design and at the time you purchased it and manufacturing out there, and so there was a contract between you and the city to accomplish something that's kind of set the price on the lot to begin with, but that maybe wasn't met and I understand the City Attorney has reviewed that and determined that there isn't an issue or a problem with that at this point. I visited the planning department this morning to find that out. It's interesting that Dr. Songer is expressing the same issue, because I was concerned that it might be challenged by someone else. It leads into - do you intend to personally use any of the space for manufacturing, whether it's your ski design or anything?

Mr. Ollila stated: I would expect that to address Dr. Songer's comments, I think they are unfounded. There was a set of deed restrictions so first of all the history of the River Park complex, the city founders did not determine the current industrial layout in River Park complex. I believe Mike Coyne was the mayor that signed those documents and there was deed restrictions that ran for 25 years with the property and those are sunsetted. There was absolutely no legal standing on clear title to the property or any obligations that were implied or not met with the purchase of that property and I can go back to the emails between Dennis Stachewicz and myself when we did purchase that property, so I'm very confident there's no issues there. So Building #1 is going to be my studio. There won't be any manufacturing per se at high volume in that studio. I would expect that would be a place for prototyping, experimenting, maybe some light building but the idea is that property is not suited for largescale manufacturing and I don't believe that within this sector that we would attract large scale manufacturing but I'm confident we can attract innovation, research and development and in the very best of circumstances, the products, the experiences, what comes out of Shophouse Park could certainly lead to larger manufacturing opportunities, say at K.I. Sawyer, and that would be intended.

S. Lawry stated: I do agree with the need for incubator space or research and development space. These are lacking in this area because there may be a lot of vacant buildings but none of them are managed for that purpose.



Mr. Ollila stated: And purposely built for that purpose – to purposely attract this industry, and again to connect with the economic drivers throughout the rest of the state.

S. Lawry stated: So, do you see it as primarily research rather than manufacturing?

Mr. Ollila stated: I think if I had to say what I believe will be happening there, it will be mostly product development, research development, testing, and facilitating those services for our start-up and worker clients.

Mr. Lawry stated: Okay, there was nothing included in the submittal that covers the access across the Board of Light and Power property, whether if you have any legal progress on that, whether you have design for it that's complete. I went back to your submittal from last year and you had a statement from Mr. Benstrom at the BLP that indicated that they would allow access but not overlapping the 100 ft. easement for the 69 KV tie line and yet this drawing that you have today shows the access directly underneath that power line.

Mr. Ollila stated: So we have a very good relationship with the Board of Light and Power and they've been terrific, collaborative partners on exploring this opportunity in the coordination or the conversation, so that easement split, this was our best guess at what we thought would fit best for the BLP property but it's BLP property and we can only make the suggestion so the way that we plan on working with the Board of Light and Power is to get through this planning process and we get to the site development and the site review that the BLP would take the lead on what's happening on their property and we would work collaboratively to make sure that it serves both owners and both properties and all indications are the BLP is more than happy to work with us through that process and they would be willing to draft an easement. Of course, that easement would have stipulations to make sure that they could continue to do what their core scope is and that is to use those lines to provide power to the city of Marquette and we would honor that and work with them.

Mr. Lawry asked: Is that easement that's on your lot actually to the Board of Light and Power or is it to American Transmission Company?

Mr. Ollila stated: I believe it's Board of Light and Power. I could check the documents. I believe it's 32 ft. that comes on our property and 32 ft. in the other direction towards the soccer fields. It's 100 ft. wide altogether, so 32 ft. from our property and then that would be 68 in the other direction.

S. Lawry stated: It may actually be American Transmission Company at this point.

Mr. Ollila stated: I believe it's Board of Light and Power, but certainly something that we could find out.

S. Lawry stated: And you talked about collaboratively working with the City and the BLP on that, but it's rather ambiguous who would design, build and pay for it. Is that still a matter of just being up in the air? Do you want to negotiate agreements on that?

Mr. Ollila stated: No, the comment that I received on the Board of Light and Power is that it didn't make sense for them to put a large effort of work until it passes through these processes in which case they would be happy to participate. We've also, through the City of Marquette and also the BLP, we're seeking other grant monies that might be available to support that and again, that's a collaborative public/private partnership that we think would serve the community very well.

S. Lawry stated: Your comments about not paving the parking areas, I realize there are a part of the sports complex that is not paved. On this steep hill, this road where the parking lot would be built on - I guess I would have concerns about maintaining a gravel surface there, especially with the wetlands in the bottom of it, and the fact that whole area has to be undercut to remove all of the many cubic yards of sawdust that's in there.

Mr. Ollila stated: Right, we can thank the Sawyer Sawmill for the 100-year old piles of sawdust that we've left sitting around the city of Marquette. The surface of BLP land, I think that would be up to the Board of Light and Power and the City of Marquette for what they thought was the best for the BLP land. As far as for the Shophouse Park property, we think that there's a number of good arguments for semi-permeable surfaces to reduce rainwater runoff, to not create large amounts of water running off. I don't believe any of the roadways except for maybe our driveway have any serious slopes, but again we would work with the Board of Light and Power to establish their standard for the access of that road. We do think that there are a number of good alternatives to pavement that might be a good fit, for both the Board of Light and Power and for the Shophouse Park property.

Mr. Lawry stated: Okay, also on page 12 of our packet, paragraph E1, it states there it would be 14 live/work dwellings, but on the application form itself, on page 17 it says there are 12 proposed, so I was just wondering about that conflict of numbers.

Mr. Ollila stated: So, with building #1, there is the studio with two apartments above it. Building #3 has three complete live/work units, Building #4 has three retail and three apartments, and one of the challenges that we had is that there's nothing in the current code that talks about live/work units and so as we talk about apartments or live spaces, I think there's some inconsistencies perhaps, but the number of structures and their primary uses would be the same.

Mr. Lawry asked: Okay, so there would be 14 dwelling unit, maybe 12 of them would fall under...

Mr. Ollila stated: Right, it's like almost trying to count the number of units that are in the [505] Lakeshore [Blvd.] building where Lakeshore Bike and Fred's Rubber Stamp is.

Mr. Lawry asked: And have you explored whether your RV parking and tent camping would require State of Michigan and Marquette County Health Department licenses for a campground?

Mr. Ollila stated: Great question, haven't had those conversations. If they do, they will, but again this isn't a campground. This is more of a business-to-business type environment, so for instance we may have some overlanding vehicles that are working their way through the UP for testing and research. They would be able to hole up at that property. We're also talking about special events. There's an event that you could reference called Overland Expo, which is a large rolling trade show of these types of industry experiences and vehicles is what I would consider it more event space than I would a traditional campground but any regulations would be met. I just want to add to that one of the companies is a start-up that we're working with downstate that is developing structures for camping of the future. If you're camping in an electric vehicle, that camping experience might be different than the way you camp today with propane, so that's a state-sponsored project. We have the opportunity of deploying products like that for first customers, first-use experiences and so unfortunately or fortunately, I'm in the entrepreneurial business and sometimes there's ambiguity on the way to progress and impacting the community in a positive way, so we're going to work through all of those.

Mr. Lawry stated: There is a wetland delineated on your drawings but I think the actual wetlands at this point have grown quite a bit beyond that. I foresee having problems accessing through that Soo Line railroad right-of-way or easement with the extent to which the wetlands have grown through there, and I think you have been in contact with the state on that but do you know have they actually been on site at all yet?

Mr. Ollila stated: Yes, in November 2021, I walked the property with the former director of EGLE, Lisle Clark, and some of her staff members, and she was not concerned about executing on the vision within that property and working with the DEQ or EGLE to support that project.

Mr. Lawry stated: I guess I would say it depends on who you talk to at the DEQ or EGLE or whatever, but you're obviously going to be filling some wetland area, according to your plan, and that will require you placing space somewhere else and it looks like the area that's wetland is growing on a regular basis.

Mr. Ollila stated: Right. Unfortunately sometimes you inherit poor design on your properties. I will also point out and there are materials that you can look at, what it looked like when it was the sawmill, and I can tell you there's huge improvements now from the dredging and the repositioning the dead river to move logs through that area. We're in the outdoor recreation space. We're in the innovation and entrepreneurship space. We want to protect our environment. We're not cutting any corners and we're going to build the very best project that we can build as it aligns with all permits and requirements.

Mr. Lawry asked: Okay, thank you for your responses.

Mr. Ollila stated: Thank you.

S. Mittlefehldt stated: I also have several more questions, just you've really helped to paint a picture of the primary uses of this property but there are nine listed I think and in addition to the research and development, there was hospitality, so bar and restaurant and a childcare facility, maybe you could kind of explain some of these ancillary functions that will be going on here and are those going to be for the public? Are those for the visiting people staying here for short-term research purposes and work purposes? Tell us a little bit more about some of those other uses.

Mr. Ollila stated: Sure. I think that's one of the most exciting things about the project, because it's truly a mixed-use project that serves both the community and also business to business aspect that again that we're trying to connect with the rest of the state. So, as I was building out the concept and I was talking to potential companies that would want to utilize our space, one of the questions was can I bring my family there? We like to think that we're providing space, from the innovator to the end user, and we want to provide something that's for the community - so for instance, there is no place to walk and get ice cream from the Kaufman sports complex, and there's no place for concessions at the sports complex. The north side of Marquette is an underdeveloped portion of the city compared to other portions of the city and so we already have public use, as Commissioner Clegg had mentioned, the Ore to Shore has been using my property since I've owned it for the last 12 or so years, as has the Noquemanon ski marathon, as does the North Country Trail. We've met with a number of those organizations. The North Country Trail is very excited that there would a location for a thru hiker for instance to be able to stop in Marquette on their way through town. This is innovator to end user, it's to serve the community, it's to bring economic relevancy to Marquette as it relates to the rest of the state. I want my family to be able to ride their bicycle out on the bike path that leads directly through this property to the north trails, through the rest of Marquette. I think it also pulls a little bit from what you'd be seeing in Bentonville, Arkansas. In Bentonville, if you have not researched that, they are at the very top of their game in creating innovation and entrepreneurial opportunities that are attracted to healthy lifestyles. They have a coffee shop that is one mile away from the closest parking area that people have to ride their bikes to or walk to get there, and it's incredibly successful. Those are the types of things that we can look at, benchmark and improve upon, so we expect that the community will enjoy this property just as much as Fortune 500 companies.

S. Mittlefehldt stated: For specifically, the childcare, would that be a service that will be open to the community?

Mr. Ollila stated: So, why is childcare in there? Do I have plans for a childcare facility? No, but we've got a problem with childcare in the city of Marquette. If you're going to go through a planned unit development process which is a lengthy process and you know that there are gaps in housing and in childcare and amenities, then you should probably write into your PUD that you should have childcare that would be available. I have no current plans for them, but if all of a sudden a group of people wanted to come up to conduct business in Marquette and they wanted to bring their children and if someone said it looks like a childcare facility, we would say we have that covered and if it meant that there was an opportunity for someone to open up a childcare facility, maybe for the community to drop kids off in a turn key type way, we would have a blue sky mentality to make sure that any entrepreneur or any business person or anyone in the social care circle would be able to utilize that property for that. We would hate to sell it short within the process.

S. Mittlefehldt stated: And similarly the function with the outdoor food and beverage, would that be for the public? You mentioned ice cream, are you thinking a restaurant, a bar?

Mr. Ollila stated: So we're thinking about a café. It's a dream that if you roast beans in Marquette or you brew beer there would be an opportunity to have those on the property. How that plays out I'm not entirely sure but we want to make sure that we had the provisions to be able to do that. I also know from my experience in creating the Nations Center, the Ferris Wheel Innovation Center and Co-working Space and 100K Ideas in downtown Flint, Michigan that when you provide those type of amenities for both the community and also new visitors, it creates a more vibrant, more usable space that people return to.

A. Andres stated: I think you have a lot of grand ideas and I like where it's going. However, it seems like it's a very complicated process and I just wonder if perhaps you've possibly had these grandiose ideas and maybe you have bit off more than you can chew and I look forward to seeing the formative plans that are more developed so we actually know what's going in the process and how things are going to be developed visually.

Mr. Ollila stated: I appreciate your concerns of my grandiose vision, but I also have experience of pulling off grandiose visions. This has been my way of life since I was probably 7 years old and I want to inform everyone that the biggest resistance sometimes comes from those who lack the vision and so as we talked to large corporations I can tell you they don't see this as grandiose. They see it as practical and the alternative is this property is available for development as a storage facility, and I think far too often we bias towards building a storage facility in Marquette where people can store their stuff. That does not lead to economic prosperity and opportunity for the community, so this is the time. We've not had this time for maybe 100 years to execute grandiose ideas.

A. Andres stated: And one other thing, just make sure in your plans that you cover all manner of people, wheelchairs included, physically disabled, mentally disabled, the whole gamut, make sure you include all people, not just the able-bodied person.

Mr. Ollila stated: It would be a mistake if we didn't and we will not make mistakes like that.

M. Rayner stated: Lots of great ideas but there's some real time delays in getting licensure for like food services and liquor licenses and daycare so you might want to put that into your plan so that you can touch some of those bases and see the process cause it's quite lengthy and quite time-consuming.

Mr. Ollila stated: It's a ridiculous process.

M. Rayner stated: I like your ideas. I'm not saying that. I'm just saying you need to do some research along those lines.

Mr. Ollila stated: Absolutely.

S. Mittlefehldt stated: I also want to say that I do think it's interesting because this project is a new challenge to us in many ways, because you're using categories that exist in the world but not in our Code. For example, the live/work dwellings, I mean, the spirit of that is what mixed-use is and I think your project gives us an example of what that could look like in a really interesting way. And you used some other terms like micro-mobility. We talk a lot about non-motorized transit. Some of us are working on, have been on the city's bike committee for a while, and we're trying to figure out a way to improve cycling in the city and we have been very focused on motorized and non-motorized transit, but this idea of micro mobility, it seems like is this an intentional move to get away from what is pretty established in the transportation literature as non-motorized transportation, because presumably e-bikes are here to stay and we've all seen them in town already, so maybe you could tell us a little bit about that, micro-mobility specifically and are you intentionally not talking about non-motorized transit when you're talking about the type of innovation that we've been focused on here, because so much of it will be electric?

Mr. Ollila stated: All modes are preferred. We are striving to be a walkable city. Again, there's a bike path on an abandoned railroad that leads right to the property and through the property. There is more innovation and entrepreneurship happening in the e-bike category. The number one selling electric vehicle in the world is a bicycle. It's not a car. We also believe that outdoor recreation is going to spur more research and development in those spaces because there's less regulation for that. That's why Porsche has bought an electric bicycle company. That's why KKR bought Rally Europe. That's why RCA, the record player company, just launched bicycles. I think what's really key here is we are at a new age in a point of discovery for all possibilities, whether they be "analog bikes" as they're calling them now, non-motorized to the motorized versions. We may have someone come in to develop a water bottle or we might have someone come and develop a hoverboard, and that's the gambit that we expect to attract and we want to make sure that there's something available for everybody.

K. Clegg stated: Per your future ownership intention statement, it's something you intend to hold for 12 years, so you have any idea what your plan is beyond that? Do you intend to sell? What type of person or company would you look to attract to do that?

Mr. Ollila stated: So the long-term plan, and speaking very candidly, is to provide an anchor for me to keep on doing this type of work in the community and for something for my daughters, one who just graduated Marquette Senior High School and will be leaving to come back to and to operate, to have a legacy project that provides positive community experience for a long, long time. If we can do that with this project, I would like to be old man Ollila in Building #1 that people are coming to visit.

S. Mittlefehldt stated: I did notice again going to the EV thing, there was only one charging station in the parking lot. And I know that this will probably change but given the nature of the project, I think they might want to have more.

Mr. Ollila stated: So we laid one down there but I can tell you we're talking to potential suppliers and potential collaborators from companies that are making vehicles that are electric to companies that are making charging stations. I would expect that you'll see many charging stations there but we don't know how many and we don't know how they're going to be used. I think each garage will also have charging stations inside of those as many of our customers would probably be charging inside the garages rather than just outside the garages, but our plan is fully-executed electric charging available on the property again for the community and also for our customers.

S. Mittlefehldt stated: Cool, okay, the last question, on page 36 of our packet, a hotel is listed. That was the first time that came up and I didn't know if hotel was being used synonymously as the live/work dwelling or if there is a hotel function specifically that's being planned?

Mr. Ollila stated: No, so again, you mentioned that a lot of this stuff was pushing the code, right, and so when we were asked to calculate parking spots, this project isn't in the basis of calculations and so we looked at hotel as being the worst possible scenario of having parking spots that are required for a particular business. It's neither a hotel nor is it just an office space, and so it was difficult to calculate the parking spots based on the current categories for counting those.

S. Mittlefehldt stated: Question for staff, on something like this where there's so much uncertainty about what will happen, how much do we need to have more concrete information about things like parking spaces? Is this okay if we're just going to allow the "trust me, we'll figure that out later" kind of thing?

D. Stensaas stated: You need to settle on a baseline to start with. Just to back the hotel comment, we suggested that's the use because it's not actually the worst case scenario for parking spaces. That would be single family housing. Hotels only require one space per unit. So, what I see happening here is as this project moves forward and it gets more legs and more form, as the contours of it become clearer to the applicant and it proceeds, they can come back with amendments to the PUD. So, those major amendments, like new buildings creating more spaces for either car parking or for different types of facilities and they have shown now on the plans, those are going to go through the same kind of process with public hearings at the Planning Commission and City Commission level. The only things, minor

amendments, that we approve as staff or things that don't have any impact off-site, they are relatively minor in nature, like fences, signs, things like that - so there's a lot of flexibility there if you're willing to keep going through the amendment process - not that that's easy or inexpensive. So, that puts some burden on the applicant, when they want to amend the PUD, they know what they want and they know this is going to be what they want for hopefully the next few years at least, the next phase of it, so they can develop phases of this through an amendment process, but I think what's being asked here, too, is to have flexibility for phasing in this plan. And this is a unique process so granting flexibility up front, it seems like a necessary part of the process to make it work for them.

Mr. Ollila stated: Can I address that part? I think in the 28 spots - I have to double check to see what we're proposing there. Yes, 28 parking spots, right? So I think you can do the math and you could find out where the 28 parking spots work on the property. There's also the practical perspective. We're not putting a parking lot on top of the granite outcroppings. That's actually a preferred natural feature. We're not going to put parking where there's buildings, and so as you develop the property there are areas where parking makes sense. We believe that with that amount of spaces on the property itself, it serves the primary uses of Phase 1. I think there's less ambiguity from our side of what we're doing and it's more about reconciling past projects, the zoning codes and the process codes which is exactly why we're going through the PUD process and I think it's in everyone's best interest to create a project that serves the community in a collaborative fashion so if someone says you know what, you need two more parking spots, we'll figure out where two more parking spots need to go. But I'm 100% confident that what we're proposing and what we're developing and the opportunity that we're going to bring to the community, we'll be able to serve our customers in the best possible way as well as locals using the property.

S. Lawry stated: I understand that Mr. Ollila is trying to be proactive, services that aren't currently available but he also has to be very reactive to the people he's trying to attract and meet their needs, so he is asking us to be pretty flexible with regulations in our community designed to be flexible. You typically would have to have a lot more detailed engineering done at this point to approve this because as I understand it, when we do get a final PUD for review, for the most part we just have to look at that and decide whether it is in agreement with the preliminary PUD that we've already approved. We can't really make a lot of alterations or changes or conditions at that point. It either matches or it doesn't match and we don't have a lot of detail to match it too at this point on things like access and drainage and a number of other areas [inaudible]. I know that the PUD ordinance has been rewritten a little bit since I was last on the Commission. I don't know if that allows us more flexibility here and when we get the final PUD, or if everything has to come back to us as an amended PUD or how we can address that. I guess Dave could speak to that.

D. Stensaas stated: Well we can pull up the ordinance and look at what it says about the final and the preliminary but the preliminary PUD is definitely different than any other type of preliminary site plan. This does offer a lot of flexibility and it's been that way for a while, with the standards for preliminary site plans. Actually, we just changed the code in the last couple of years to create a real preliminary site plan for other types of development that aren't PUDs, that kind of match what the PUD has had in it for years - which is a more vague set of standards so that there was flexibility. If you want to develop a PUD, there's more flexibility on this front end, but certainly with development of the civil infrastructure - even though they're not providing all the elevations and everything like that - those are going to have to work out to meet the City's Street and Utility standards. There's no way around that, and just because it's vague at this point doesn't mean they're not going to be held to the standard everybody else is when those things are developed.

S. Lawry stated: I guess I'd be most concerned with the fact that access to much of the property, as well as the utility to serve much of the property, at least the water main, is not in the PUD, it's not part of the plan. It might be part of the submittal here, but it's not under Mr. Ollila's control and if we were to attach a condition to approval of the PUD that said you had to have all of that submitted to you before the City signs off on it that would seem to kind of remove an awful lot of the flexibility right there and require a lot of up-front investment that he's not going to build some of those other buildings for 10 years or more. That infrastructure would actually be deteriorating before it ever has to get used.

Mr. Ollila stated: To put in a point of clarification here, so there's actually multiple ways that exist right now to legally access the property - from the south at the curb cut on the cul-de-sac - that is where you would access the south part of the property. Also, in that documentation is the easement of the abandoned railroad grade that goes to the east of Lot 11, and so that is documented at the register of deeds easement. I would say the BLP access is designed to provide a more well-rounded project that also increases access to the Kaufman Sports Complex on an under-utilized piece of property could provide parking and makes for a nice loop through the property, but it's not necessary to activate the property by utilizing the BLP. That just is something that makes practical sense, so there is no ambiguity around entering the property, you can gain access to the property.

S. Lawry stated: But, I think based on the fire department [inaudible] update, they're basing it on the fact that they need BLP access to provide protection to buildings that are built down at the north end of the property.

Mr. Ollila stated: They would be able to use that easement to the east. There would be a 25 ft. turning radius that would be required in the site plan. We would never build a property that doesn't meet the city's requirement for access for fire.

S. Lawry stated: And just one other correction that's going on page 68 of the packet. It's Plan Sheet G.2 regarding the work buildings 3A and 3C. You're showing us 8 x 40 and then a note attached to it says a building area of 240 sq. ft. to be 320 square feet.

Mr. Ollila stated: It's nice to know you read the plan.

S. Lawry stated: When we're approving things, I don't know what calculations were used exactly where. It becomes a legal document at some point.

D. Stensaas stated: Back to Mr. Lawry's questions about utilities, what were your main concerns about the utility runs or possible extensions?

S. Lawry stated: I believe the water main was shown as - there's a water line to service all of the north buildings was I think running on the BLP property to get down to the lower level and then terminating in a hydrant down there.

Mr. Meister, the applicant's civil engineer from GEI, stated: Yes, but it could be shifted.

Mr. Ollila stated: So, we looked at two versions. So, a couple of things, and Mr. Lawry you probably have a better in-depth understanding of that. Most of the utilities terminate in River Park at the cul-de-sac and it's my understanding that loops are generally desired for water and sewer. While we certainly could go through the center of the property and we have a plan and we have received quotes for doing that, for the City and for the property it would be better to loop them. If we needed to for the site plan say run it through the center of the property on the site plan, then that's what we'll do but we think that everyone would benefit better from looping it. The sanitary discharge is directly going through, storm is on that property - you see those in those black lines there - and then the wastewater is coming back just outside of the BLP's electric easement there.

Mr. Meister stated: The water main there is shown inside the property line.

N. Williams stated: I just have one question. Leppanen and Anker - it looks like there's lots of discrepancies between their conceptual designs or renderings, and the GEI site plans, at least in the packet that I've got. I imagine that is just like where you're at in the process, but this packet is all we have to go off of.

Aaron Leppanen, the applicant's architect, stated: Yeah, I think from looking at the building standpoint, everything should be coordinated. I know those first four buildings are really the priority of the process and then that access road to the west of that. The buildings we're calling 5, 6, 7, and 8, those are

basically marked out on ours as future building sites. I think all the trails I'd have to look at the overlays, but I think George with GEI is here as well, so we would have to look at the overlays, but we know this is a preliminary site plan review. That's where we are in the process, but as far as all the trails, all the square footages, the parking for those first four buildings which are on the southern portion of the site, those calculations as far - I'm just looking at the screen so that's why I'm staring up there.

Mr. Meister stated: The line work for the buildings and infrastructure in there, aside from the utilities, came from them to us in CAD, so they should match pretty much right on. The elevations and renderings might look a little different because of the nature of them.

N. Williams stated: Sure. I guess what I'm looking at is - so we're looking at this drawing. I don't know what page it's on, but then if we switch to page number 54. That shows maybe 10 parking spots, right?

Mr. Ollila stated: Twenty-eight. So I think what you're seeing here in the differences is that when we went through the engineering process, we wanted to, for the entire property, figure out what we could put there to maximize the development of the property. And so rather than doing a Phase 1 and not looking at the rest of the property, we did drawings for the entire property and then we identified what Phase 1 is going to be. So, in some of those images you see what the projections would be for Phase 2, but this is for Phase 1.

S. Mittlefehldt stated: The public hearing is now open, if anyone would like to comment on this proposal please come to the podium.

Vince Nystrom, of Invest UP at 101 S. Front St., stated: I'm really excited to be here tonight and show a little support for a project we've been tracking for a while and we're really excited to partner with so I think all of us are pretty familiar with the whole travel tourism activity that happens across the peninsula and strength that we have here. If you break that down when you start thinking about all the different innovation activities and the opportunities that present themselves around that, that's really where this opportunity comes as well, so you're thinking about everything from electrification of mobility to smart clothing, advanced clothing, advanced trail technologies, just about anything you can think of that we enjoy currently in the outdoor recreation technology space, there's innovation that could go into that and be approved and it's an area right now that we as Invest UP has now gone with a development organization across the upper peninsula in partnership with the MEDC think that the UP, and specifically this region as well, can really accelerate and grow from. So, MEDC, just as an example, to give a little bit of background on it, actually took an office within the Department of Natural Resources and moved that office into MEDC and created outdoor innovation as a sector of focus across the entire state. That office was principally heavily involved in enabling a grant that David is working with to actually build this location, and something that kind of shows the level of interest they had.

And MEDC does not do this very often. As I think back, they have not- maybe once every two or three years do they really look at the technology sector that they say hey, the state of Michigan or a region of the state, in this case the upper peninsula, can really take advantage and grow an innovation sector and an economic sector for both job growth, investment - all of the above - so much so that from an Invest UP perspective we're looking actually at developing a small venture capital fund that I would be the managing director of, that we would be the first one of its type up here in the upper peninsula. That fund would focus exclusively on outdoor innovation, and focus exclusively on investments across the state of Michigan and David has already been identified by us as our innovation chairperson for that, so any time we have any technology across the entire state of Michigan that we were looking to make an investment in, we would bring it to David and David would help round out a team of experts to look at that innovation and technology to give us the thumbs up before we start to doing further due diligence on whether or not it was a good investment. So, again, just kind of recapping everything - as you look at the upper peninsula as a whole, we are so uniquely positioned to use this as a sector of excellence and economic driver. We have the ability to test in water, in sand, in woods and pretty much in mountains. You heard Bentonville, Arkansas mentioned and other things, like in Utah and Colorado. One thing that we also have a unique perspective on is cold weather, fresh water as well, so across the board we have four seasons that we can both test innovation, prototypes, all the above, and the activities in the Shophouse Park is looking to



build is a really perfect match and a great accelerator for the entire sector and we're really excited about the project, so thank you.

S. Mittlefehldt stated: If anyone else would like to comment now is the time. Seeing none, the public hearing is now closed.

*It was moved by K. Clegg, seconded by D. Fetter, and carried 8-0 to suspend the rules for discussion.*

K. Clegg stated: I'm excited about the opportunity that Mr. Ollila is presenting to us, but I do want to see a lot more detail. I'm with Commissioner Lawry in that I'm unsure how that plays out in the future when we come to see a final site plan review, but anybody else can comment on that.

S. Lawry stated: I'll just say that my experience in the past is we required an awful lot more for all of our applicants and they haven't been used in the last few years and I don't know how much it has changed but I was on the board 8 years previously and they basically had to have stuff where it never would have even gotten to a public hearing and it would have been kicked back as an incomplete application. So I guess this is kind of new ground as far as I'm concerned and how the other commissioners think.

S. Mittlefehldt stated: Yeah, I've been on the commission for 7 years and I've never seen as much...I call it, the trust me factor, trust me this will work. But we haven't seen a lot of PUD's either, and that is what PUD is designed to do - to provide flexibility and support an applicant who is trying to do something a little bit different that doesn't fit in the Code, so I kind of get it, but it definitely is not something I've seen in 7 years either.

S. Lawry stated: I looked at the packet from the last meeting, and read through the minutes, and there was more detail with that submittal than there is with the current one, and I realize some of that all may not all be valid at this point because things have evolved in that time. But, it was a lot more detailed.

K. Clegg stated: The proposal does meet five of the ten requirements and that's why the Planning Commission qualified it a year ago, so it does fit within that.

S. Mittlefehldt stated: One concern I do have, not about this project specifically, but more generally about the future of our land use in the city of Marquette, and I was also not at the last meeting or first meeting where this was approved, and I think Commissioner Premeau has mentioned this before, and I know former Chair Cardillo and I have advocated for having more industrial land in the city of Marquette, and it really is the one type of land use that we don't have much of and I think that ship has sailed and I'm excited about what they're planning for this site and I think it is an appropriate site for this type of work, but in general I would hate for this to be precedent for when we're looking ahead, to north of the river, we're looking at what to do with that WE Energies site. That's really our last big chunk of industrial land, and I would advocate strongly that I want to continue to have industrial, working, manufacturing in the city of Marquette. I think that having that economic diversity is part of a vibrant community, so I just want to put that on the record to say that we do value and want to continue to have industrial land, but hopefully we will see some actual manufacturing and more industrial activity on that north side of the river. Other thoughts? It was also brought up by Dr. Songer, so the letter mentioned that, too. I don't know if others have thoughts on that. Commissioner Premeau, I think we've agreed on this in the past.

W. Premeau stated: I could say, do you know the topography on that land up there? They can't just all of a sudden say well we're going to put a road through the center, because this is designed to run on what's there. You can't just run a line somewhere with the topography that's there, you just wouldn't be able to do it. This is a very small piece of land and even for industry, if you wanted to get an industry up here where there actually would pay large taxes to employ people, you would need a lot of land. And you've got on Lakeshore Boulevard, the WE Energies property, they've got all that land they filled in with fly ash back there and stuff back there. You need a larger site because if you hire 400 guys, you need an apartment building, and one or two charging stations, because that's about all will be used by the 400.

S. Mittlefehldt stated: I did get a chance to visit this site this afternoon and walked around and I can see the vision. I think it will be a beautiful space for the type of work that's being proposed and I agree that it's too small to do a lot of large manufacturing so I'm going to sacrifice the industrial section here but I just want, thinking ahead, I hope that we do see some real manufacturing.

K. Clegg stated: Given that this is, as you said, not necessarily well suited to heavy industrial manufacturing in the first place, there's a good chance they have an opportunity to spur a thing like an incubator so it's developed at all, so that we can attract businesses to fill out that WE Energies property. So, rather than this being the final solution for a manufacturing place with 400 individuals, it's a way for us to attract other people to fill out those properties.

W. Premeau stated: I have one question. Dave, in that packet it talks about a pond for a project, that's never happened before that I know of.

D. Stensaas stated: It's been quite a while but that's always an option for the Planning Commission or City Commission.

W. Premeau stated: So you just put it in there [the staff report] because its on the books, right?

D. Stensaas stated: Right. It's an option, but we're not recommending it as staff, but its always an option for this kind of project.

N. Williams stated: At the original meeting in May it was established that it met five of the ten objectives, correct? So, my question is are we able to talk about that at all or is that already established?

D. Stensaas stated: Those were established. That decision, that bridge has been crossed, but you can talk about it.

N. Williams stated: I would like to talk about it. One of my thoughts is, I guess since we haven't had a PUD come through since I've been on. There are the ten objectives, but those objectives are listed as 5 of five more criteria for qualification. Are you familiar with what I'm talking about?

A. Lsanders stated: So, I stated the five that the Planning Commission felt that that they met, in the staff report so they felt out of the ten, they met five, and I stated which ones they were.

N. Williams stated: I guess what I'm saying is that those ten are #5 on that separate list, so there's criteria and then one of the criteria is that it must meet three of these 10, and so #1 - are you able to pull up the Land Development Code?

A. Landers said that she would just pull up the staff report.

N. Williams stated: So, that's #5, and then when you scroll up a little bit. So, in section F is that it must meet all of these criteria as well, so one through five must also be met, and five is these also must be met.

S. Mittlefehldt stated: Yes, they determined they met that, and then they met five out of the 10 required objectives.

N. Williams stated: Okay so they also went through one through four. I know they went through five, but they went through one through four - okay.

W. Premeau asked what the term f-l-u-d above the red line meant on site plan sheet he showed the applicant?

Mr. Lappanen said that it was a misspelling of "flood" and the red line is the flood zone line.

S. Mittlefehldt stated: Is anybody prepared to make a motion?

*It was moved by K. Clegg, seconded by A. Andres, and carried 7-1 that after review of the PUD site plan and pattern book dated May 2023, and the STAFF FILE REVIEW/ANALYSIS for 01-PUD-05-22, the Planning Commission, who previously established that the PUD met 5 out of 10 required objectives and the criteria to be eligible for a PUD of Section 54.323(F) of the Marquette City Land Development Code, and the preliminary PUD Plan meets Section 54.323(H) of the Marquette City Land Development Code, recommends that the PUD be approved by the Marquette City Commission with the following condition:*

- *an amended plan is submitted to meet staff comments for the final site plan review.*

*Yes: M. Rayner, S. Lawry, D. Fetter, N. Williams, K. Clegg, A. Andres, S. Mittlefehldt*

*No: W. Premeau*

## **Correspondence**

### **A. Sands Township Planning Commission Minutes of May 11, 2023**

The Planning Commission and staff briefly discussed the subject, a campground development on the City's southern border.

### **COMMISSION AND STAFF COMMENTS**

W. Premeau stated: The reason I voted no is several reasons, but the main one is they're not talking about putting literally peanuts of their own money in this project and a lot of those projects have failed and then the citizens eat it afterwards so somebody's got to cover the clean-up or whatever. I can't see that going because they're trying to do the same thing at the Air Base. They've already got a track out there. They've got all kinds of stuff up there, and they've got money, lots of dollars from Covid out there.

M. Rayner said that I've seen incubator ideas work, I just would like to see more a little more cohesiveness was my concern.

S. Lawry stated: I do have another question for staff. If there is not substantial progress, is it still within one year that a PUD expires.

D. Stensaas stated that it is two years before expiration.

S. Lawry stated: And if they partially build a PUD and it dies a slow death after that, what happens at that point? Because of some of what is being proposed here, as living space, if it isn't related to the research and development, it would seem to be out of place if its not used...

A. Landers stated: That is why it has to be live-work [housing] where they work there and live there.

S. Lawry stated: Could it eventually become an artist colony?

D. Stensaas said that there will be a formal Agreement for the PUD and that should be dialed into this as an innovation center. And this brings up the fact that we need to add a definition for live-work housing in the LDC the next time we update it.

S. Lawry stated: Okay, just so this doesn't become a white elephant down the line if nobody finds a good use for it that is compatible.

D. Fetter stated: I had a quick thought about the definition of live-work, especially in the world where a lot of people work from anywhere and especially from home, is that going to reflect single-family housing?

A. Landers said that we have home office and home occupation, and home occupation allows for that.

D. Stensaas said that one of the recent amendments to the LDC was that we tightened up the home occupation section of the Code to clarify what is and what is not a home occupation to be clear what isn't a home occupation but to offer flexibility to some home occupations recognizing that times have changed and a lot of people do work from home.

S. Mittlefehldt asked why the Planning Commission does not do the pledge of allegiance. There was a discussion about the issue that may continue at a future meeting.

#### **ADJOURNMENT**

The meeting was adjourned by Chair S. Mittlefehldt at 7:45 p.m.

*David Stensaas*

Prepared by: kw/iMedat

Edited by D.Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison