

# DUNE OVERLAY CONDITIONAL USE PERMIT APPLICATION



## CHOCOLAY TOWNSHIP

5010 US-41 South  
 Marquette, MI 49855  
 Phone: 906-249-1448 Fax: 906-249-1313  
 chocolay.gov

APPLICATION NUMBER

CD-\_\_\_\_-\_\_\_\_

### PROPERTY AUTHORIZATION

Date of application \_\_\_\_\_ Project address \_\_\_\_\_

#### PROPERTY OWNER

Name \_\_\_\_\_

Address \_\_\_\_\_

City / State / Zip \_\_\_\_\_

Contact number \_\_\_\_\_

E-mail \_\_\_\_\_

#### APPLICANT (if different from property owner)

Name \_\_\_\_\_

Address \_\_\_\_\_

City / State / Zip \_\_\_\_\_

Contact number \_\_\_\_\_

E-mail \_\_\_\_\_

If the applicant is not the property owner, the property owner grants permission for the applicant to act on the owner's behalf for this project.

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

Dune overlay conditional use permits and Marquette County soil erosion permits are required when earth changes (such as bulldozing, lowering of the dune, creating cuts through the dune or similar changes that alter the size, height, or width of the dune) are within the shoreline / dune protection overlay district as described in Section 5.2 of the Township *Zoning Ordinance*.

### PROJECT INFORMATION

#### Proposed Project Overview

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### Adjacent Zoning and Uses

North Zoning \_\_\_\_\_ Use \_\_\_\_\_ South Zoning \_\_\_\_\_ Use \_\_\_\_\_

East Zoning \_\_\_\_\_ Use \_\_\_\_\_ West Zoning \_\_\_\_\_ Use \_\_\_\_\_

### APPLICATION NOTES

The list below identifies the requirements for the Zoning Administrator to declare the application complete before beginning the dune overlay conditional use permit process.

All items are due **30** calendar days prior to the Planning Commission meeting.

- Payment in full of the required fee (see the current *Adopted Fee Schedule*).
- Site plan showing the proposed location of conditional use, buildings, driveway, lot lines, easements, right-of- ways, lighting, waterways, heights of buildings and any additional information that is required by the Township.
- Proof of property ownership including the legal description of the property.

**BASIS OF DETERMINATION AND GENERAL STANDARDS**

Provide a description of the project and how the project will follow the standards outlined in Section 5.2 of the Township *Zoning Ordinance*.

---

---

---

---

---

---

---

---

---

---

---

**Additional Project Information**

1. Will there be any construction within the foredune area?

---

---

---

2. Will the fore dune be leveled or will any cuts be made in the foredune?

---

---

---

3. What is the distance from the property lines on each side of the lot that will remain undisturbed? (Show this on the site plan).

---

---

---

4. Will the size, height or width of the fore dune be modified or changed? If yes, describe how.

---

---

---

5. What vegetation, including trees, will be removed within the foredune area?

---

---

---

6. What restoration will be done after any excavation is finished?

---

---

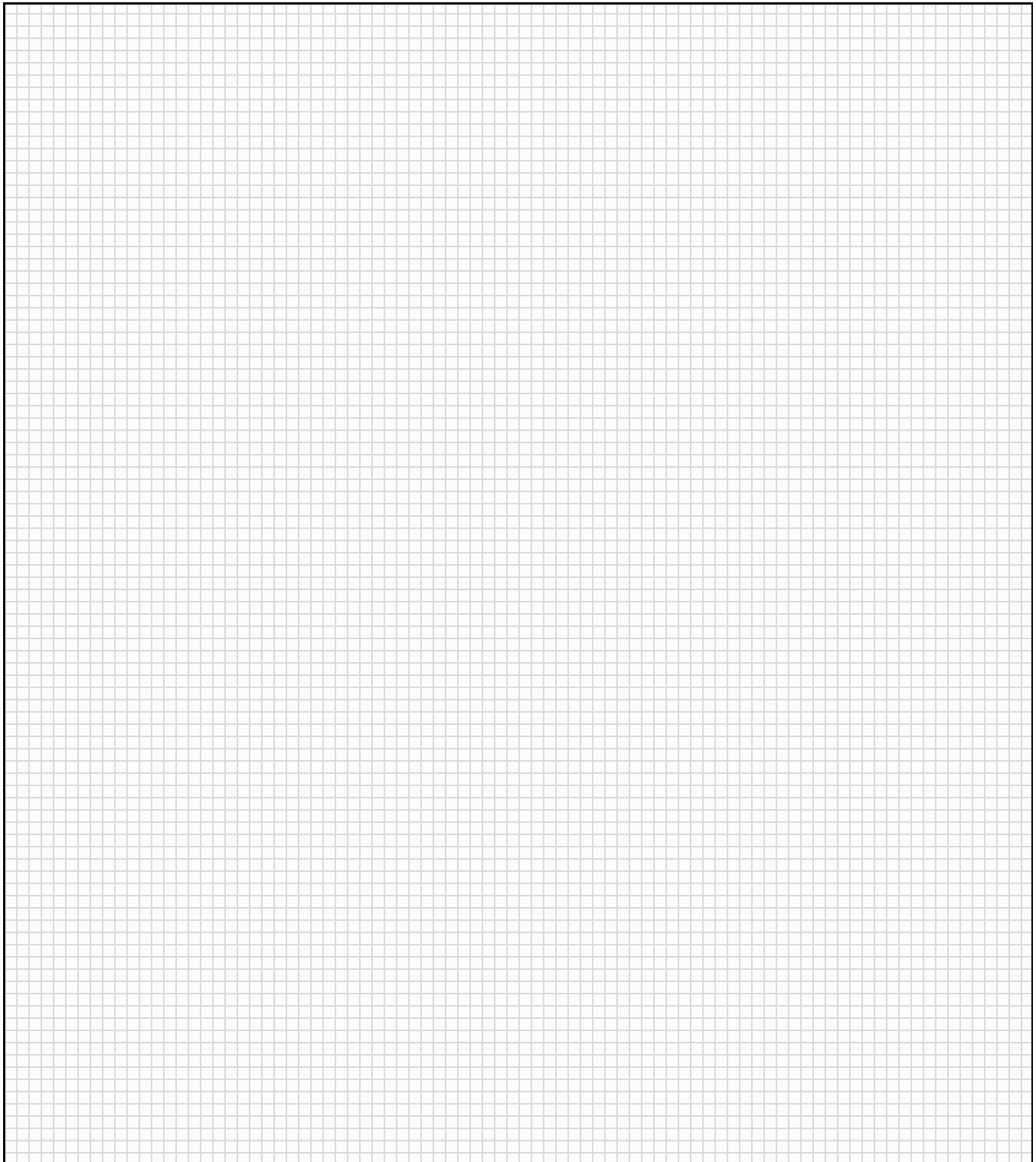
---

## SITE PLAN

Provide a sketch of the site, including topography defining the fore dune and the distance from the area where the vegetation exists. Show the distance from the property lines on each side of the lot that will remain undisturbed and include in the drawing the items listed below.

- All property lines and property dimensions
- Location, dimensions, separation of all existing and proposed structures
- North directional arrow
- Significant topographical features
- Structure setbacks from the property lines
- Water courses and wetlands

See attached for site plan



**APPLICATION CONDITIONS**

1. I certify that the proposed dune overlay conditional use is authorized by the property owner of record, and that I have been authorized to make this application. I further certify that the proposed plans as shown are accurate to the best of my knowledge and contain an accurate description and specifications for all existing and proposed buildings or structures for this conditional use.
2. I agree that issuance of the *Dune Overlay Conditional Use Permit* carries with it a condition allowing on-site inspection of the premises, both in review of the site plan and later to confirm compliance with the site plan and conditions of the permit. As applicant / owner, I authorize these inspections and acknowledge that they are a condition to any approval provided with the application.
3. I understand that any construction which represents a variance from the approved conditional use permit and permit conditions, or violation of the approved site plan or permit conditions, may result in the Zoning Administrator issuing a stop work notice. Upon service of such notification, I and my agents agree to immediately cease work on that portion of the property identified as a violation.
4. I acknowledge review of the site plan and other applicable requirements in the Township *Zoning Ordinance*.
5. I understand that a public hearing is required to be held by the Planning Commission, and I further understand that the Planning Commission may table action to a later meeting if the Commissioners determine that more information is necessary in order to take specific action on the proposed conditional use.
6. I understand that the final decision in this process is made by the Planning Commission and they may approve, approve with conditions or deny the request.

**Owner / agent signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Name (print)** \_\_\_\_\_

**TOWNSHIP OFFICE**

**Parcel ID** 52-02-\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_- **Zoning District** \_\_\_\_\_

**Application Charge** \$250.00

Date paid \_\_\_\_\_ Receipt number \_\_\_\_\_

**Public Hearing Notifications**

*Minimum of 30 calendar days prior to the Planning Commission meeting*

Scheduled Planning Commission meeting date \_\_\_\_\_

Date public hearing notice to be published \_\_\_\_\_

Date notices to be mailed to the affected public \_\_\_\_\_

Date notice to be posted on the Township web site \_\_\_\_\_

**Zoning Administrator signature** \_\_\_\_\_ **Date** \_\_\_\_\_

## ZONING ORDINANCE EXTRACT

### 5.2 Lake Superior Shoreline / Dune Protection Overlay District

#### (A) Intent

The provisions of the Lake Superior Shoreline/Dune Protection Overlay District are intended to protect the lake shore adjacent to Lake Superior in Chocolay Township in order to insure property values are protected; existing and future structures and properties are protected from erosion and flooding; and that this special ecosystem is preserved.

In order to facilitate this purpose, this overlay zone has been established to overlap any existing zoning districts, and their respective regulations, along Lake Superior in a width from the erosion hazard line to encompass the entire foredune, or to a maximum of 100 feet landward, whichever is less, where the natural conditions of the shoreline, specifically the foredune and/or associated vegetation, shall be preserved in its natural state.

This overlay district shall not apply to the shoreline of the Shot Point area where a rock shoreline predominates.

These provisions are intended to supplement, and not abrogate, any other applicable regulations for this area. All applicable state or federal regulations must also be complied with as administered through their respective agencies.

#### (B) Permitted Principal Uses

Trees and shrubs within this overlay zone may be trimmed or pruned at the property owner's discretion to create a view of the water and access thereto. In cases where native vegetation does not exist, the landowner is encouraged to replace the dune area with native plant species. Pathways for access and stairways are permitted and are encouraged to be designed to minimize disturbance to existing vegetation.

Vegetative cover, including trees, within the overlay zone may be removed if the Zoning Administrator finds that such modifications will be consistent with management practices which will prevent soil loss, will minimize wind erosion, and will provide the shoreline with adequate protection without altering the inherent characteristics of the water body and dune structure.

#### (C) Conditional Uses

Earth changes such as bulldozing, lowering of the dune, creating cuts through the dune or other similar changes that alters the size, height, or width of the dune area within the Shoreline/Dune Protection Overlay District.

In those sections of the Overlay District where the dunes have grown in height to such an extent that the view of the water has been significantly diminished, homeowners may understandably wish to lower the dunes to restore their view of the lake. In such circumstances a conditional use permit will be required to ensure that any such modification of the dunes will be consistent with management practices which will minimize wind erosion, will provide the shoreline with adequate protection, and will not cause significant harm to neighboring properties.

A 20 foot undisturbed buffer strip shall remain in place on the dune along the property lines. Slopes for dune cuts shall not exceed 1 foot vertical to 3 foot horizontal. Altered dune areas shall be stabilized with the planting of beach grass at a rate of 1 culm (clump) per 1 square foot of disturbed area or other method approved by the Planning Commission to prevent wind erosion from impacting adjacent properties.

The Township Office will assist the property owner with the development of a plan to detail the changes that are proposed for the conditional use approval process. The Marquette County Conservation District will alert all residents or property owners of the need for a conditional use permit with Chocolay Township when applications for soil erosion permits come through their office.

**Restoration:** In the event of violations of these regulations, property owners will be required to provide a plan to the Planning Commission detailing their restoration efforts to restore and protect the integrity of the affected dune area.