



**CHARTER TOWNSHIP OF CHOCOLAY**  
**PLANNING COMMISSION AGENDA**  
Monday, April 15, 2024 – 6:00 PM

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. 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

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

**V. MINUTES**

A. March 18, 2024 Regular Meeting

**VI. PUBLIC COMMENT**

Limit of three minutes per person.

**VII. PRESENTATIONS**

None

**VIII. UNFINISHED BUSINESS**

**A. 34 24-02 Proposed Agriculture / Forestry (AF) Zoning Ordinance Amendments and Map**

1. Staff introduction
2. Public Hearing
3. Commissioner discussion
4. Commissioner decision

**IX. NEW BUSINESS**

**A. CU 24-05 164 Baker Street – Home Day Care**

1. Staff introduction
2. Public Hearing
3. Commissioner discussion
4. Commissioner decision

**X. PUBLIC COMMENT**

Any item of interest – limit 3 minutes per person

**XI. COMMISSIONER’S COMMENTS**

**XII. DIRECTOR’S REPORT**

**XIII. INFORMATIONAL ITEMS AND CORRESPONDENCE**

- A. Township Board minutes – March 11, 2024
- B. Township newsletter – March 2024
- C. Marquette County Planning Commission minutes 03.06.24 draft
- D. City of Marquette Planning Commission minutes – 03.19.24

**XIV. 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, March 18, 2024 Minutes**

**I. Meeting Call to Order**

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

**II. Pledge of Allegiance**

**III. Roll Call**

Members present at roll call:

- Ryan Soucy (Chair)
- George Meister (Vice Chair)
- Donna Mullen-Campbell (Secretary)
- Rebecca Sloan (Vice Secretary)
- Stephanie Gencheff
- Kendall Milton

Members absent at roll call:

- Don Rhein (Board)

Staff present:

- Dale Throenle (Planning Director / Zoning Administrator)

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

*Milton moved, Sloan seconded, to approve the agenda as presented.*

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

**V. Minutes**

**A. February 12, 2024 joint meeting**

**B. February 12, 2024 regular meeting**

*Mullen-Campbell moved, Sloan seconded, to approve the minutes for both meetings as presented.*

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

**VI. Public Comment**

None

**VII. Presentations**

None

## **VIII. Unfinished Business**

### **A. Proposed Zoning Ordinance Amendments for the Agriculture / Forestry (AF) Zoning District (34-23-02)**

#### **Staff Introduction**

Throenle stated that the Commissioners were reviewing the final draft document with attorney review included. He added that Accessory Dwelling Unit (ADU) was listed as permitted in the proposed AG 1, AG 2, and AG 3 zoning districts. Throenle then outlined the reasoning for the attorney comments incorporated into the document.

#### **Commissioner Discussion**

Soucy asked about section 125.3206 in the *Zoning Enabling Act* regarding the mandated uses shown in that section. He asked about residential districts; Throenle stated that single family homes were allowed in the AG districts, making those districts residential in nature. Soucy asked about the special use clause in that section; Throenle pointed out that the Township considered special uses as conditional uses.

Soucy asked about the proposed district size minimums. Throenle stated that the numbers were changed to accommodate the attorney recommendation to set the minimum for each district to reduce confusion.

Gencheff asked if setting the minimum would address the issue of reducing non-conformances; Throenle stated that it would.

Gencheff asked about the State-mandated uses; Throenle replied that the uses were a combination of conditional and permitted, depending on the requirements in the *Zoning Enabling Act*.

Meister asked about the treatment programs and if they could be considered conditional. Throenle pointed out that the *Zoning Enabling Act* specifies that the use must be permitted.

Gencheff asked about ADUs. Meister suggested that the Commissioners discuss ADUs to determine whether ADUs should be permitted or conditional in each of the proposed AG districts.

Commissioners moved into the discussion on ADUs.

## **IX. New Business**

### **A. Proposed Accessory Dwelling Unit Language**

#### **Staff Introduction**

Throenle pointed out that the document being presented was a document designed to get the conversation about ADUs started. He began with a series of questions that were the end of the ADU document. The questions were:

1. Mixed use overlay – will change to MU (Mixed Use). ADUs for commercial properties?

2. AG 1, AG 2, and AG 3 are permitted use for ADUs. Should ADUs in those new districts be changed to conditional use?
3. What to do with a new / expired ADU? Rent? Vacation rental? Removal?
4. If a minimum size is occupiable according to County standards, will consideration be for living in square footages that accommodate tiny homes.

He also pointed out that the green highlighted language in the document was from the current zoning ordinance. He added that most of the proposed language came from other ordinances that staff had researched.

### **Commissioner Discussion**

Commissioners discussed the proposed purpose statement. Meister recommended that the word “family” be removed from the statement. Gencheff stated that one of the primary reasons for ADUs was to provide a rental income on the property, and it would not provide affordable housing.

Commissioners returned to the top of the document to review the definitions and agreed that the definitions were satisfactory.

Meister questioned the reason for not allowing lot splits with ADUs. Throenle stated that if the ADU is less than 800 square feet, the ADU would be non-conforming after the split. Meister suggested that the language be changed to state that splits would be permitted as long as the requirements of the zoning ordinance (setbacks, etc.) were met. Commissioners discussed the proposed idea, Commissioners decided to add phrasing requiring that regulations must be met prior to the split.

Commissioners discussed the owner-occupied statement, and decided to change it to “the owner must live on the property.”

Commissioners discussed the minimum and maximum square footage of the ADU. After considerable discussion, which included discussion on percentages of the original structure and attached versus detached, the Commissioners decided to move that discussion to a future meeting. They leaned toward a minimum square footage of 400 and a maximum square footage of 1,000, and are potentially looking at a percentage of the existing structure, percentage of the property, and a percentage of the property frontage as part of the future discussion.

Commissioners discussed the driveway and parking requirements for an ADU. The Commissioners decided that separate driveways would be allowed, and that on-site parking would be required.

Commissioners discussed the metering for public utilities requirement and providing a separate mailing address requirement. After discussion, they decided that the separate utilities would be acceptable, and that a separate mailing address would be discussed after staff had a conversation with the Assessor about assigning multiple addresses.

Commissioners moved on to a discussion on height. They decided to keep the height within the constraints of the zoning district height.

The Commissioners addressed the application process to determine if ADUs would require a conditional use permit from the Township. They discussed the relationship between an ADU and the appropriate zoning districts as to where the ADUs could be located. They decided to keep the ADU process as a conditional use process.

Commissioners looked at the three items extracted from the current ordinance. They removed the requirement for a five year renewal and removed the requirement for dismantling the ADU at the end of its use. They decided to bring the discussion on the first item involving reasonable conditions back for review at a future meeting.

The Commissioners requested that a map of the mixed use area be brought to the next discussion so they could discuss the question of ADUs in a commercial or mixed use district.

Commissioners discussed the permitted and conditional use for the proposed agriculture zoning districts. They decided that AG 1 will be conditional; AG 2 and AG 3 will be permitted.

Throenle suggested that the Commissioners return to the previous agenda item regarding the uses for AG 1, AG 2, and AG 3 to finish the discussion. Commissioners decided to change ADUs in the AG 1 district to conditional, and to leave the AG 2 and AG 3 districts as permitted.

Soucy asked about setting a maximum occupancy; Commissioners decided to not include that requirement.

#### **Commissioner Decision**

*Meister moved, Milton seconded, that after Commissioner review the proposed zoning ordinance language be updated for the public hearing in April as changed.*

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

### **B. Proposed Non-Agriculture Zoning Districts Language**

#### **Staff Introduction**

Throenle asked the Commissioners if they wanted to continue with the agenda item. Soucy asked that the item be moved to the next meeting. Throenle responded that he would move the this item and the ADU discussion to the May meeting so that the two public hearings (AG zoning districts and a home occupation hearing) could be accommodated on the April agenda.

### **IX. Public Comment**

John Smith, 2176 M-28 East

Complemented the Commissioners on the job they were doing with the projects they have been addressing.

He pointed out that farm visits and wedding barns were missing in the examples for "Agriculture - on-site agritourism" use in AG 3.

Commissioners decided to update the language to reflect the required change.

*Meister moved, Mullen-Campbell seconded, that the language for the AG 3 examples for Agriculture on site agriculture be updated in the public hearing document.*

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

#### **X. Commissioner's Comments**

Mullen-Campbell

Making progress.

Milton

No comments.

Gencheff

Reflected on the difficulty of making the ADU decisions.

Sloan

Agreed that progress was being made.

Soucy

No comments.

Meister

Liked the volume of work that was completed.

#### **XI. Director's Report**

Planning / Zoning Administrator Throenle

He stated there would be two public hearings at the April 15 meeting: one for a conditional use permit and the other for the AF discussion. He added that the meeting will possibly held in the fire hall fire bay if there is a large crowd for the AF discussion.

He added that Commissioner Rhein would not be at the next meeting. Throenle also said he would be sending out approximately 1,800 notices for the public hearings.

He complimented the Commissioners for the work completed on the ADU discussion.

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

**A.** Township newsletter – February 2024

**B.** Marquette County Planning Commission minutes – 01.10.24 draft

**C.** City of Marquette Planning Commission minutes 02.20.24

#### **XIII. Adjournment**

*Milton moved, Meister seconded, to adjourn the meeting.*

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

Soucy adjourned the meeting at 8:25 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell

DRAFT





**Charter Township of Chocolay**

**Planning and Zoning Department**

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Agenda Item: 34 24-02 Proposed Agriculture / Forestry (AF) Zoning Ordinance Amendments and Map

Suggested Motion

\_\_\_\_\_ moved, and \_\_\_\_\_ seconded

that the proposed language for the Township *Zoning Ordinance* listed as change number 34 24-01 to:

- 1) Divide the current Agriculture / Forestry (AF) zoning district into three districts: Agriculture 1 (AG 1), Agriculture 2 (AG 2), and Agriculture (AG 3);
- 2) Replace the current AF permitted and conditional uses with expanded permitted and conditional uses for each of the new districts;
- 3) Update the current zoning map to reflect the proposed districts

be accepted as [presented / revised] and that the proposed language be forwarded to the Township Board for consideration with the following findings of fact:

[list the fact(s)]





## 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 Amendments for the Agriculture / Forestry (AF) Zoning District (34-23-02)**

Meeting: Planning Commission Meeting

Date: April 15, 2024

#### Issue Summary

Recommended changes to the language that will be presented at the public hearing at the April 15 meeting.

#### 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.

The language was presented at three separate townhall meetings in September and October.

Commissioners decided at the November meeting to bring the language forward for a public hearing.

Commissioners reviewed the language at the December meeting to bring the language forward for a public hearing.

Minor changes were requested for the document prior to the document being presented at the public hearing scheduled for the April 15 meeting. Additional changes were made based on Township attorney and staff recommendations.

#### Staff Research

Staff updated the language as requested during the March meeting, and has prepared the documents for the public hearing.

Staff sent out 1,354 public hearing notification post cards regarding the proposed changes, and had the public hearing published in the *Mining Journal*. Those notifications went to all properties zoned Agriculture / Forestry (AF) and to property owners within 500 feet of the AF parcels. The notification numbers include 94 notifications sent to property owners surrounding the Township in Marquette County and Onota Township.

Five comments were received via email regarding the changes (see attached).

#### Staff Recommendations for Commissioner Discussion

Staff is recommending the Planning Commission members review the proposed changes and related maps and make recommendations at the meeting after the public hearing.

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Author: Dale Throenle

Date: April 10, 2024



## Attachments

1. *34 24-01 Proposed Agriculture / Forestry (AF) Zoning Ordinance Amendments*
2. *34 24-01 AG proposed zoning – Township*
3. *34 24-01 AG proposed zoning – Northwest*
4. *34 24-01 AG proposed zoning – Southwest*
5. *34 24-01 AG proposed zoning – Northeast*
6. *34 24-01 AG proposed zoning – Southeast*
7. *34 24-01 AG proposed zoning - Township with wetlands*
8. *AF Acreage Self-Select – Township*
9. *Zoning Map Prior to 2008 – Township*
10. *Zoning Districts - Township*
11. *Future Growth Sectors – Township*
12. *Future Land Use – Township*
13. *34 24-01 zoning ordinance update notification*
14. *34 24-01 Mining Journal public hearing publication affidavit.pdf*
15. *34 24-01 public hearing mailer*
16. *34 24-01 public hearing notice mailer statistics*
17. *Correspondence – Chiodi*
18. *Correspondence - Sanders, Michael*
19. *Correspondence – Sanders, William*
20. *Correspondence – Heitman*
21. *Correspondence - Norton*

### 34 24-01 Proposed Agriculture / Forestry (AF) Zoning Ordinance Amendments

#### 4.7 Agriculture/Forestry District (AF)

The former Agriculture/Forestry (AF) District, including the corresponding zoning maps, are repealed and replaced upon the adoption of Sections 4.10, AG 1 – Agriculture 1; 4.11, AG 2 – Agriculture 2; and AG 3 – Agriculture 3 and corresponding amended zoning maps.

#### 4.8 Municipal Properties District (MP)

#### 4.9 District Planned Unit Development (see *Article X*)

### Added Language (sections 4.10 through 4.12)

#### Section 4.10 AG 1 – Agriculture 1

##### *Intent*

The intent of this district is to accommodate low-density residential and appropriately sized agriculture-related development and uses, such as u-pick farms, hobby farming, and other agriculture practices that are consistent with the Michigan Right to Farm Act and Generally Accepted Agricultural and Management Practices (GAAMPs), and regulating land uses not subject to the Michigan Right to Farm Act or GAAMPs

##### *Acres and Setback Requirements*

District Minimum Acreage	Frontage Minimum	Setbacks (in feet)		
		Front	Side	Rear
1 acre	75 feet	30	10	30

##### *District Uses*

**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*

<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

Use	Conditional (C) Permitted (P)
Accessory dwelling unit	C
Accessory residential home occupation - tier 1	P

Use	Conditional (C) Permitted (P)
<p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• computer programming</li> <li>• consulting service</li> <li>• fine arts and writing</li> <li>• home office</li> <li>• mail order business</li> <li>• massage therapy</li> <li>• medical records processing</li> <li>• phone answering / solicitation service</li> <li>• web design</li> </ul>	
<p>Accessory residential home occupation - tier 2</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• assembly operation</li> <li>• catering or food preparation</li> <li>• daycare</li> <li>• electronic or equipment repair</li> <li>• hair stylist</li> <li>• nail or personal care salon</li> <li>• pet grooming</li> </ul>	P
<p>Accessory structure</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• garage</li> <li>• pole barn</li> <li>• shed</li> <li>• storage container</li> </ul>	P
<p>Adult foster care facility</p>	P
<p>Agriculture – commercial</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• agriculture equipment repair</li> <li>• bee keeping</li> <li>• cold frame greenhouse</li> <li>• garden</li> <li>• greenhouse</li> <li>• herb farm</li> <li>• hobby farm</li> <li>• hoop house</li> </ul>	C
<p>Agricultural - commercial product sales</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• agriculture / farm equipment sales</li> <li>• animal feed</li> <li>• garden center</li> <li>• plant nursery</li> <li>• rental and small equipment repair</li> </ul>	C
<p>Agricultural - commercial soil modifications sales</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• fertilizer</li> <li>• herbicide</li> <li>• pesticide</li> </ul>	C



Use	Conditional (C) Permitted (P)
<p>Agriculture – on-premise sales</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• Christmas trees</li> <li>• creamery</li> <li>• dairy</li> <li>• flower, herb, and spice store</li> <li>• food truck</li> <li>• maple syrup</li> <li>• on-premise bakery</li> <li>• on- premise restaurant or café</li> <li>• produce, flowers, syrups, honey, etc. grown / harvested on the premises</li> <li>• winery</li> </ul>	C
<p>Agriculture - on-site agritourism</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• agriculture-related event</li> <li>• cider mill</li> <li>• corn maze</li> <li>• farm museum</li> <li>• farmer's market</li> <li>• farm-stay</li> <li>• farm visits</li> <li>• library</li> <li>• museum</li> <li>• petting farm</li> <li>• pumpkin patch</li> <li>• roadside market or stand</li> <li>• U-pick operation</li> <li>• wedding barn</li> </ul>	C
<p>Agriculture – residential</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• bee keeping</li> <li>• cold frame greenhouse</li> <li>• garden</li> <li>• greenhouse</li> <li>• hoop house</li> <li>• small grow sales</li> </ul>	P
<p>Animal services – indoor facility</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• animal hospital</li> <li>• animal shelter</li> <li>• veterinary services</li> </ul>	C
<p>Animal services – outdoor facility</p> <p><i>Examples</i></p> <ul style="list-style-type: none"> <li>• animal hospital</li> <li>• animal shelter</li> <li>• veterinary services</li> </ul>	C
<p>Boarding stable</p> <p><i>Example</i></p> <ul style="list-style-type: none"> <li>• horse boarding</li> </ul>	P *
<p>Campground</p>	C *
<p>Cemetery</p>	C
<p>Child care center</p>	P



Use	Conditional (C) Permitted (P)
Community garden as a principal use on a lot	P
Contractor shop	C
Contractor yard	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 **
Indoor sport shooting range	C
Kennel – indoor	C *
Kennel – outdoor	C *
Light intensity processing with accessory storage <i>Examples</i> <ul style="list-style-type: none"> <li>• commercial kitchen</li> <li>• kitchen incubator</li> <li>• small craft bottling facility</li> </ul>	C
Medical or social care <i>Examples</i> <ul style="list-style-type: none"> <li>• assisted living facility</li> <li>• half way 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
Medical clinic	C
Mining and / or mineral extraction and the incidental activities associated with such use	C
Mobile processing facility <i>Examples</i> <ul style="list-style-type: none"> <li>• food</li> <li>• game processing</li> <li>• meat processing</li> </ul>	P
Multi-family residential	C
On-site composting accessory to a non-residential use	C
Outdoor drive-in theatre	C
Outdoor food preparation	C



Use	Conditional (C) Permitted (P)
Outdoor storage – not accessory to a business	C
Outdoor wood boiler	P
Place of worship <i>Examples</i> <ul style="list-style-type: none"> <li>• church</li> <li>• mosque</li> <li>• synagogue</li> <li>• temple</li> </ul>	C
Planned Unit Development (PUD)	C
Private park	C
Private or public school <i>Examples</i> <ul style="list-style-type: none"> <li>• art</li> <li>• associated education research</li> <li>• dance</li> <li>• driver's training</li> <li>• K-20</li> <li>• music</li> <li>• vocational</li> </ul>	C
Public park <i>Examples</i> <ul style="list-style-type: none"> <li>• neighborhood park</li> <li>• public garden</li> </ul>	C
Public offices and related buildings <i>Examples</i> <ul style="list-style-type: none"> <li>• government office and service</li> <li>• publicly owned tourist information center</li> </ul>	C
Public utility <i>Examples</i> <ul style="list-style-type: none"> <li>• gas and water line</li> <li>• Internet service</li> <li>• sanitary sewer</li> <li>• telephone, cable, and electrical lines</li> </ul>	P
Qualified residential treatment program, 10 or fewer individuals	P
Recycling drop off site	C
Registered rental dwelling <i>Examples</i> <ul style="list-style-type: none"> <li>• bed and breakfast – single rental</li> <li>• single family rental</li> <li>• tourist home</li> <li>• vacation rental</li> <li>• similar rental with four units or less</li> </ul>	P
Resort	C
Riding stable or animal breeding facility accessory to a residence	C*
Rural Cluster Development	C
Sawmill	C





Use	Conditional (C) Permitted (P)
Single family residential	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> <ul style="list-style-type: none"> <li>• garage sale</li> <li>• lemonade stand</li> <li>• yard sale</li> </ul>	P
Trail <i>Examples</i> <ul style="list-style-type: none"> <li>• non-motorized trail</li> <li>• snowmobile trail</li> <li>• trail easement</li> </ul>	C
Wind energy conservation system (WECS), ground mounted	C
Wind energy conservation system (WECS), roof mounted	C
Wildlife management	P
Wireless communication facility	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, MCL 286.471, *et seq.*
2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
3. In the event of a conflict under the requirements of this Ordinance and the Right to Farm Act or any applicable Generally Accepted Agricultural and Management Practices (GAAMPS), the Right to Farm Act and the GAAMPS, as periodically amended, shall take precedence over this Ordinance, to the extent applicable.

## **Section 4.11 AG 2 – Agriculture 2**

### *Intent*

The intent of this district is to accommodate low-density residential with a primary focus on agriculture-related development and uses, such as hobby farms, domestic animal husbandry, small row cropping, and other agriculture practices that are consistent with the Michigan Right to Farm Act and Generally Accepted Agricultural and Management Practices (GAAMPs), and regulating land uses not subject to the Michigan Right to Farm Act or GAAMPs.



### Acres and Setback Requirements

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

### District Uses

**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

<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

Use	Conditional (C) Permitted (P)
Accessory dwelling unit	P
Accessory residential home occupation - tier 1 <i>Examples</i> <ul style="list-style-type: none"> <li>• computer programming</li> <li>• consulting service</li> <li>• fine arts and writing</li> <li>• home office</li> <li>• mail order business</li> <li>• massage therapy</li> <li>• medical records processing</li> <li>• phone answering / solicitation service</li> <li>• web design</li> </ul>	P
Accessory residential home occupation - tier 2 <i>Examples</i> <ul style="list-style-type: none"> <li>• assembly operation</li> <li>• catering or food preparation</li> <li>• daycare</li> <li>• electronic or equipment repair</li> <li>• hair stylist</li> <li>• nail or personal care salon</li> <li>• pet grooming</li> </ul>	P
Accessory structure <i>Examples</i> <ul style="list-style-type: none"> <li>• garage</li> <li>• pole barn</li> <li>• shed</li> <li>• storage container</li> </ul>	P



Use	Conditional (C) Permitted (P)
Adult foster care facility	P
Agriculture – commercial <i>Examples</i> <ul style="list-style-type: none"> <li>• agriculture equipment repair</li> <li>• bee keeping</li> <li>• cold frame greenhouse</li> <li>• garden</li> <li>• greenhouse</li> <li>• herb farm</li> <li>• hobby farm</li> <li>• hoop house</li> </ul>	P
Agricultural - commercial product sales <i>Examples</i> <ul style="list-style-type: none"> <li>• agriculture / farm equipment sales</li> <li>• animal feed</li> <li>• garden center</li> <li>• plant nursery</li> <li>• rental and small equipment repair</li> </ul>	P
Agricultural - commercial soil modifications sales <i>Examples</i> <ul style="list-style-type: none"> <li>• fertilizer</li> <li>• herbicide</li> <li>• pesticide</li> </ul>	C
Agriculture – on-premise sales <i>Examples</i> <ul style="list-style-type: none"> <li>• Christmas trees</li> <li>• creamery</li> <li>• dairy</li> <li>• flower, herb, and spice store</li> <li>• food truck</li> <li>• maple syrup</li> <li>• on-premise bakery</li> <li>• on- premise restaurant or café</li> <li>• produce, flowers, syrups, honey, etc. grown / harvested on the premises</li> <li>• winery</li> </ul>	P
Agriculture - on-site agritourism <i>Examples</i> <ul style="list-style-type: none"> <li>• agriculture-related event</li> <li>• cider mill</li> <li>• corn maze</li> <li>• farm museum</li> <li>• farmer's market</li> <li>• farm-stay</li> <li>• farm visits</li> <li>• library</li> <li>• museum</li> <li>• petting farm</li> <li>• pumpkin patch</li> <li>• roadside market or stand</li> <li>• U-pick operation</li> <li>• wedding barn</li> </ul>	C



Use	Conditional (C) Permitted (P)
Agriculture – residential <i>Examples</i> <ul style="list-style-type: none"> <li>• bee keeping</li> <li>• cold frame greenhouse</li> <li>• garden</li> <li>• greenhouse</li> <li>• hoop house</li> <li>• small grow sales</li> </ul>	P
Animal services – indoor facility <i>Examples</i> <ul style="list-style-type: none"> <li>• animal hospital</li> <li>• animal shelter</li> <li>• veterinary services</li> </ul>	C
Animal services – outdoor facility <i>Examples</i> <ul style="list-style-type: none"> <li>• animal hospital</li> <li>• animal shelter</li> <li>• veterinary services</li> </ul>	C
Boarding stable <i>Example</i> <ul style="list-style-type: none"> <li>• horse boarding</li> </ul>	P *
Campground	C *
Cemetery	C
Child care center	P
Community garden as a principal use on a lot	P
Contractor shop	C
Contractor yard	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 packaging and bottling works	C
Group child care home	C
Hunting or shooting preserve	C **
Indoor sport shooting range	C
Kennel – indoor	C *
Kennel – outdoor	C *



Use	Conditional (C) Permitted (P)
Light intensity processing with accessory storage <i>Examples</i> <ul style="list-style-type: none"> <li>• commercial kitchen</li> <li>• kitchen incubator</li> <li>• small craft bottling facility</li> </ul>	C
Medical or social care <i>Examples</i> <ul style="list-style-type: none"> <li>• assisted living facility</li> <li>• nursing or convalescent home</li> <li>• halfway house</li> <li>• orphanage</li> <li>• homeless shelter</li> <li>• sanitarium</li> <li>• home for the aged</li> <li>• spouse abuse shelter</li> </ul>	C
Medical clinic	C
Mining and / or mineral extraction and the incidental activities associated with such use	C
Mobile processing facility <i>Examples</i> <ul style="list-style-type: none"> <li>• food</li> <li>• game processing</li> <li>• meat processing</li> </ul>	P
Multi-family residential	C
On-site composting accessory to a non-residential use	P
Outdoor drive-in theatre	C
Outdoor food preparation	C
Outdoor storage – not accessory to a business	C
Outdoor wood boiler	P
Place of worship <i>Examples</i> <ul style="list-style-type: none"> <li>• church</li> <li>• synagogue</li> <li>• mosque</li> <li>• temple</li> </ul>	C
Private park	C
Private or public school <i>Examples</i> <ul style="list-style-type: none"> <li>• art</li> <li>• K-20</li> <li>• associated education research</li> <li>• music</li> <li>• dance</li> <li>• vocational</li> <li>• driver's training</li> </ul>	C



Use	Conditional (C) Permitted (P)
Public park <i>Examples</i> <ul style="list-style-type: none"> <li>• neighborhood park</li> <li>• public garden</li> </ul>	C
Public offices and related buildings <i>Examples</i> <ul style="list-style-type: none"> <li>• government office and service</li> <li>• publicly owned tourist information center</li> </ul>	C
Public utility <i>Examples</i> <ul style="list-style-type: none"> <li>• gas and water line</li> <li>• Internet service</li> <li>• sanitary sewer</li> <li>• telephone, cable, and electrical lines</li> </ul>	P
Qualified residential treatment program, 10 or fewer individuals	P
Recycling drop off site	C
Registered rental dwelling <i>Examples</i> <ul style="list-style-type: none"> <li>• bed and breakfast – single rental</li> <li>• single family rental</li> <li>• tourist home</li> <li>• vacation rental</li> <li>• similar rental with four units or less</li> </ul>	P
Resort	C
Riding stable or animal breeding facility accessory to a residence	C *
Rural Cluster Development	C
Sawmill	P
Single family residential	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> <ul style="list-style-type: none"> <li>• garage sale</li> <li>• lemonade stand</li> <li>• yard sale</li> </ul>	P
Trail <i>Examples</i>	C



Use	Conditional (C) Permitted (P)
<ul style="list-style-type: none"> <li>• non-motorized trail</li> <li>• snowmobile trail</li> <li>• trail easement</li> </ul>	
Wind energy conservation system (WECS), ground mounted	C
Wind energy conservation system (WECS), roof mounted	C
Wildlife management	P
Wireless communication facility	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, MCL 286.471, *et seq.*
2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
3. In the event of a conflict under the requirements of this Ordinance and the Right to Farm Act or any applicable Generally Accepted Agricultural and Management Practices (GAAMPS), the Right to Farm Act and the GAAMPS, as periodically amended, shall take precedence over this Ordinance, to the extent applicable.

**Section 4.12 AG 3 – Agriculture 3**

*Intent*

The intent of this district is to establish and maintain areas suitable for a wide range of agricultural and forestry practices and uses that are consistent with the Michigan Right to Farm Act and Generally Accepted Agricultural and Management Practices (GAAMPs), and regulating land uses not subject to the Michigan Right to Farm Act or GAAMPs.

*Acres and Setback Requirements*

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

*District Uses*

**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**

- |            |                                    |             |                                    |
|------------|------------------------------------|-------------|------------------------------------|
| <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   |

Use	Conditional (C) Permitted (P)
Accessory dwelling unit	P
Accessory residential home occupation - tier 1 <i>Examples</i> <ul style="list-style-type: none"> <li>• computer programming</li> <li>• consulting service</li> <li>• fine arts and writing</li> <li>• home office</li> <li>• mail order business</li> <li>• massage therapy</li> <li>• medical records processing</li> <li>• phone answering / solicitation service</li> <li>• web design</li> </ul>	P
Accessory residential home occupation - tier 2 <i>Examples</i> <ul style="list-style-type: none"> <li>• assembly operation</li> <li>• catering or food preparation</li> <li>• daycare</li> <li>• electronic or equipment repair</li> <li>• hair stylist</li> <li>• nail or personal care salon</li> <li>• pet grooming</li> </ul>	P
Accessory structure <i>Examples</i> <ul style="list-style-type: none"> <li>• garage</li> <li>• pole barn</li> <li>• shed</li> <li>• storage container</li> </ul>	P
Adult foster care facility	P
Agriculture – commercial <i>Examples</i> <ul style="list-style-type: none"> <li>• agriculture equipment repair</li> <li>• bee keeping</li> <li>• cold frame greenhouse</li> <li>• garden</li> <li>• greenhouse</li> <li>• herb farm</li> <li>• hobby farm</li> <li>• hoop house</li> </ul>	P
Agricultural - commercial product sales <i>Examples</i> <ul style="list-style-type: none"> <li>• agriculture / farm equipment sales</li> <li>• animal feed</li> <li>• garden center</li> <li>• plant nursery</li> <li>• rental and small equipment repair</li> </ul>	P





Use	Conditional (C) Permitted (P)
Agricultural - commercial soil modifications sales <i>Examples</i> <ul style="list-style-type: none"> <li>• fertilizer</li> <li>• herbicide</li> <li>• pesticide</li> </ul>	C
Agriculture – on-premise sales <i>Examples</i> <ul style="list-style-type: none"> <li>• Christmas trees</li> <li>• creamery</li> <li>• dairy</li> <li>• flower, herb, and spice store</li> <li>• food truck</li> <li>• maple syrup</li> <li>• on-premise bakery</li> <li>• on- premise restaurant or café</li> <li>• produce, flowers, syrups, honey, etc. grown / harvested on the premises</li> <li>• winery</li> </ul>	P
Agriculture - on-site agritourism <i>Examples</i> <ul style="list-style-type: none"> <li>• agriculture-related event</li> <li>• cider mill</li> <li>• corn maze</li> <li>• farm museum</li> <li>• farmer's market</li> <li>• farm-stay</li> <li>• farm visits</li> <li>• library</li> <li>• museum</li> <li>• petting farm</li> <li>• pumpkin patch</li> <li>• roadside market or stand</li> <li>• U-pick operation</li> <li>• wedding barns</li> </ul>	P
Agriculture – residential <i>Examples</i> <ul style="list-style-type: none"> <li>• bee keeping</li> <li>• cold frame greenhouse</li> <li>• garden</li> <li>• greenhouse</li> <li>• hoop house</li> <li>• small grow sales</li> </ul>	P
Animal services – indoor facility <i>Examples</i> <ul style="list-style-type: none"> <li>• animal hospital</li> <li>• animal shelter</li> <li>• veterinary services</li> </ul>	P
Animal services – outdoor facility <i>Examples</i> <ul style="list-style-type: none"> <li>• animal hospital</li> <li>• animal shelter</li> <li>• veterinary services</li> </ul>	C



Use	Conditional (C) Permitted (P)
Boarding stable <i>Example</i> • horse boarding	P *
Campground	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
Contractor yard	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 packaging and bottling works	C
Group child care home	C
Hunting or shooting preserve	C **
Indoor sport shooting range	C
Kennel – indoor	C *
Kennel – outdoor	C *
Large housing <i>Examples</i> • co-op • convent • fraternity or sorority <b>Note Does not include:</b> • correctional facility • hotel, motel or similar lodging facility • monastery • seminary • multi-family residential	C



Use	Conditional (C) Permitted (P)
Light intensity processing with accessory storage <i>Examples</i> <ul style="list-style-type: none"> <li>• commercial kitchen</li> <li>• kitchen incubator</li> <li>• small craft bottling facility</li> </ul>	C
Light use structure <i>Examples</i> <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
Medical or social care <i>Examples</i> <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
Medical clinic	C
Medical hospital	C
Medium manufacturing, including some outdoor operations or storage of materials or vehicles <i>Examples</i> <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
Mining and / or mineral extraction and the incidental activities associated with such use	C
Mobile processing facility <i>Examples</i> <ul style="list-style-type: none"> <li>• food</li> <li>• game processing</li> <li>• meat processing</li> </ul>	P
On-site composting accessory to a non-residential use	P
Outdoor drive-in theatre	C
Outdoor flea market	C
Outdoor food preparation	C
Outdoor wood boiler	P



Use	Conditional (C) Permitted (P)
Place of worship <i>Examples</i> <ul style="list-style-type: none"> <li>• church</li> <li>• mosque</li> <li>• synagogue</li> <li>• temple</li> </ul>	C
Private park	C
Private or public school <i>Examples</i> <ul style="list-style-type: none"> <li>• art</li> <li>• associated education research</li> <li>• dance</li> <li>• driver's training</li> <li>• K-20</li> <li>• music</li> <li>• vocational</li> </ul>	C
Public park <i>Examples</i> <ul style="list-style-type: none"> <li>• neighborhood park</li> <li>• public garden</li> </ul>	C
Public offices and related buildings <i>Examples</i> <ul style="list-style-type: none"> <li>• government office and service</li> <li>• publicly owned tourist information center</li> </ul>	C
Public utility <i>Examples</i> <ul style="list-style-type: none"> <li>• gas and water line</li> <li>• Internet service</li> <li>• sanitary sewer</li> <li>• telephone, cable, and electrical lines</li> </ul>	P
Qualified residential treatment program, 10 or fewer individuals	P
Recycling drop off site	C
Registered rental dwelling <i>Examples</i> <ul style="list-style-type: none"> <li>• bed and breakfast – single rental</li> <li>• single family rental</li> <li>• tourist home</li> <li>• vacation rental</li> <li>• similar rental with four units or less</li> </ul>	P
Resort	C
Riding stable or animal breeding facility accessory to a residence	C *
Sawmill	P
Single family residential	P
Site condominiums	C
Solar energy system (SES) - roof mounted	P
Solar energy system (SES) - accessory ground mounted	P



Use	Conditional (C) Permitted (P)
Solar energy system (SES) - large commercial arrays	C
State licensed residential facility	P
Temporary street / road sale <i>Examples</i> <ul style="list-style-type: none"> <li>• garage sale</li> <li>• lemonade stand</li> <li>• yard sale</li> </ul>	P
Trail <i>Examples</i> <ul style="list-style-type: none"> <li>• non-motorized trail</li> <li>• snowmobile trail</li> <li>• trail easement</li> </ul>	C
Wind energy conservation system (WECS), ground mounted	C
Wind energy conservation system (WECS), roof mounted	C
Wildlife management	P
Wireless communication facility	C

### *District Restrictions and Prohibitions*

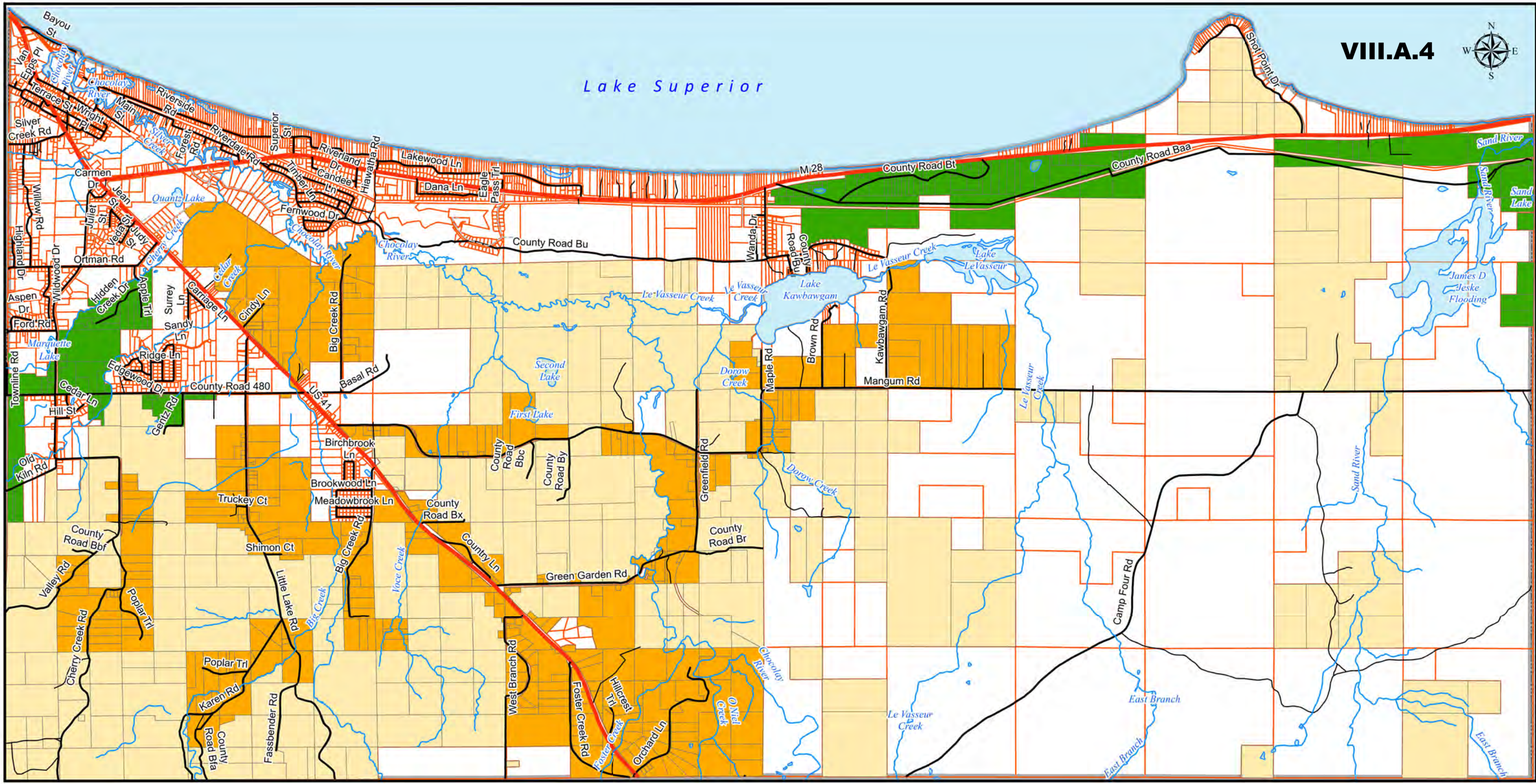

1. No divisions allowed while properties are currently enrolled as Agricultural Use Property under Part 361 of the Natural Resources and Environmental Protection Act, MCL 324.36101, *et seq.*; Qualified Forest Property under Section 211.71(jj) of the General Property Tax Act, MCL 211.7(jj); Commercial Forest Property under Part 511 of the Natural Resources and Environmental Protection Act, MCL 324.51101, *et seq.*; or similar programs under federal or state law applicable to large tract use and management.
2. All land division applications shall require proof that all parcels created by or resulting from the proposed division comply with the Michigan Land Division Act and Chocolay Township Land Division Ordinance 52, including those provisions relating to parent parcels.

### *District Regulatory Control*

1. Michigan Right to Farm Act, MCL 286.471, *et seq.*
2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
3. In the event of a conflict under the requirements of this Ordinance and the Right to Farm Act or any applicable Generally Accepted Agricultural and Management Practices (GAAMPS), the Right to Farm Act and the GAAMPS, as periodically amended, shall take precedence over this Ordinance, to the extent applicable.
4. Michigan Land Division Act, MCL 560.101, *et seq.*
5. Part 361 of the Natural Resources and Environmental Protection Act – Agricultural Use Property, MCL 324.36101, *et seq.*
6. Part 511 of the Natural Resources and Environmental Protection Act – Commercial Forest Property, MCL 324.51101, *et seq.*
7. Section 211.7(jj) of the General Property Tax Act – Qualified Forest Property, MCL 211.7(jj).

## **4.13 Special Uses in Designated Zoning Districts**













Charter Township of Chocolay

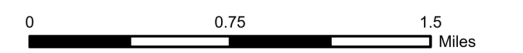
### Proposed AG Zoning Districts

Township

April 15, 2024

Not intended for legal use

- | Lakes, Rivers and Streams   | Roads  | Proposed AG Zoning Districts   |
|---|--|--|
|  Lake            |  Highway                  |  AG 1 - less than 3 acres |
|  Lake Superior   |  Primary road             |  AG 2 - 3 to 15 acres     |
|  River or stream |  Secondary road           |  AG 3 - 15 acres or more  |
|   |  Unpaved / not classified |  |





Charter Township of Chocolay

# Proposed AG Zoning Districts Northwest

Northwest

April 15, 2024

## VIII.A.5



### Lakes, Rivers and Streams

- Lake
- Lake Superior
- River or stream

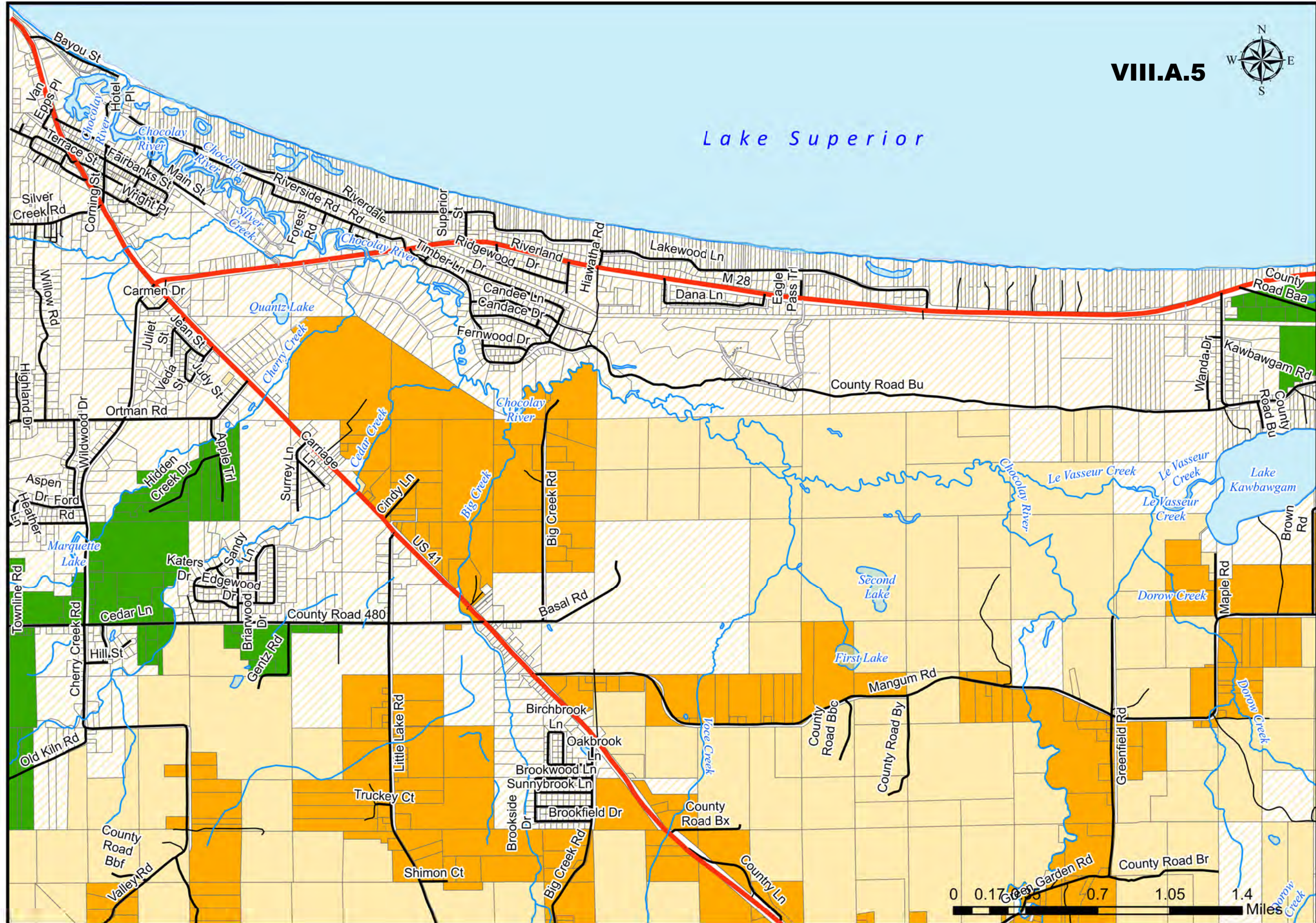
### Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

### Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning
- Not AG Zoning

Not intended for legal use





Charter Township of Chocolay

# Proposed AG Zoning Districts Southwest

Southwest

April 15, 2024

### Lakes, Rivers and Streams

- Lake
- River or stream

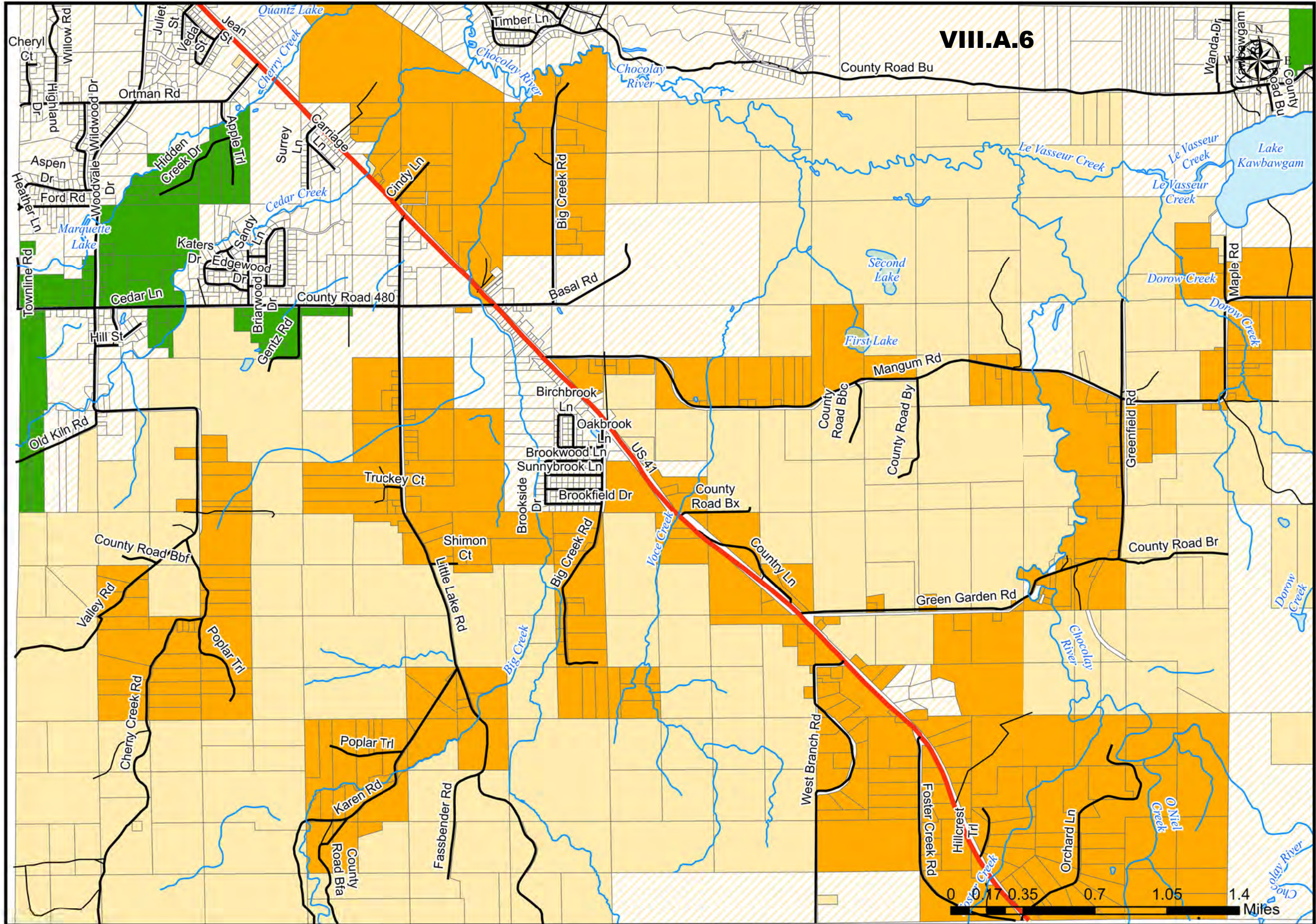
### Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

### Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning

Not intended for legal use







Charter Township of Chocolay

# Proposed AG Zoning Districts

Northeast

April 15, 2024

### Lakes, Rivers and Streams

- Lake
- Lake Superior
- River or stream

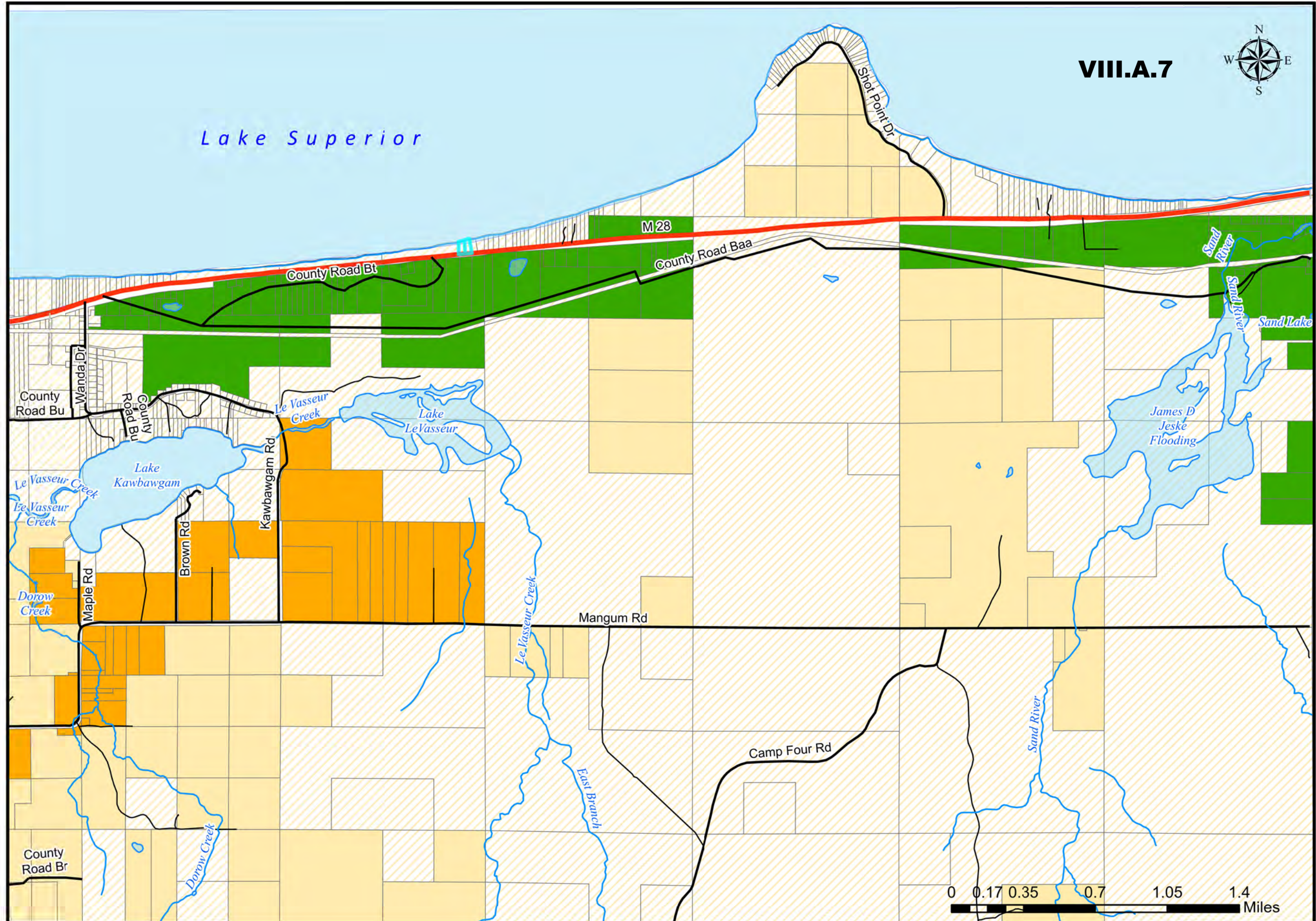
### Roads

- Highway
- Primary road
- Secondary road
- Unpaved / not classified

### Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning

Not intended for legal use





Charter Township of Chocolay

# Proposed AG Zoning Districts Southeast

April 15, 2024

April 15, 2024

### Lakes, Rivers and Streams

- Lake
- River or stream

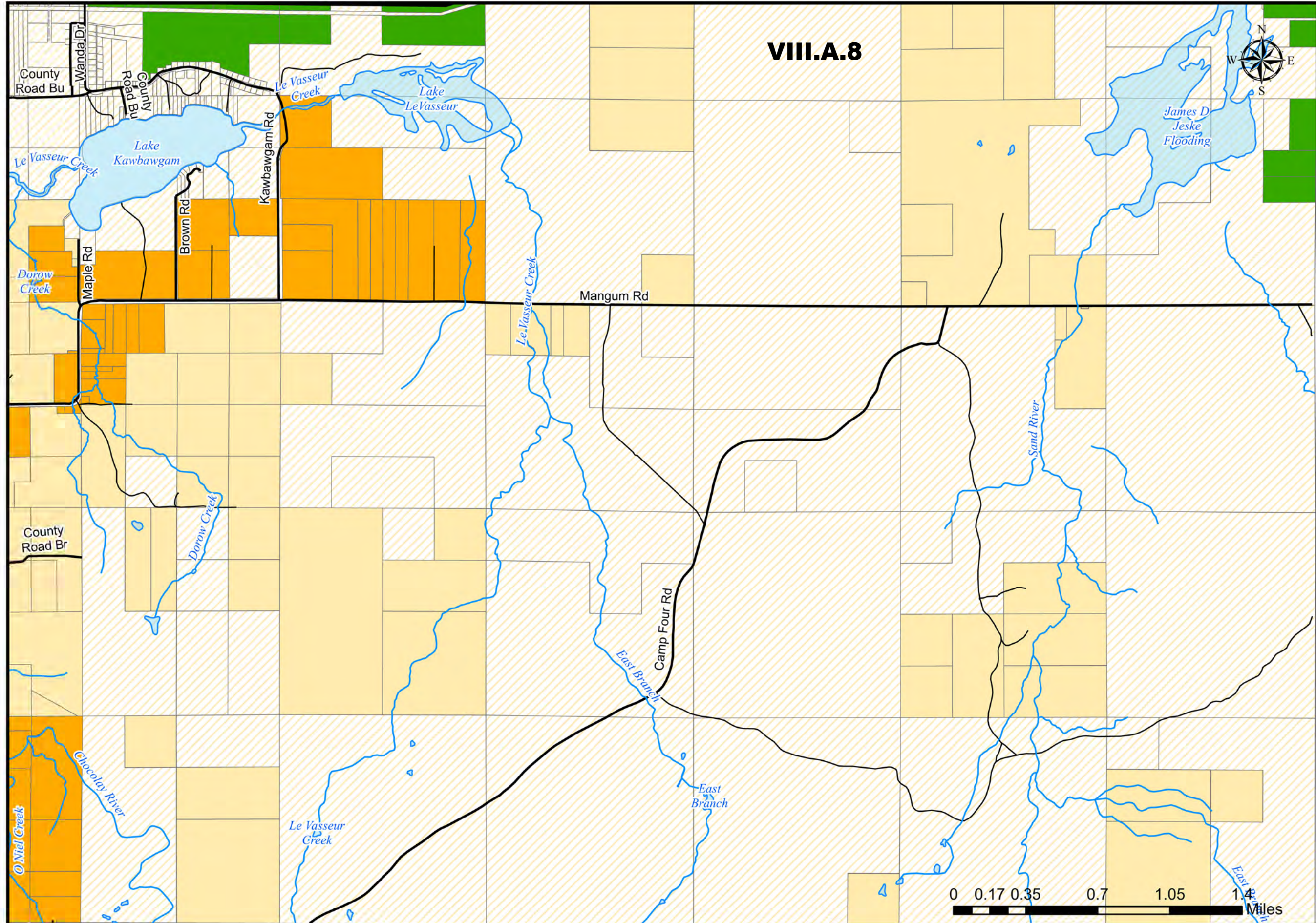
### Roads

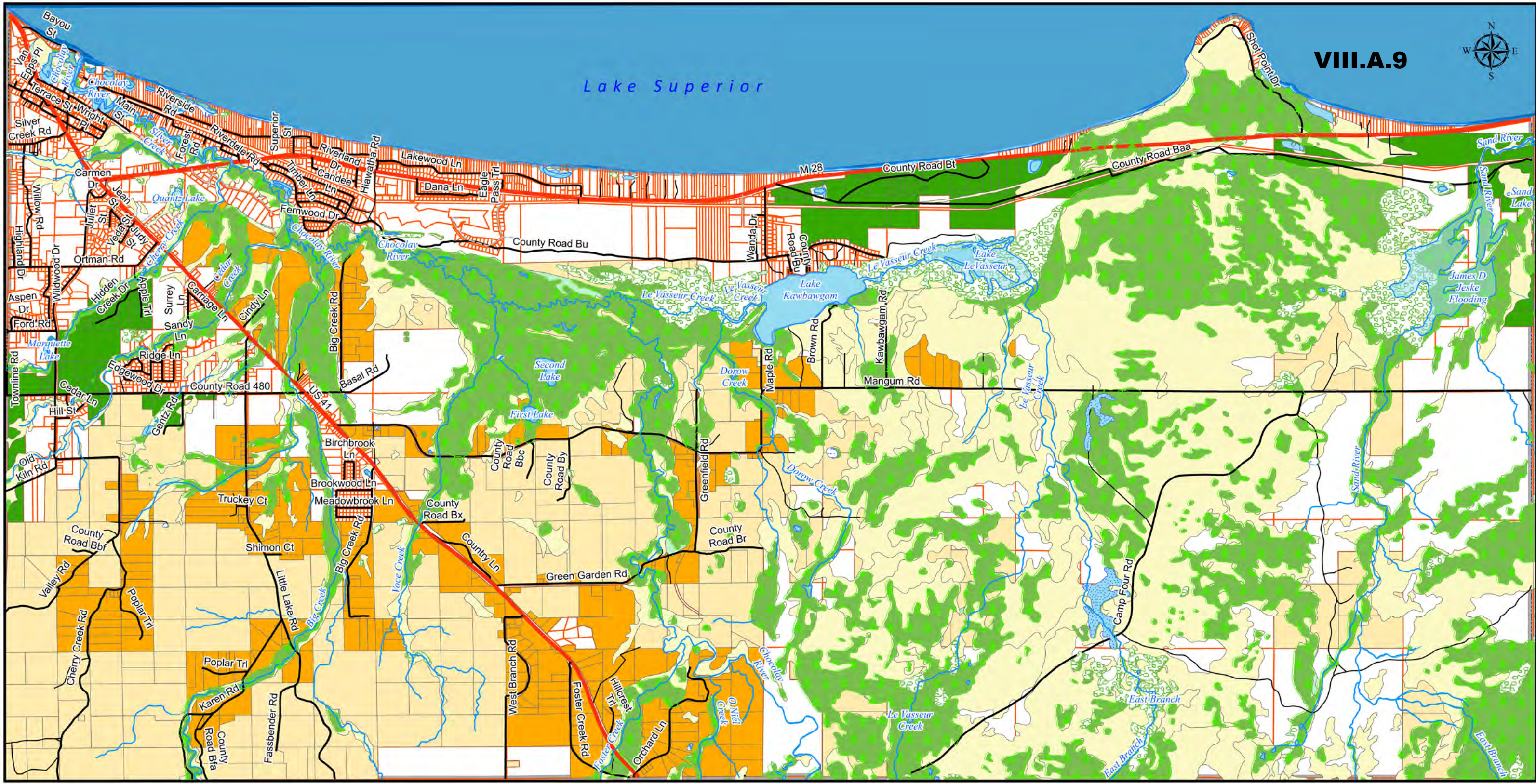

- Primary road
- Secondary road
- Unpaved / not classified

### Proposed AG Zoning Districts

- AG 1 - less than 3 acres
- AG 2 - 3 to 15 acres
- AG 3 - 15 acres or more
- Not AG Zoning

Not intended for legal use






Charter Township of Chocolay





### Proposed AG Zoning Districts




Township






April 15, 2024

Not intended for legal use

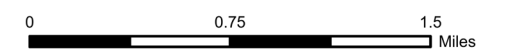
- Lakes, Rivers and Streams**
-  Lake
  -  Lake Superior
  -  River or stream

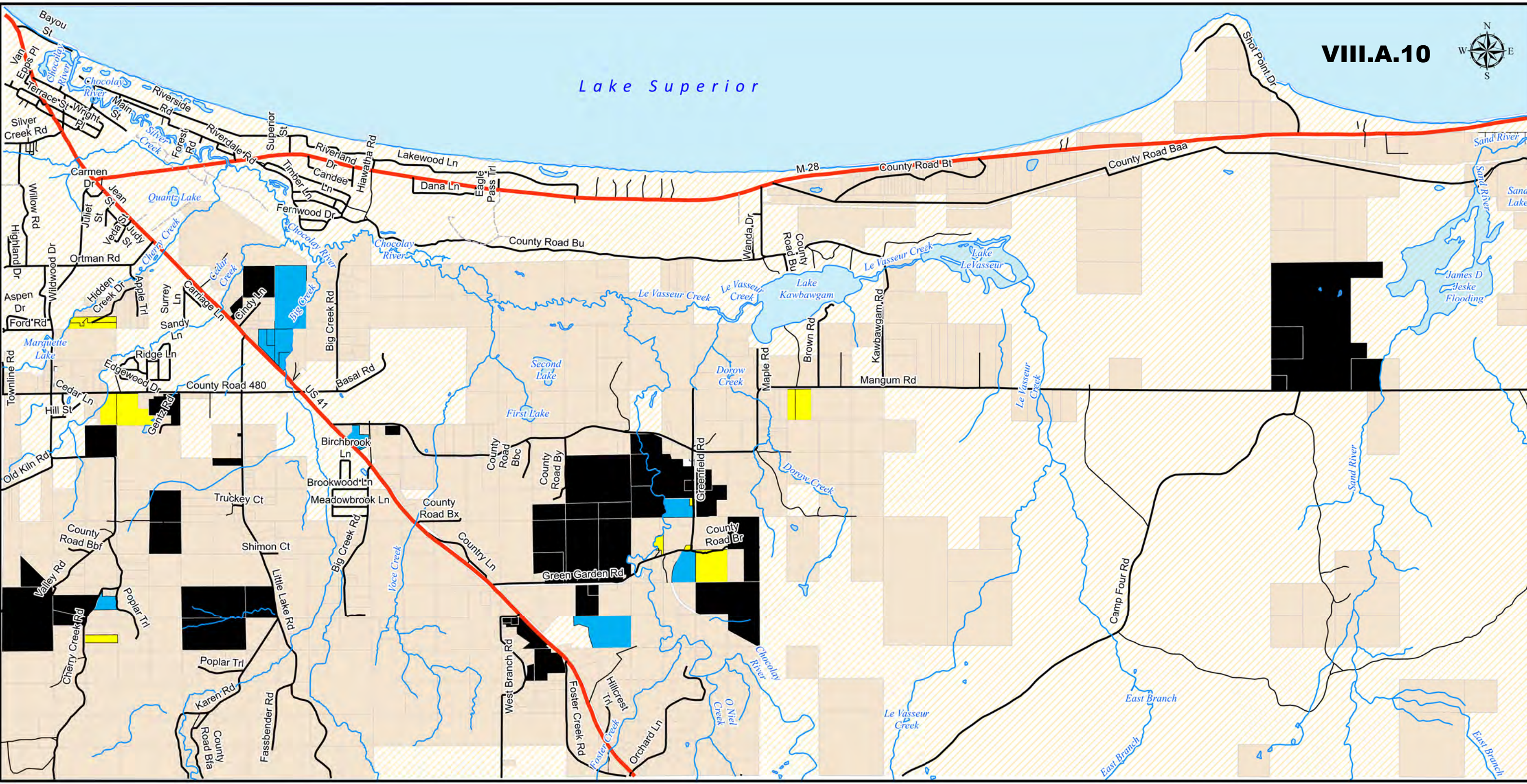
- Roads**
-  Highway
  -  Primary road
  -  Secondary road
  -  Unpaved / not classified

- Proposed AG Zoning Districts**
-  AG 1 - less than 3 acres
  -  AG 2 - 3 to 15 acres
  -  AG 3 - 15 acres or more

- Hydic Soils and Wetlands**
- USA Wetlands**
-  Estuary
  -  Lake, Reservoir
  -  Marine
  -  Marsh, Swamp, Bog, Prairie
  -  River

- EGLE Hydic Soils**
-  Hydic Soils
- Michigan Resource Inventory System (MIRIS)**
-  MIRIS Wetland Classes






Charter Township of Chocolay

### Townhall Parcel Selection

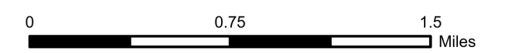
Township

9.26.2023, 10.10.2023, and 10.17.2023

Not intended for legal use

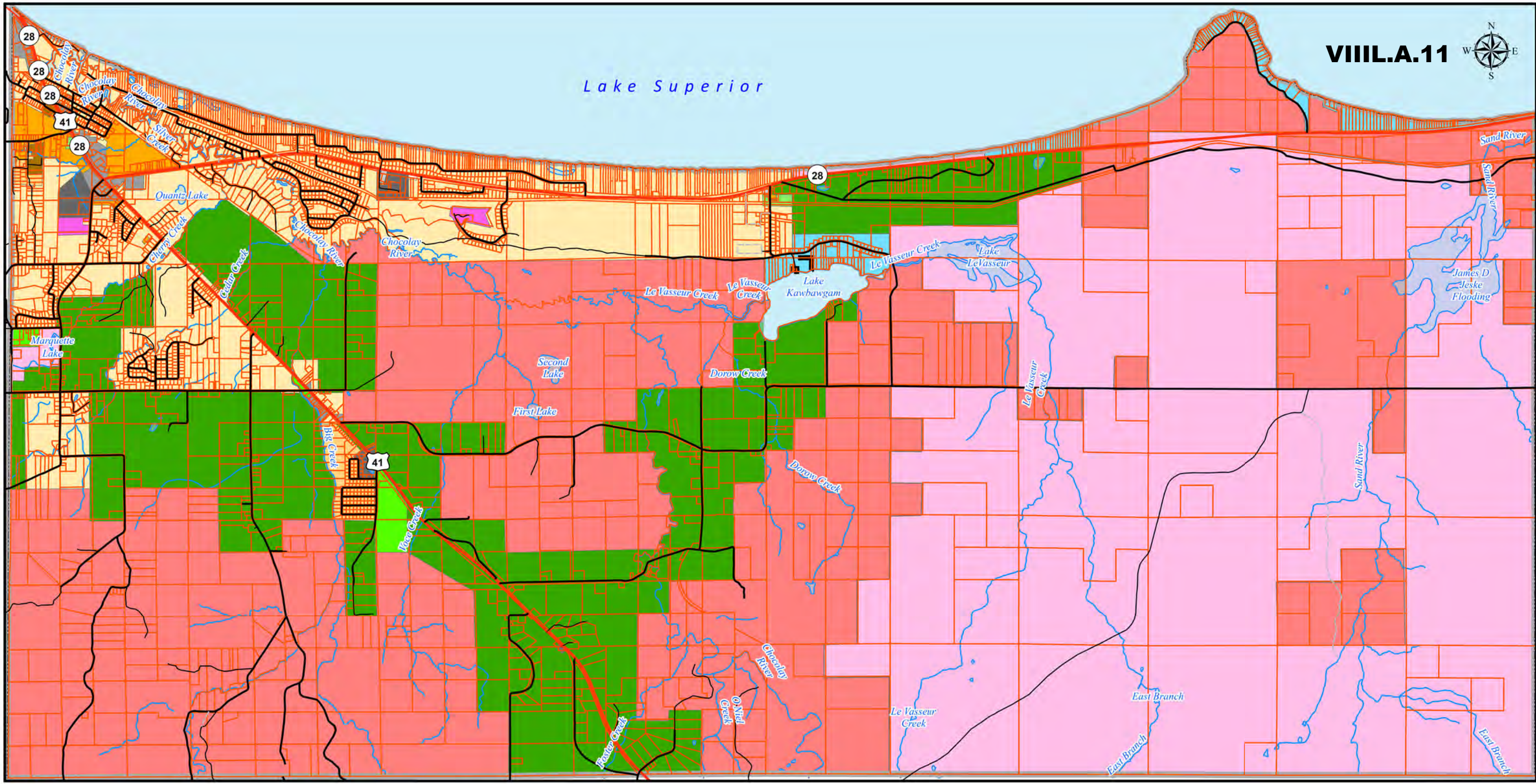

Lakes, Rivers and Streams	Roads
Lake	Highway
Lake Superior	Primary road
River or stream	Secondary road
	Unpaved / not classified

Parcel Selection
no selection
change to 3 acres or less minimum
change to 3 acres to 15 acres minimum
change to 15 acres or more minimum
remain at 20 acres minimum
Not AF zoning



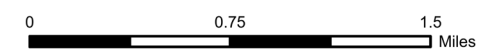


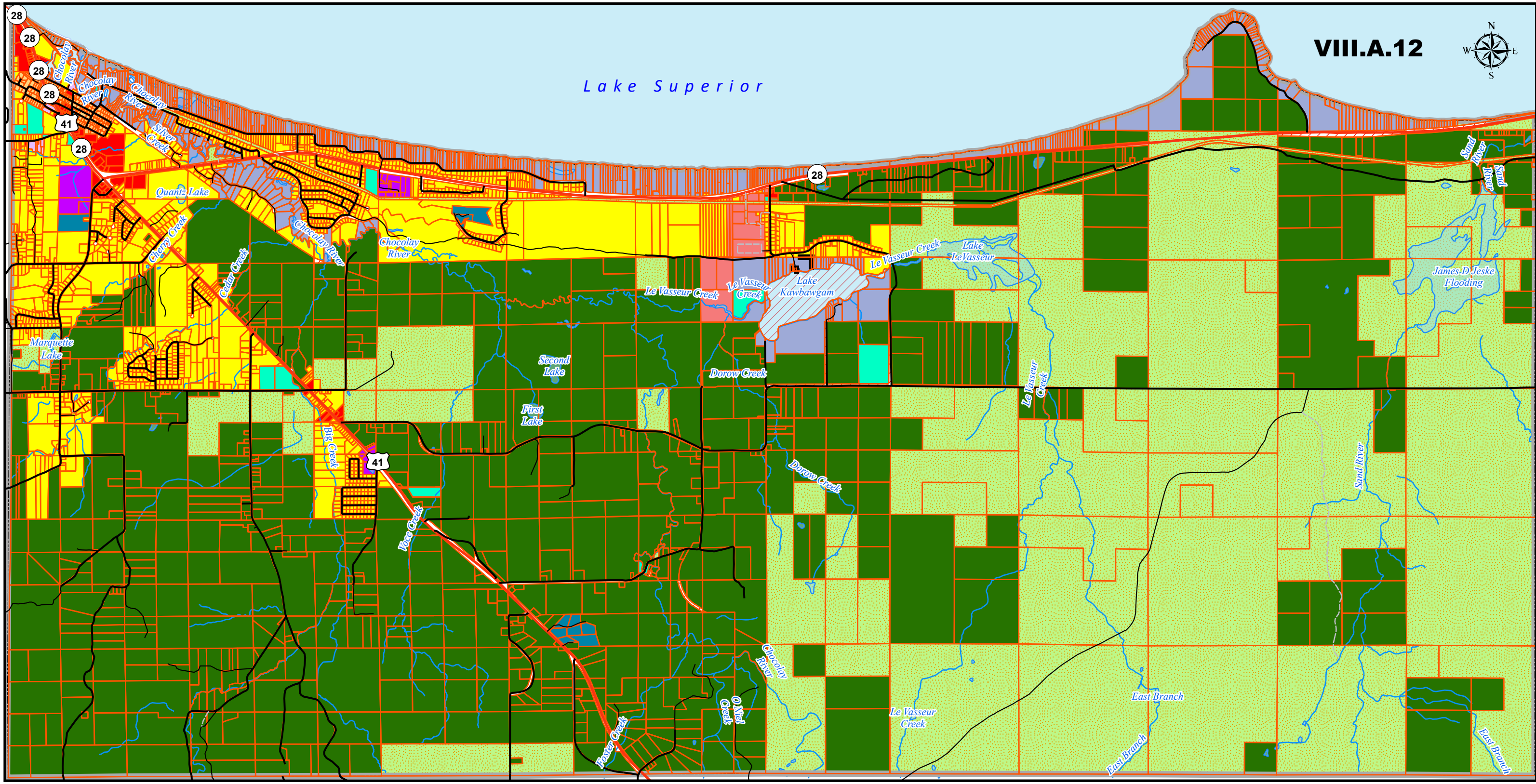

Lake Superior

**Charter Township of Chocolay**  
**Zoning Map**  
 Township  
 Prior to 2008  
 Not intended for legal use

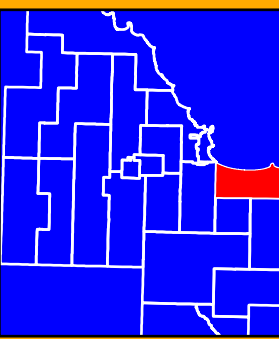
<p><b>Lakes, Rivers and Streams</b></p> <ul style="list-style-type: none"> <li> Lake</li> <li> Lake Superior</li> <li> River or stream</li> </ul>	<p><b>Roads</b></p> <ul style="list-style-type: none"> <li> Highway</li> <li> Primary road</li> <li> Secondary road</li> <li> Unpaved / not classified</li> </ul>	<p><b>Zoning districts prior to 2008 - all districts</b></p> <ul style="list-style-type: none"> <li> C-1 (Commercial 1)</li> <li> C-2 (Commercial 2)</li> <li> C-3 (Commercial 3)</li> <li> LS/R (Lakeshore and River)</li> <li> OS (Open Space)</li> <li> PUD (Planned Unit Development)</li> <li> Public Lands</li> <li> R-1 (Residential 1)</li> <li> R-2 (Residential 2)</li> <li> R-3 (Residential 3)</li> <li> R-4 (Residential 4)</li> <li> RP (Resource Production)</li> <li> RR-1 (Rural Residential 1)</li> <li> RR-2 (Rural Residential 2)</li> <li> no data available</li> </ul>
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Charter Township of Chocolay  
**Zoning Districts**  
 Township  
 September 12, 2022

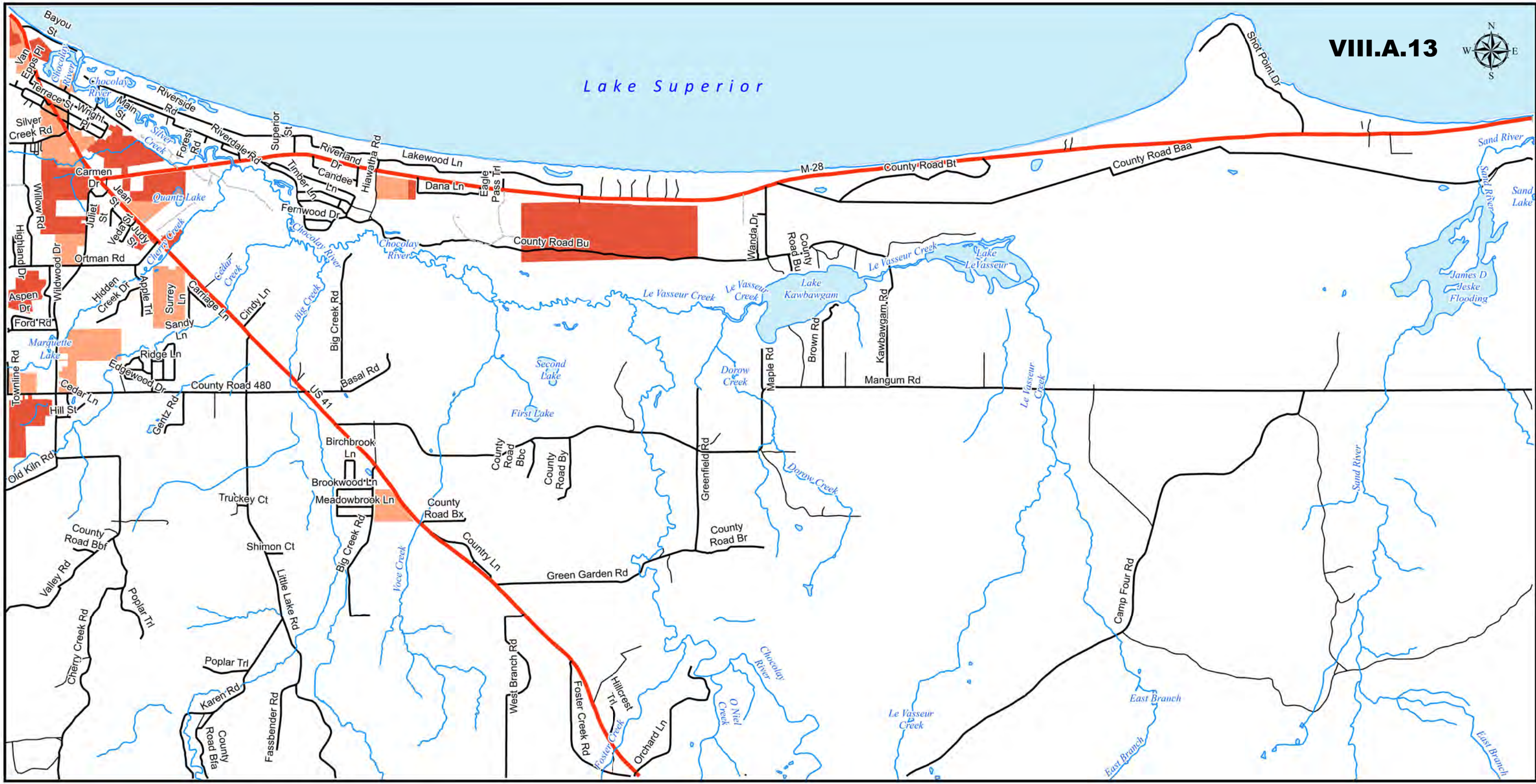

Lakes, Rivers and Streams	Roads	Zoning
Lake	Highway	AF - Agriculture / Forestry
Lake Superior	Primary road	C - Commercial
River or stream	Secondary road	I - Industrial
	Unpaved / not classified	KBIC - Trust properties
		MFR - Multi-Family Residential
		MP - Municipal Properties
		PUD - Planned Unit Development
		R1 - Single Family Residential
		R2 - High Density Residential
		State Lands
		WFR - Waterfront Residential
		No zoning provided



**Township Supervisor:** \_\_\_\_\_




**Township Clerk:** \_\_\_\_\_

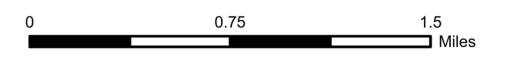
0 0.75 1.5 Miles

Charter Township of Chocolay  
**Future Growth Sectors**  
 2021

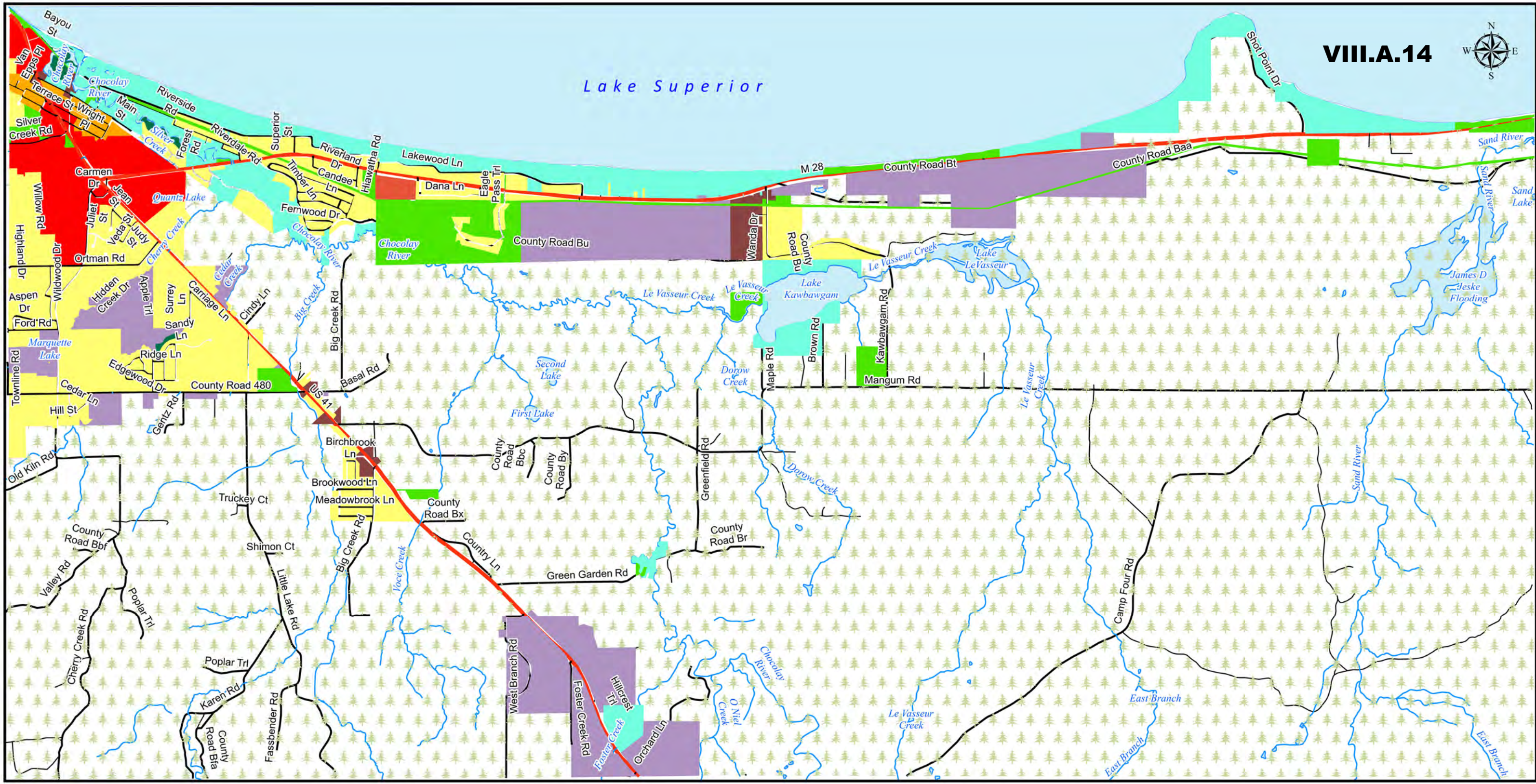
Township  
 September 18, 2023  
 Not intended for legal use


- | Lakes, Rivers and Streams   | Roads  | Future Growth  |
|---|--|--|
|  Lake            |  Highway                  |  Growth |
|  Lake Superior   |  Primary road             |  Infill |
|  River or stream |  Secondary road           |  |
|   |  Unpaved / not classified |  |




















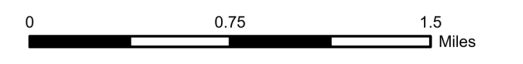


Lake Superior



  
 Charter Township of Chocolay  
**Future Land Use**  
 2021  
 Township  
 September 18, 2023  
 Not intended for legal use

Lakes, Rivers and Streams	Roads	Future Land Use
 Lake	 Highway	 AF
 Lake Superior	 Primary road	 CR
 River or stream	 Secondary road	 MU-C
	 Unpaved / not classified	 MU-N
		 MU-V
		 P
		 R-N
		 R-R
		 R-V
		 R-W





**NOTICE OF PUBLIC HEARING  
CHARTER TOWNSHIP OF CHOCOLAY**

The Chocolay Township Planning Commission will hold a public hearing on Monday, April 15, 2024 at 6 PM at the Chocolay Township Fire Hall at 5010 US 41 South, Marquette, MI to hear public comment on proposed zoning ordinance amendments for the Agriculture / Forestry (AF) Zoning District ( #34 24-01).

The proposed amendments will divide the current Agriculture / Forestry (AF) zoning district into three districts: Agriculture 1 (AG 1), Agriculture 2 (AG 2), and Agriculture (AG 3). The proposed amendments will replace the current AF permitted and conditional uses with expanded permitted and conditional uses for each of the new districts.

A copy of the language is available for review and inspection at the Chocolay Township office Monday through Friday 8:00 AM to 4:30 PM and can also be viewed at [chocolay.gov](http://chocolay.gov). Questions or comments can be directed to the Planning Director at 906.249.1448, sent to the Township office, or submitted via email ([publiccomment@chocolay.gov](mailto:publiccomment@chocolay.gov)). Comments will be received until 12:00 PM April 10, 2024.

# The Mining Journal

VIII.A.16

Upper Michigan's Largest Daily Newspaper  
249 W. Washington St., Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

## AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of: **MARQUETTE**

In the matter of: Notice of Public Hearing  
Chocolay Township Planning Commission  
Proposed Zoning Ordinance Amendments  
Agriculture/Forestry (AF) Zoning District (#34-24-01)  
April 15, 2024

Size: 2 x 5

State of **MICHIGAN**, County of Marquette ss.

**ANN TROUTMAN**

being duly sworn, says that she is

**PUBLISHER**

of **THE MINING JOURNAL**

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

March 26, 2024



**ANN TROUTMAN**

Subscribed and sworn to before me this 26th day of March, 2024.



**HOLLY GASMAN**

Notary Public for MARQUETTE County, Michigan  
Acting in the County of Marquette  
My commission expires: May 25, 2025

### NOTICE OF PUBLIC HEARING CHARTER TOWNSHIP OF CHOCOLAY

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NOTICE OF PUBLIC HEARING  
CHARTER TOWNSHIP OF CHOCOLAY **VIII.A.17**

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## 34 24-01 Public Hearing Notice Mailer Statistics

### *Mailer Entity*

#### **Chocolay Township**

AF Zoning District	650
Non-AF Zoning Districts	610
Commercial (C)	9
KBIC	7
Industrial (I)	8
Muti-Family Residential (MFR)	4
Municipal (MP)	1
Planned Unit Development (PUD)	6
Residential (R-1)	397
Residential High Density (R-2)	0
Waterfront Residential (WFR)	176
MDOT (turnouts, etc.)	1
Michigan DNR (state lands)	1

**Marquette County (Sands, Skandia, West Branch)** 60

**Onota Township** 34

**Total Mailers** 1,354

**Notes:** Counts reflect 1 mailer to a parcel owner. An owner may own multiple parcels, but received one mailer for all parcels.

One mailer was mailed to each government entity (Chocolay Township, MDOT, and MDNR) even though they own multiple parcels.

**From:** Jeff and Cricket Chiodi [REDACTED]  
**Sent:** Tuesday, April 9, 2024 8:30 AM  
**To:** Township Public Comment  
**Subject:** Proposed zoning ordinance

Jeff chiodi  
488 Mangum rd

My suggestion is to keep the 1 in 20 in ag and just add all the new uses to all Parcels. Also stop using the words non conforming. Allow more property owners to get variances. That way the process can change slowly.

---

**From:** Mickey Sanders [REDACTED]  
**Sent:** Tuesday, April 9, 2024 10:14 PM  
**To:** Township Public Comment  
**Subject:** AF Zoning Amendment

I am writing to voice my lack of support for the new proposed amendment to the AF zoning. As a 5th generation resident and landowner of Chocolay Township, I feel this amendment is in poor interest of the township as a whole and not only fails to reflect the vision of the current **accepted** masterplan, it deviates from it. These changes feel rushed and lack consideration of long-term implications. It appears the board is more concerned with generalized growth of the township with disregard to trying to focus urbanization to central areas that can be serviced efficiently. The current amendments pose a direct threat to farmers within the township and will undoubtedly cause unnecessary and unwanted tax pressure. This amendment needs to be reconsidered and appropriate steps should be followed should the board want to change zoning already adopted in the masterplan.

--  
- Michael Sanders

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**From:** William Sanders [REDACTED]  
**Sent:** Wednesday, April 10, 2024 11:28 AM  
**To:** Township Public Comment  
**Subject:** Rezoning of the Agriculture and Forestry district

To whom it may concern,

I am opposed to the proposed rezoning of the AF district. The Master Plan states that "The intent of this land use category is to preserve tracts of lands for forestry or agriculture activity, to promote open space for wildlife corridors, to increase food security, provide for wood products and fuel, protect wildlife habitat, reduce risk of wildfire, preserve rural character, and to provide outdoor recreation opportunities." "Agriculture and forestry areas are intended to allow resource production to take priority over other land uses by protecting these areas from the encroachment of residential and commercial development." The parcel sizes and the extent of the parcels involved in this rezoning effort are a direct contradiction to the Master Plan and will forever change the character of the townships. Members of the Chocolay community overwhelmingly value the townships open space and rural character. What is proposed will fragment the land use of the township beyond recognition, strain the ability to supply services and increase costs and taxes for the entire township.

I was born and raised in Chocolay township and my family still resides there operating a farm that has been in the family since the late 1800's. I currently serve in the United States Army and have been away from home for almost 12 years now. This has allowed me to see exactly what you are proposing, happen in other areas of the country. Agriculture land is being bought up, subdivided and developed. While there is new housing, this housing is not affordable for those people who currently live in the area and is displacing families that can no longer afford the increased taxes. These are the very families that have called these places home for decades or generations. We must preserve the character of our township.

I am asking you to reject the proposed rezoning.

v/r,

William C. Sanders  
Major, Field Artillery  
U.S. Army Combined Arms Center  
Fort Leavenworth, Kansas

---

**From:** N.L. Heitman [REDACTED]  
**Sent:** Wednesday, April 10, 2024 11:42 AM  
**To:** Township Public Comment  
**Subject:** proposed rezoning

To Chocolay Township Planning Commission:

For over a century, my family has supported agriculture in Chocolay Township. I am strongly opposed to the proposed rezoning of the AF district. Chocolay Township's master plan, which I support, is clear in the community's desire to maintain its rural character and to protect the open spaces. My family has kept our agricultural land intact for nearly 150 years, in keeping with what the township's master plan professes to embrace and respect. The proposed changes contradict what the community identified in the master plan as the desired future of land use in the township. Please respect the wishes of the community and adhere to what is outlined in the master plan; maintain the integrity of the township's open spaces and vote no to the proposed rezoning.

Sincerely  
Noreen Heitman



---

**From:** Donald Norton [REDACTED]  
**Sent:** Wednesday, April 10, 2024 11:54 AM  
**To:** Township Public Comment  
**Cc:** Chelsea Norton  
**Subject:** Proposed Zoning Ordinance Amendments for the Agriculture / Forestry Zoning District

Hello Chocolay Township,

I wanted to express my opposition to the proposed zoning ordinance amendments for the AF Zoning District. I live at 2 Hidden Creek Dr, which would fall within the proposed AG 1 zoning district, which would have a district minimum acreage of 1 acre. My wife, two children, and I love where we live due to the large, contiguous wood lots, open fields, wildlife, and rural setting, along with the close proximity to Marquette. My wife also works in Chocolay Township. We currently have chickens, ducks, and bees, and have successfully harvested deer and turkey on our property. If the areas around us become broken into smaller parcels over time due to the proposed change, we will lose the characteristics of our home and property setting that are most important to us and led to us deciding to live and raise our family in Chocolay Township. Please consider our input and perspective when making a decision regarding the proposed zoning ordinance amendments.

Thank you,

Donald Cody Norton  
2 Hidden Creek Dr  
Marquette, MI 49855



**Charter Township of Chocolay**

**Planning and Zoning Department**

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Agenda Item: IX.A Conditional Use Permit CU 24-05 – 164 Baker Street

Suggested Motions

\_\_\_\_\_ moved, \_\_\_\_\_ seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 24-05, 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 24-05 as presented.

*or*

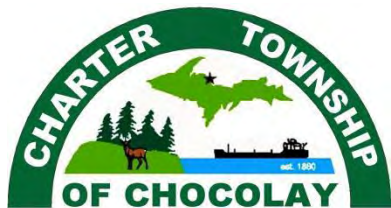
\_\_\_\_\_ moved, \_\_\_\_\_ seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 24-05, and the understanding that the proposed use is compliant with all terms of *Section 16.2 Conditional Use Permits Basis of Determination and General Standards* and the intent of the Township *Zoning Ordinance*, the Planning Commission approves Conditional Use Permit 24-05 with the following conditions:

[list the conditions].

*or*

\_\_\_\_\_ moved, \_\_\_\_\_ seconded, that after Commissioner and staff review and analysis in consideration of Conditional Use application CU 24-05, and the understanding that the proposed use should be 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 denies Conditional Use Permit 24-05 for the following reasons:

[list the reasons].

**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: Conditional Use Application CU 24-05 – 164 Baker Street

Meeting: Planning Commission

Date: April 15, 2024

## Issue Summary

The applicants are seeking to open a home day care at their residence.

**Application Information**

<b>Applicant</b>	Jenny and Adam Brigman
<b>Owner</b>	Jenny and Adam Brigman
<b>Parcel ID</b>	52-02-216-013-00
<b>Address</b>	164 Baker Street
<b>Type of request</b>	Conditional Use Permit
<b>Date received</b>	March 19, 2024
<b>Base zoning district</b>	High Density Residential (R-2)
<b>Overlay zoning district</b>	None
<b>Present land use</b>	Residential
<b>Date of public notice</b>	March 26, 2024 – published in the Marquette <i>Mining Journal</i> March 26, 2024 – 40 postcards mailed to parcel owners within 500 feet of 164 Baker Street.
<b>Comments Received</b>	One comment was received via mail. The correspondent was in favor of the project.
<b>Date of review</b>	April 10, 2024

**Application Summary**

Jenny and Adam Brigman, property owners of parcel 52-02-216-013-00, propose to operate a day care in their home at 164 Baker Street. A Conditional Use permit review for this use is required according to Section 6.9(g) of the Chocolay Township Zoning Ordinance.

**Regulatory Analysis****Site Background**

<i>Lot size</i>	.344 acres (14,984 square feet) Acreage exceeds the minimum lot size requirement of 10,500 square feet R-2 properties as required in Section 6.1 in the Township zoning ordinance.
<i>Lot Width</i>	300 feet Frontage exceeds the minimum of 30 feet of frontage for R-2 properties as required in Section 6.1 in the Township zoning ordinance.
<i>Legal Description</i>	The property is legally described as extracted from the Township assessing record: “VILLAGE OF HARVEY LOTS 16-17 BLK 11 “
<i>Existing Non-Conformances</i>	There are no non-conformances that exist on the parcel.

**Zoning and Use History**

The parcel was zoned as R-1 (District R-1) in 1977. The zoning designation was changed to R-2 (High Density Residential) in 2008.

There are no applied overlay districts.

**Previous Conditional Use Permits**

There were no previous conditional use permits issued for this parcel.

**Project Zoning District**

This project will be in the High Density Residential (R-2) zoning district.

**Adjacent Zoning Districts and Land Uses**

Direction	Zoning	Current Land Uses
North	R-2 (High Density Residential)	Residential
South	R-1 (Single Family Residential), C (Commercial)	R-1 (residential), C (vacant)
East	R-2 (High Density Residential)	Residential
West	C (Commercial)	Vacant

**Property Access**

The property will be accessed from Baker Street.

**Aerial View**



**Aerial View – Project Location**



**Street View – Project Location (East Side)**



**Street View – Project Location (West Side)**



Y

**Proposed Hours**

Proposed hours of operation are from 7 AM to 5:30 PM Monday through Friday.

**Parking Spaces**

In Section 8.1 *Off-Street Parking Requirements*, the Township zoning ordinance specifies “1 space per 5 children” for a day care center. The application states that the startup number of children is twelve, with a possible expansion to fourteen after two years.

Based on this calculation, the site plan has more than sufficient parking area to accommodate the parking requirement.

**Zoning Ordinance Definitions**

Dwelling, single-family -- a building designed for use as one dwelling unit.

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 [in the Township zoning ordinance].

**Zoning District Permitted and Conditional Uses**

**4.2 High Density Residential District (R-2) (Harvey)**

**(A) Intent**

To provide regulations for the Harvey residential neighborhood, which due to existing small, high density lot sizes and residential land use, may not meet the requirements of other residential zoning districts in the Township.



**(B) Permitted Principal Uses**

1. Single and Two family Dwellings
2. Family Day Care Homes
3. Registered Rental Dwellings (#34-19-04)
4. Accessory structures (#34-21-02)

**(C) Conditional Uses**

1. Group Day Care Homes
2. Outdoor wood boilers (See Section 6.5) (#34-13-05)
3. WECS on lots of 5 acres or more including conditions of approval
4. Schools and Churches
5. Public and Private Parks
6. Accessory Housing Units
7. General Office (#34-10-02)
8. Nursing Homes (#34-10-02)
9. Medical/Veterinary Clinics (#34-10-02)

**Other Applicable Township Zoning Ordinance Language**

**6.9 Home Occupations, section G**

Type II Home Occupations require approval through the Conditional Use procedures and according to Conditional Use Standards in Article 16 of this Ordinance as well as standards in this Section. Type II Home Occupations shall be a conditional use in R-1, R-2, MFR, WFR, and AF districts when in conformance with the following requirements:

1. Type II Home Occupations shall only be conducted on the premises of single-family dwellings, and are prohibited in two-family or multiple family dwellings.
2. Type II Home Occupations may involve limited on-premise interaction with customers provided all other standards of Section 6.9 and Article XVI are met.
3. In addition to the conditional use standards of Article XVI, the Planning Commission shall consider the zoning district; size of lot; distance to adjacent land uses; screening and buffering; and frequency, scale, and intensity of non-residential activity in determining potential impacts in the review and approval process.
4. The following are examples of uses which may be classified as a Type II Home Occupation requiring Planning Commission review based on individual circumstances:
  - a. Carpentry, cabinet maker
  - b. Catering or food preparation
  - c. Dressmaking, sewing, or tailoring
  - d. Pet grooming service
  - e. Barber or beauty service, nail or personal care salon
  - f. Electronic or equipment repair
  - g. Assembly operations



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## Basis of Determination

### SECTION 16.2 CONDITIONAL USE PERMITS BASIS OF DETERMINATION AND GENERAL STANDARDS

The Township Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

1. The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

**Staff Comment** Outdoor noise will be minimal, with children playing within a fenced in area on the property.

2. The conditional use shall not change the essential character of the surrounding area.

**Staff Comment** No apparent characteristics of the surrounding area will change. The day care will continue the neighborhood theme.

3. The conditional use shall not interfere with the general enjoyment of adjacent property.

**Staff Comment** Outside noise will be primarily on the south side of the property; mostly vacant parcels are across the street from this area.

4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.

**Staff Comment** The proposed use will provide an opportunity for neighbors and the surrounding communities to have a service that provides care for their children during the day.

5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

**Staff Comment** None of the activities or services proposed in this application will be detrimental to the health, safety, or welfare of Township residents or their properties.

6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration.

**Staff Comment** No additional public services will be required at this location. One of the current homeowners is a volunteer firefighter with the Chocolay Township fire department.

7. The conditional use shall not place demands on public services and facilities in excess of current capacity.

**Staff Comment** The facility and surrounding area is currently adequately served by essential public facilities and services and the proposed use will not change this.

8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan.

**Staff Comment** The conditional use is a Type II home occupation and is consistent with the language of the Township zoning ordinance.

9. The conditional use shall be shown by the applicant to be compliant with all other applicable federal, state, or local statutes, regulations, and ordinances.

**Staff Comment** The property owners will have required State licensing prior to beginning the day care operation.



10. Failure of continued compliance with those federal, state, or local statutes, regulations, and ordinances as they existed at the time the conditional use was issued may result in Planning Commission review and revocation of the Conditional Use Permit.

**Staff Comment** The operation will be reviewed after startup to ensure compliance with Township zoning requirements.

11. A conditional use permit shall not be effective until the applicant has provided proof that they have obtained all other required permits or licenses.

**Staff Comment** The owner will have acquired all necessary permits for this operation to begin.

*The Township Planning Commission may impose conditions with the approval of a conditional use which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Conditional Use Permit and shall be enforced by the Zoning Administrator.*

*In addition, the Township Planning Commission shall also consider the activity levels of the proposed use and may impose conditions to insure the preservation and protection of property values of adjacent properties.*

---

### **Staff Application Comments**

Staff reviewed the submitted application (see attached).

There will be minimal detrimental effect on surrounding properties as this will be a home occupation that will occur primarily in the residence.

Outdoor noise will be minimal and should not have a detrimental effect on the surrounding neighborhood.

---

Author: Dale Throenle  
Date: April 10, 2024

### **Attachments**

1. *Home Occupation Application HO 24-05*
2. *Conditional Use Application CU 24-05*

**HOME OCCUPATION PERMIT**



**CHOCOLAY TOWNSHIP**

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

PERMIT NUMBER  
 HO- 24-05

**HOME OCCUPATION INFORMATION**

Date of application 02/26/2024 Home occupation address 164 Baker St.  
 Proposed business name Little Starz Day Care LLC

**PROPERTY OWNER**

Name Jenny and Adam Brigman  
 Address 164 Baker St.  
 City / State / Zip Marquette MI 49855  
 Contact number [REDACTED]  
 E-mail [REDACTED]

**APPLICANT (if different from applicant)**

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 [REDACTED] Date 2/27/24

All home occupations shall meet the standards of Section 6.9 of the Township *Zoning Ordinance*. Type II home occupations shall also meet the standards of Section 16 of the Township *Zoning Ordinance*.

The Zoning Administrator will determine whether your proposed home occupation is a Type I (requiring only Zoning Administrator approval), or a Type II (requiring a public hearing and Planning Commission review and approval).

**HOME OCCUPATION DESCRIPTION**

**Home Occupation Structure**

Type of residential structure  single family  duplex (two family)  multiple-family  
 Square footage of the structure where the home occupation will be located 1775 square feet  
 Square footage the home occupation will use in the structure 1775 square feet

**Home Occupation Description**

Will customers come to your location?  yes  no  
 If yes: 24 average number of customer visits per day  
 Will you have employees and / or other contractors at your location?  yes  no  
 If yes: 1 number of employees / contractors  
 If yes: 1 number of employees living in the home

**Additional Comments**

We will have an occasional worker come when my husband or I need to leave for a short period. Adam will be the other person who would work full time at the day care

**BUSINESS OPERATION**

Please provide statements to provide support for the business operation (attach separate pages if necessary).

- 1. Give a brief description of the type of business you would like to operate at your location.

I'd like to open a group home day care with up to 12 kids present

- 2. Describe the daily operations of the proposed home occupation, including typical hours of operation and average weekly traffic to the property related to the home occupation.

Typical business hours will be 7:00 AM to 5:30 PM. There will be up to 24 cars a day (12 morning and 12 afternoon with parents picking up and dropping off their children. The busiest times of the day will be in the morning from 7:00 AM to 8:30 AM and then again starting at 4:30 PM and going until 5:30 PM.

- 3. Describe any materials (other than standard office equipment) to be used in the home occupation that will be kept on-site, including names of chemicals used. Please describe material type, use, average quantity stored on-site at any one time, average length of storage time, and location of the storage area.

Just standard household cleaning supplies (bleach, hand soap, dishwasher soap, hardwood floor soap)(no more than normal quantity (1 gallon))

- 4. Describe any by-product or waste products that will be kept on-site, and any finished products to be kept on-site, including the names of chemicals. Please describe material type, average quantity stored on-site at any one time, average length of storage time, and location of the storage area. Describe how you will dispose of by-products or waste products and how often you will do it.

None

- 5. Describe the measures you propose to use to reduce negative impacts to the environment as a result of materials or processes used in or produced by the home occupation (such as air, water, soil, other surface impacts).

We will be recycling in an attempt to cut down on our garbage consumption

- 6. Describe any potential operational impacts (such as glare, fumes, odor, vibration, noise, electrical interference, or fluctuation in voltage) that may be created by the home occupation, and the range in feet that these impacts may be detected outside the structure where the home occupation will be located.

While we are playing outside the children's voices might be loud. Care givers will be reminding children when they are being too loud to use a quieter voice

- 7. Describe the measures you propose to use to reduce the operational impacts perceptible to nearby properties.

Reminding children to lower voices when they are being a little on the loud side. Not going outside super early in the morning so as to not disturb neighbors who like to sleep in

- 8. List county, state, or federal permits and / or licenses required for the type of work proposed. Indicate the status or approval of the permits and attach photocopies of required permits to this application.

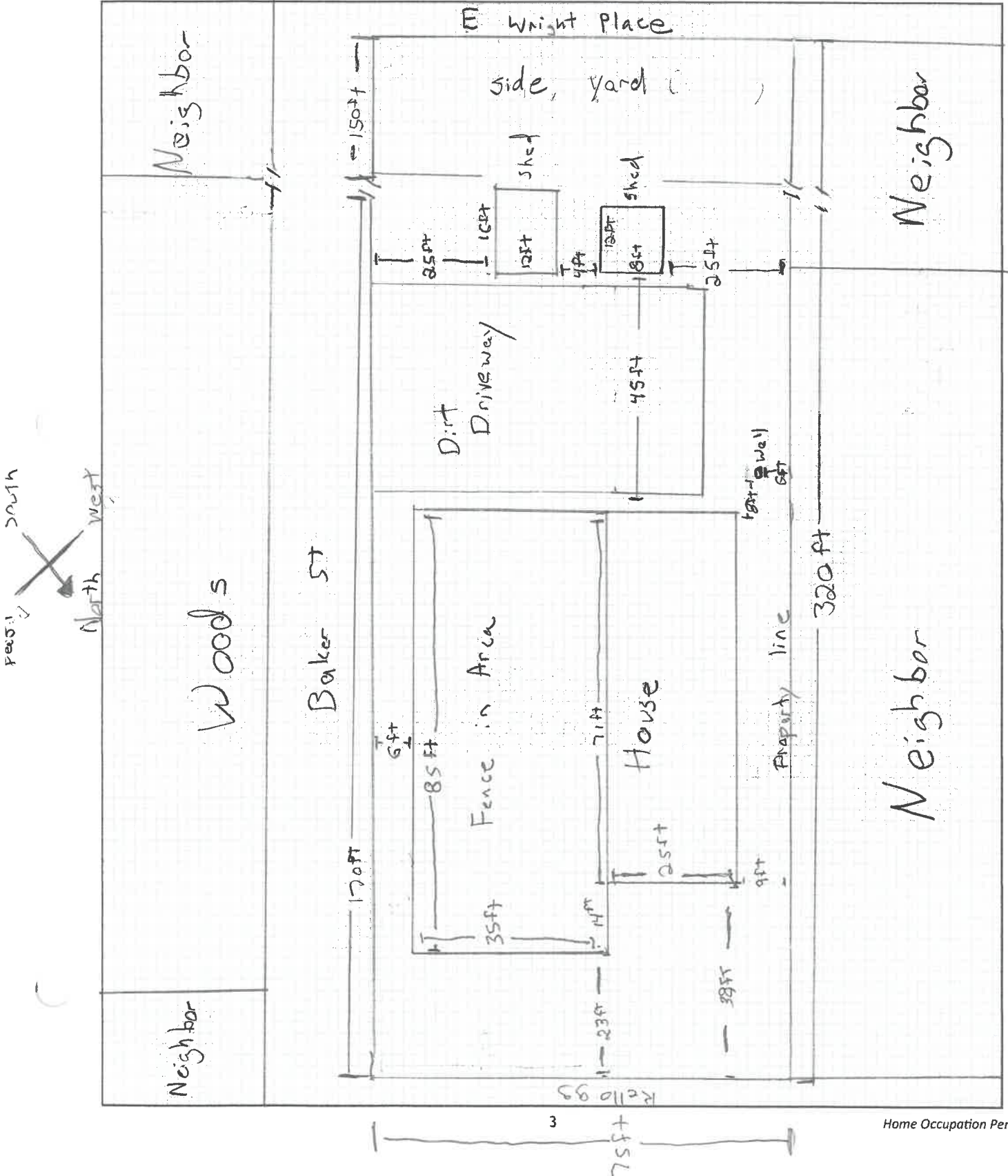
State License waiting on approval

**SITE PLAN**

Provide a site plan drawn to scale with the information shown below. Attach a separate sheet if necessary.

- All property lines and property dimensions
- Location of proposed home occupation
- Location of existing structures
- North directional arrow

See attached for site plan



**APPLICATION CONDITIONS**

1. I certify the proposed home occupation is authorized by the property owner of record, and that I have been authorized to make this application.
2. I understand no advertising shall use the residential address of the home occupation, and that this provision does not apply to business cards.
3. I understand no signs will be posted at the property advertising the home occupation or related services.
4. I understand this application does not satisfy the need for all permits required by Marquette County or the State of Michigan, and that other permits may be necessary before beginning the home occupation use.
5. I certify the requested home occupation does not violate any deed restrictions attached to the property involved in the request.
6. I certify the proposed home occupation is compliant with all other applicable federal, state, and local statutes, regulations, and ordinances, and I understand that my permit may be revoked if it is found that the home occupation is in violation of any statute, ordinance, law, or regulation.
7. I have reviewed Section 6.9 *Home Occupation* and Section 16 *Conditional Use Permits* in the Township Zoning Ordinance.
8. I agree that acceptance of a permit establishes consent and permission for appropriate Township officials to enter upon the property for the purpose of determining and verifying compliance with the permit, and that inspections may be unannounced and take place during reasonable business hours. I authorize these inspections and agree not to hinder, obstruct, or otherwise prevent such inspections, and acknowledge they are a condition to the permit approval.
9. If my home occupation is determined to be a Type II, I understand the Planning Commission is required to hold a public hearing, and I further understand that the Planning Commission may table action to a later meeting if the Commissioners determine more information is necessary to make a decision.
10. If my home occupation is determined to be a Type II, I understand the Planning Commission makes the final decision in this process, and the Commissioners may approve, approve with conditions or deny the request.

Owner / agent signature

[Redacted Signature]

Date

2/27/24

Name (print)

**TOWNSHIP OFFICE**

Parcel ID 52-02-216-013-00 Zoning District R2

Application Charge  \$30.00 (Type I)  \$250.00 (Type II)

Date paid 2-27-24 Receipt number 50304

Proof of additional required permits and licenses received

**Zoning Administrator Approval (Type I only)**

Occupies no more than 25% of one structure

Located inside dwelling or accessory structure

No expected operational impacts

No non-resident employee or contractor engaged on-site

**Public Hearing Notifications (Type II only)**

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

Scheduled Planning Commission meeting date 4.15.24

Date public hearing notice to be published 3.16.24

Date notices to be mailed to the affected public 3.16.24

Date notice to be posted on the Township web site 3.16.24

Zoning Administrator signature

[Redacted Signature]

Date

2.27.24

- FAMILY – 6 or less  
 GROUP – 7 to 12  
**CENTER**

**CHILD CARE APPLICATION**  
 Department of Licensing and Regulatory Affairs  
 Bureau of Community and Health Systems

**FOR CASHIER USE ONLY – Cashier code: 100201**  
 License Number: \_\_\_\_\_

**BCHS USE ONLY** Application is:  
 Original       Renewal       Other

**COMPLETE FOR ALL APPLICANTS**

If Individual, Applicant Name (Last, First, Middle)/If Entity, Corporate Name or Sponsoring Organization Name			Social Security Number or Federal ID Number		
Joint Applicant Name (Last, First, Middle), If Applicable			Social Security Number		
Address (Street Number and Name)			Telephone Number ( )		County
City	State	Zip Code	E-mail Address		
Have You Been Previously Licensed To Care For Children Or Adults? <input type="checkbox"/> No <input type="checkbox"/> Yes    If Yes, License No. _____					
Are You Currently Licensed To Care For Children Or Adults? <input type="checkbox"/> No <input type="checkbox"/> Yes    If Yes, License No. _____					
Have You Applied For Any Other License To Care For Children Or Adults? <input type="checkbox"/> No <input type="checkbox"/> Yes					
Have You, Or Has Any Person That Will Be Assisting In The Care Of Children Or Living In The Child Care Home: <ul style="list-style-type: none"> <li>• Been Convicted of an Offense Other Than A Minor Traffic Violation?      <input type="checkbox"/> No      <input type="checkbox"/> Yes</li> <li>• A History Of Substantiated Abuse Or Neglect Of Children Or Adults?      <input type="checkbox"/> No      <input type="checkbox"/> Yes</li> </ul>					

Check boxes to confirm statements have been read: <input type="checkbox"/> I have reviewed the Child Care Organizations Act (1973 PA 116) and the licensing rules for the operation of the child care organization indicated above, and if granted a license, certificate of approval, or certificate of registration, I agree to comply with the Act and Rules. <input type="checkbox"/> I understand that the Department must enter and inspect my home or center to enforce the Act and Rules. I give consent to the Department to inspect my home or center for licensing purposes which includes initial, renewal, interim, and follow-up inspections and complaint investigations. My consent includes inspections of the proposed/approved child care areas of my home or center and non-child care areas that are relevant to the licensing purpose. I understand that I may withdraw this consent in whole or in part at any time, subject to licensing requirements. <input type="checkbox"/> I agree not to care for more children at one time than my licensed capacity states.	<input type="checkbox"/> I certify that I have a high school diploma, GED certificate or equivalent (new family/group home applicants only). <input type="checkbox"/> I certify that I will notify the Department if I or any member of my household or any person caring for children has been arraigned for an offense specified in MCL 722.115r, MCL 722.115n or has a history of substantiated child abuse or neglect. <input type="checkbox"/> I am aware of the legal provision that to operate a child care organization without a license constitutes a misdemeanor as stated in 1973 PA 116, Section 15. <input type="checkbox"/> I certify that any information I give in respect to the Department's investigation will be, to the best of my ability, true and correct. <input type="checkbox"/> I give permission to the Michigan Department of Licensing and Regulatory Affairs to contact persons, including those I give as references, in order to determine if I am in compliance with the Act and the Rules.
--	---

**COMPLETE FOR CHILD CARE CENTER ONLY**

Facility Name			Corporate Name/Sponsoring Organization Name, if applicable		
Address (Street Number and Name)			Address (Street Number and Name)		
City	State	Zip Code	City	State	Zip Code
Telephone Number ( )	County		Telephone Number ( )	County	
Applicant's E-mail Address			Sponsoring Organization's E-mail Address		

<b>Auspices Status</b>				Send Mail To <input type="checkbox"/> Facility <input type="checkbox"/> Licensee	Corporate Status (Check One) <input type="checkbox"/> None <input type="checkbox"/> Profit <input type="checkbox"/> Non-Profit
<b>Governmental</b> (Check One)	<input type="checkbox"/> Local Government <input type="checkbox"/> County Government	<input type="checkbox"/> State Government <input type="checkbox"/> Community College	<input type="checkbox"/> State College/University <input type="checkbox"/> Public School		
<b>Non-Governmental</b> Check All That Apply)	<input type="checkbox"/> Church <input type="checkbox"/> Privately Owned	<input type="checkbox"/> Parent Cooperative <input type="checkbox"/> Employee Sponsors	<input type="checkbox"/> Private Funded Comm. Org. <input type="checkbox"/> Private School/College		

Applicant/Representative Signature (If Corporation, Must Be Signed By Authorized Person.)	Title	Date
---	-------	------

LARA is an equal opportunity employer/program.	AUTHORITY: 1973 PA 116 COMPLETION: Required PENALTY: No license will be issued.
--	---

FAMILY – 6 or less

GROUP – 7 to 12

**SUPPLEMENTAL APPLICATION INFORMATION**  
Michigan Department of Licensing and Regulatory Affairs  
Bureau of Community and Health Systems

LICENSE NUMBER  
FOR RENEWAL ONLY

ORIGINAL

RENEWAL

OTHER

**SECTION I APPLICANT AND FACILITY INFORMATION:**

Applicant Name (Last, First, Middle)		Birthdate	Soc Sec or FED ID Number	Phone Number	
Co-applicant Name (If joint)		Birthdate	Soc Sec or FED ID Number	Phone Number	
Address (Street Number & Name)		City		State <b>MI</b>	Zip Code
Name of Adult Who Will Assist in an Emergency		Telephone ( )		Age	
Address (Street Number & Name)		City		State <b>MI</b>	Zip Code
Assistant Caregiver, If Any	Age	Assistant Caregiver, If Any		Age	

**LIST ALL PERSON(S) LIVING IN YOUR HOME AND RELATIONSHIP**

Name	Birthdate	Relationship	Name	Birthdate	Relationship
Name	Birthdate	Relationship	Name	Birthdate	Relationship
Name	Birthdate	Relationship	Name	Birthdate	Relationship
Water Type: (check one) <input type="checkbox"/> Well <input type="checkbox"/> Public		Sewer Type: (check one) <input type="checkbox"/> Septic <input type="checkbox"/> Public		Water Heater (check one) <input type="checkbox"/> Gas <input type="checkbox"/> Electric	
Heat Type: (check all that apply) <input type="checkbox"/> Gas <input type="checkbox"/> Electric <input type="checkbox"/> Propane <input type="checkbox"/> Wood <input type="checkbox"/> Forced Air <input type="checkbox"/> Boiler				Year Home was Built:	
Have you been previously or are you presently licensed for children or adults? <input type="checkbox"/> No <input type="checkbox"/> Yes (License No.) ▶			Have you applied for any other license to care for children or adults? <input type="checkbox"/> No <input type="checkbox"/> Yes (License No.) ▶		
Number of Children for whom you wish to be licensed.		Who will provide food?		Length of time in present home.	
List room names and sizes for children's use.		Basement <input type="checkbox"/> No <input type="checkbox"/> Yes		Days and Time of Operation (indicate a.m./p.m.):	
Where will children sleep/nap? Describe sleeping arrangements.		Sunday		From:	To:
		Monday		From:	To:
		Tuesday		From:	To:
Directions to Home (Indicate Nearest Intersection).		Wednesday		From:	To:
		Thursday		From:	To:
		Friday		From:	To:
		Saturday		From:	To:

**SECTION II – PROGRAM AND TRAINING INFORMATION**

What will the children do during the day? Describe planned daily activities including provisions for outdoor play. List toys/materials – attach a separate sheet, if necessary.

---

How do you plan to supervise children at all times (in your home, outdoors, on field trips, etc.) – attach a separate sheet, if necessary.

Training (Check all that apply)		Name of Training Agency		Date Card Received
<input type="checkbox"/> Have Completed:	<input type="checkbox"/> Infant & Child CPR <input type="checkbox"/> Adult CPR <input type="checkbox"/> First Aid Training	▶		
<input type="checkbox"/> Have Not Completed:	<input type="checkbox"/> Infant & Child CPR <input type="checkbox"/> Adult CPR <input type="checkbox"/> First Aid Training	▶		
I have <input type="checkbox"/> /have not <input type="checkbox"/> completed 10 hours of training annually.		All assistant caregivers have <input type="checkbox"/> /have not <input type="checkbox"/> completed 5 hours of training annually.		
Applicant/Licensee Signature		Date	Co-Applicant/Licensee Signature	

Authority: 1973 PA 116  
Completion: Required  
Penalty: Applicant cannot be licensed/registered

LARA is an equal opportunity employer/program.

**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**  
 CU- 24 - 5

**PROPERTY AUTHORIZATION**

Date of application 02/26/24 Project address 164 Baker Street

**PROPERTY OWNER**  
 Name Jenny and Adam Brigman  
 Address 164 Baker Street  
 City / State / Zip Marquette MI 49855  
 Contact number [REDACTED]  
 E-mail [REDACTED]

**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 03/19/24

**PROJECT INFORMATION**

**Existing Use**

Single family residence

**Proposed / Expansion Use**

Home day care

**Adjacent Zoning and Uses**

North Zoning R2 Use residential South Zoning R1, C Use residential, vacant  
 East Zoning R2 Use residential West Zoning C Use vacant

**APPLICATION NOTES**

The checklist below identifies all documents required for the Zoning Administrator to declare the application complete before beginning the 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**

*The Township Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in the Zoning Ordinance. (extracted from Section 16.2 of Township Zoning Ordinance).*

Please provide statements to support the following standards in Section 16.2 of the Township Zoning Ordinance (attach separate pages if necessary).

*1. The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.*

Children will be inside until approximately 10:30 am where they will go outside in a fenced in yard. Children will be closely watched by care givers and reminded when their voices get too loud to use a quieter voice.

*2. The conditional use shall not change the essential character of the surrounding area.*

Additional play equipment will be added to the fence area, nothing will be added to the outside of the fence, and nothing will be permanently placed in the yard it will all be removable

*3. The conditional use shall not interfere with the general enjoyment of adjacent property.*

If the children are getting too loud and they are not listening to care giver's words about quieting down the care giver, will make the executive decision to bring all children inside so as to not disrupt the neighbors.

*4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.*

Opening this daycare will provide a much needed service to the community thus allowing the citizens to be able to work.

*5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.*

A few plastic outdoor toys that is age appropriate will be added to the outside play area, there is no smoking or vaping on the property and nothing dangerous will be stored on the property. Children will keep adequate noise level.

*6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration.*

The house will be used as a day care and only as a day care until we decide to retire

*7. The conditional use shall not place demands on public services and facilities in excess of current capacity.*

I will not have more then 12 in my care which is the licensing limit without township notification

*8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan.*

My plan is to only use my house as a home day care providing care to young children and families in need of child care.

*9. The conditional use shall be shown by the applicant to be compliant with all other applicable federal, state, or local statutes, regulations, and ordinances.*

I plan on being compliant to all federal, state and local regulation and ordinances by having all documentations on file at all times.

## SUPPLEMENTAL INFORMATION

Please answer the questions below to assist staff and the Planning Commission in determining if the proposed use will meet the *Zoning Ordinance* standards. Attach additional pages if necessary.

1. Describe the nature of the proposed conditional use activities, including any items which may be stored at the site.

Providing child care to children birth to age 12. Activities will include music, art, learning ABCs and 1,2,3s, problem solving, pretend play. Developmentally appropriate toys for boys and girls, art supplies such as paper, glue sticks, markers, pencils, truck, blocks, musical instruments, dress up clothes, baby dolls, cribs, cots, high chairs etc.

2. Describe the day to day operations of the proposed conditional use at the site, and indicate the proposed hours of operation.

Breakfast, 2 snacks and a lunch will be provided, free time where kids will choose their activities, large group children will listen to stories and sing songs, outside time will happen at approximately 10:30 and 3:30 until going home time when weather allows and a naptime in the afternoon business will run from 7 am to 5:30 pm

3. Describe the effects that the proposed use will have on the neighborhood (such as noise, traffic, and aesthetics).

Parents will be dropping children off in the morning between 7 and 8:30 am then picking them up for the night starting at 4- 5:30 pm. Noise will consist of children's laughter, pretend play possible crying and child's big emotions as they work on solving problems. Care givers will work through all these noises as quickly as possible to avoid disturbance

4. Describe how the proposed use is compatible with the existing uses, designs, and appearances in the vicinity.

We will add hooks and storage cubes for children to put their items, add more shelves for age appropriate toys add a small table and chairs for children to sit at and add high chairs, pack and plays, mats for eating and sleeping, more age appropriate outdoor toys such as balls, small slide, pretend kitchen, chalk and ride on toys.

5. Describe the measures you propose to reduce the impact of the proposal to neighboring properties and / or the environment.

Have the children help make outdoor rules that they will follow while playing outside. Talking about the rules before going outside and while we are outside. We will also talk about appropriate voice volumes while playing outside. We will remind parents to only park in our driveway to avoid damage to yards. We would also recycle as much as possible.

6. Does the proposed conditional use involve:

Above ground fuel storage  Yes  No

Underground fuel storage  Yes  No

Use / storage of hazardous materials  Yes  No

7. What positive community impacts will result from the proposed conditional use?

There will be more options for parents to place their child into care so that they can go to work either inside their home and not be distracted or outside of their home. Children will have child interactions and learn valuable developmental skills such as problem solving and beginning academic topics

8. What negative impacts, if any, will result from the proposed conditional use?

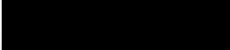
Increased traffic during drop off and pick up times along with noise level that will be controlled as much as possible when children are outside playing.

9. Is it anticipated that the proposed conditional use will require additions or changes in the future?

Yes, after 2 years of the day care being in use we can apply for a variance to have 14 children instead of 12 in care we will have to apply for it and licensing will have the right to approve or deny us.

**APPLICATION CONDITIONS**

1. I certify that the proposed 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 *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 agree that neither I nor my successor will sell, convey, or otherwise dispose of any land surrounding a structure if such a transaction will result in the structure being left on a lot which fails to meet the minimum requirements set forth in the Township zoning ordinance.
6. 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 determines that more information is necessary in order to take specific action on the proposed conditional use.
7. 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.
8. I understand that a conditional use permit will not be effective until I have provided proof that I have obtained all other required permits or licenses.

Owner / agent signature  Date 03/19/24  
Name (print) Adam Brigman

**TOWNSHIP OFFICE**

Parcel ID 52-02-216.C-00013.00-0000C Zoning District R2

Application Charge \$250.00

Date paid 02/27/24 Receipt number 50304

**Public Hearing Notifications**

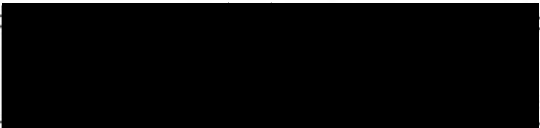
*Minimum of 15 calendar days prior to the Planning Commission meeting*

Scheduled Planning Commission meeting date 04/15/24

Date public hearing notice to be published 03/31/24

Date notices to be mailed to the affected public 03/31/24

Date notice to be posted on the Township web site 03/31/24

Zoning Administrator signature  Date 02/27/24

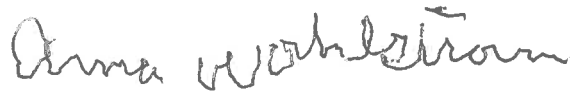
March 27, 2024

Chocolay Township Office  
5010 US 41 South  
Marquette, MI 49855

Dear Chocolay Township Planning Commission,

I am writing to express my complete support to Mr. and Mrs. Brigman, who lives across the street from my home, in their efforts to operate a daycare in their home at 164 Baker Street.

Respectfully yours.

A handwritten signature in cursive script that reads "Anna Wahlstrom".

Mrs. Anna Wahlstrom  
167 Baker Street  
Marquette, MI 49855

**PUBLIC NOTICE  
CHARTER TOWNSHIP OF CHOCOLAY**

The Chocolay Township Planning Commission will hold a public hearing on conditional use request CU 24-05 on Monday, April 15, 2024 at 6 PM at the Chocolay Township Fire Hall at 5010 US 41 South, Marquette, Michigan.

Jenny and Adam Brigman, property owners, propose to operate a day care in their home at 164 Baker Street. A Conditional Use permit review for this use is required according to Article XVI of the Chocolay Township Zoning Ordinance.

A copy of the conditional use application is available for review and inspection at the Chocolay Township office Monday through Friday 8:00 AM to 4:30 PM and can also be viewed at [chocolay.gov](http://chocolay.gov). Questions or comments can be directed to the Planning Director at 906.249.1448, sent to the Township office, or submitted via email ([publiccomment@chocolay.gov](mailto:publiccomment@chocolay.gov)). Comments will be received until 12:00 PM April 10, 2024.

# The Mining Journal

**IX.A.7**

Upper Michigan's Largest Daily Newspaper  
249 W. Washington St., Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

## AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of: **MARQUETTE**

In the matter of: Public Notice  
Chocolay Township Planning Commission  
Conditional Use Request CU 24-05  
April 15, 2024

Size: 2 x 5

State of **MICHIGAN**, County of Marquette ss.

**ANN TROUTMAN**

being duly sworn, says that she is

**PUBLISHER**

of **THE MINING JOURNAL**

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

March 26, 2024



**ANN TROUTMAN**

Subscribed and sworn to before me this 26th day of March, 2024.

### PUBLIC NOTICE

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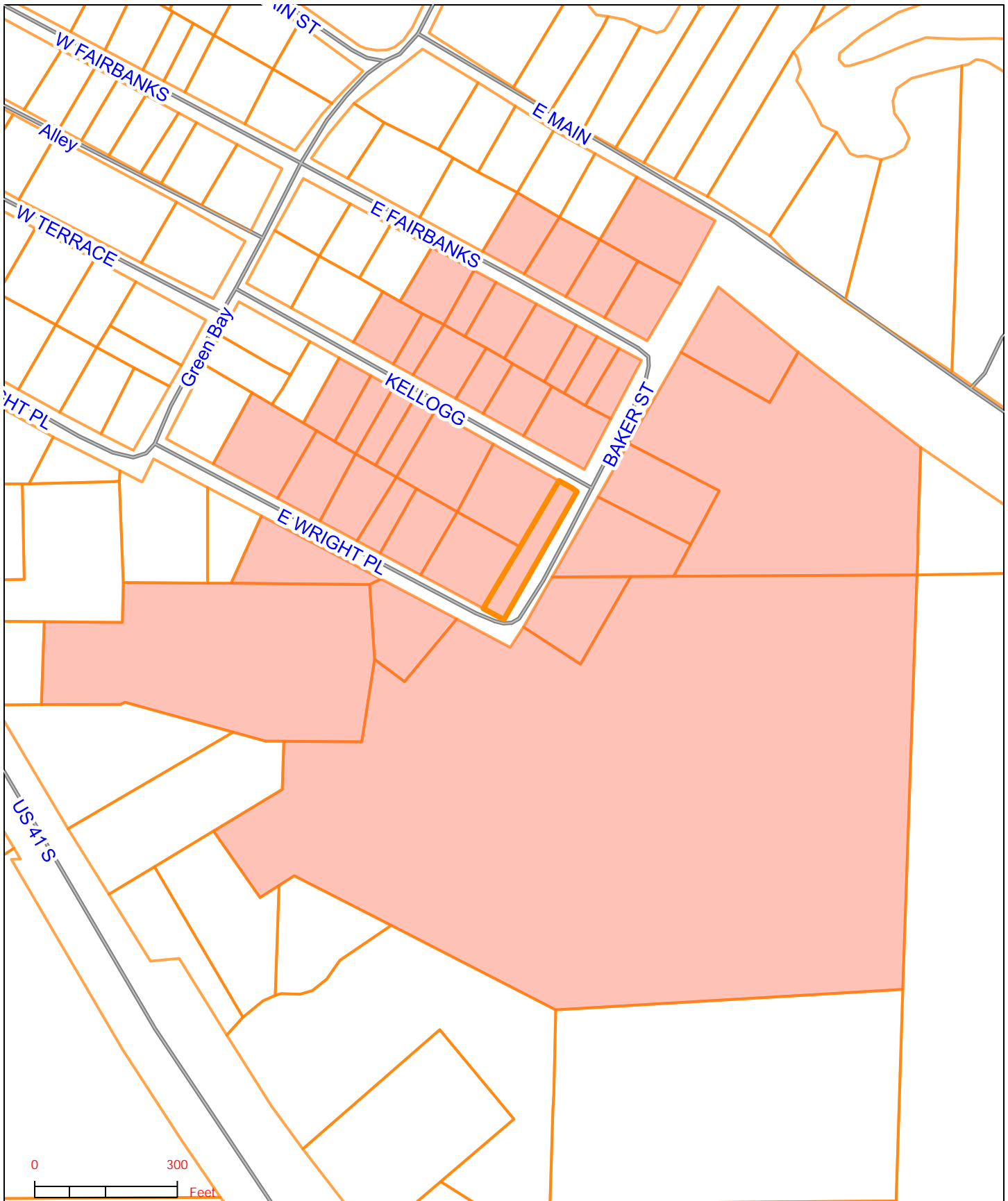
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**HOLLY GASMAN**

Notary Public for MARQUETTE County, Michigan  
Acting in the County of Marquette  
My commission expires: May 25, 2025

CU 24-05 164 Baker Street Notification Map



March 11, 2024

The regular meeting of the Chocolay Township Board was held on Monday, March 11, 2024, 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, David Lynch, Judy White, Don Rhein

ABSENT: Ben Zyburt (excused), Kendra Symbal

STAFF PRESENT: William De Groot, Dale Throenle, Brad Johnson, Suzanne Sundell

APPROVAL OF AGENDA.

White moved, Lynch supported to approve the agenda as presented.

MOTION CARRIED

PUBLIC COMMENT

Bob Hendrickson, Iron Ore Heritage Trail – introduced himself as the new Administrator of the IOHT, replacing Carol Fulsher last July upon her retirement. He wanted to provide an update on what is happening with the IOHT. Had met with Brad Johnson and Joe Neumann earlier to inform them of projects going on in Chocolay Township. There is an extension being worked on that will connect to Lakenenland – construction will likely happen in 2025. Lots of other projects in the County – Negaunee Boardwalk and a land acquisition in Marquette Township adjacent to the trail.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Joint Meeting, February 12, 2024.
- B. Approve Revenue and Expenditure Reports – February 2024.
- C. Approve Bills Payable, Check Register Reports – February 12, 2024 (Check #'s 26677 – 26694, in the amount of \$38,011.69), and February 21, 2024 (Check #'s 26695 – 26717, in the amount of \$97,432.47).
- D. Approve Bills Payable, Tax Disbursement Check Register Reports – January 2, 2024 (Check #'s 5042 – 5045, in the amount of \$581,192.30), January 9, 2024 (Check # 5046, in the amount of \$158,021.18), January 18, 2024 (Check #'s 5047 – 5051, in the amount of \$945,257.95), January 31, 2024 (Check #'s 5052 – 5053, in the amount of \$1,058.58), February 12, 2024 (Check #'s 5054 – 5060, in the amount of \$857,862.39), and February 21, 2024 (Check #'s 5061 – 5065, in the amount of \$884,329.29).
- E. Approve Bills Payable – Regular Payroll of February 1, 2024 (Check #'s DD3927 – DD3943 and Check #'s 11471 – 11476, Federal, State, and MERS in the amount of \$45,970.52), Regular Payroll of February 15, 2024 (Check #'s DD3944 – DD3980 and Check #'s 11477 –



11482. Federal, State, and MERS in the amount of \$51,285.00) and Regular Payroll of February 29, 2024 (Check #'s DD3981 – DD4012 and Check #'s 11483 - 11488, Federal, State, and MERS in the amount of \$56,088.55).

Lynch moved, Rhein supported to approve the consent agenda as presented.

MOTION CARRIED

#### SUPERVISOR'S REPORT

Supervisor Bohjanen informed the Board that the Township has received notice of retirement of the Police Chief, Scott Jennings. There will be discussion on this later in the agenda.

Manager's Annual Review – Supervisor Bohjanen presented his report to the Board. In the past, this has been given to all members to fill out, but this seems a little impractical as not all the Board members have regular contact. Bohjanen would welcome any input other Board members may have. The Supervisor's review of the manager was accepted by the Board.

#### CLERK'S REPORT

Clerk Engle reported that the election ran smooth, despite some of the problems that were encountered in the time leading up to it. Voter numbers included: Absentee – 1,125, Precinct 1 – 222, Precinct 2 – 205, and Early Voting – 85 in total with 51 of those being Chocolay Township. Clerk Engle was asked about the cost of early voting per person. At this point, it is expensive but it was new, so hopefully the number of people taking advantage of it will pick up in the next election.

#### TREASURER'S REPORT - NONE

#### PUBLIC HEARING – NONE

#### PRESENTATIONS – 2023 SEWER MAIN AND LATERAL INSPECTION FINDINGS

Brad Johnson, Public Works Superintendent, presented the findings of televising that had been completed by Great Lakes TV Seal, Inc. The reason for doing the televising is that our system is approximately 50 years old and it is getting harder to find replacement parts when needed. It was also needed to monitor flows. This has been a huge learning experience for staff. Johnson is working on an Asset Management Plan for the sewer to determine what our immediate and long-term needs are. Once done, this will come back to the Board. Currently, the manhole structures need repair along with two areas that require root ball removal. Root ball removal would require a fix or patch on the pipe also.

#### DISCUSSION LOCAL ELECTION DEADLINES FOR 2024.

Election deadlines were discussed, along with the plans of the five members of the Board present for running in the upcoming elections. Richard Bohjanen and Judy White are not planning on running at this time. Dave Lynch will be running for Supervisor, Max Engle will be running for Clerk,

and Don Rhein will be running for Trustee. Clerk Engle let the Board members know that the packets needed to run for office can be obtained from Lisa Perry in the front office.

CONSIDER FEMA FLOOD ORDINANCE 60 UPDATE INTRODUCTION.

It was noted that it is necessary to have a Public Hearing in a timely manner, as this must be completed by June 6, 2024, in order to maintain our flood insurance designation.

White moved, Rhein supported that the Chocolay Township Board set a public hearing for the next available Board Meeting.

MOTION CARRIED

CONSIDER 2024 DUST CONTROL AGREEMENT WITH THE MCRC WITH PAYMENT FROM RESIDENTS.

Lynch moved, Engle supported that the Chocolay Township Board approves staff recommendation and move forward with approving the request for dust control for 2024 that is paid by the residents requesting the dust control and sign the contract with the Marquette County Road Commission.

MOTION CARRIED

CONSIDER SEWER MAIN REPAIR

White moved, Rhein supported that the Chocolay Township Board approves the expenditure of not more than \$42,000 and award a future contract to Smith Construction to replace 60 feet of 10-inch sewer main.

MOTION CARRIED

(This 60 feet of pipe is located at Lift Station #3 on Baker Street – manhole to manhole).

And,

Lynch moved, White supported that the Chocolay Township Board approves the expenditure of not more than \$11,000 and award a future contract to Great Lakes T.V. Seal Inc. to remove the two root balls out of our 18-inch sewer main.

MOTION CARRIED

CONSIDER THE PURCHASE OF A WILDLAND / BRUSH TRUCK.

Supervisor Bohjanen indicated that this was discussed at our last meeting. We currently have the opportunity to purchase this vehicle.

Township Manager De Groot indicated that the reason we have to purchase such a large truck is that in the past we have used trucks that have been handed down. Having a larger truck changes the way we utilize it for things such as brush fires. This allows us to get in line – truck still at factory. This is just chassis and cab – will need to build deck and integrate a skid unit into the frame. Will be looking at procuring the equipment needed over the next few months.

Lynch moved, Rhein supported that the Chocolay Township Board approves the expenditure of not more than \$68,000 for the acquisition of a Wildland / Brush Truck Ford F-550 from LaFontaine Ford in Lansing. The funds for this vehicle have already been received from the KBIC 2% allocation.

And,

Empower the Township Manager to finalize the purchase contracts and sign on behalf of the township.

AYES: Lynch, Rhein, Engle, Bohjanen

NAYS: White

ABSENT: Zyburt, Symbal

MOTION CARRIED

CONSIDER AN APPLICATION FOR CONGRESSIONAL FUNDING FOR THE FIRE DEPARTMENT.

Manager De Groot indicated that this is Congressional funding, which is earmarked funding. There is funding available to commit to this obligation in our Capital Fund.

**CONGRESSIONALLY DIRECTED SPENDING APPROPRIATIONS OPPORTUNITY  
RESOLUTION OF AUTHORIZATION- LOCAL UNIT OF GOVERNMENT MATCH WITHOUT  
DONATED FUNDS**

White moved, Rhein supported:

**WHEREAS**, The Chocolay Township Board supports the submission of an application titled, "Fire Apparatus Acquisition" for design, build and delivery of a fire pumper/tanker engine; and,

**WHEREAS**, the proposed application would negate the need to ask for a millage to fund this apparatus,

**WHEREAS**, Chocolay Township is hereby making a financial commitment to the project not to exceed \$ 110,000.00 of matching funds, in cash and/or force account; and,

**NOW THEREFORE, BE IT RESOLVED** that The Chocolay Township Board hereby authorizes submission of a CDS Request for \$ 550,000.00 and;

**BE IT FURTHER RESOLVED** to make available its financial obligation amount of \$110,000.00 (20%) of a total of project cost \$550,000.00 during the 2025 fiscal year.

AYES: Rhein, Lynch, White, Engle, Bohjanen

NAYES: None

ABSENT: Zyburt, Symbal

RESOLUTION APPROVED.

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by the Township Board of Chocolay Township at their regular meeting held on March 11<sup>th</sup>, 2024 at 5:30 p.m. in the Chocolay Township Fire Hall, with a quorum present.

\_\_\_\_\_  
Max L. Engle, Township Clerk

\_\_\_\_\_  
Date

CONSIDER AN APPLICATION FOR MDNR FUNDING FOR POCKET PARK IMPROVEMENTS.

**RECREATION PASSPORT GRANT PROGRAM**

**RESOLUTION OF AUTHORIZATION- LOCAL UNIT OF GOVERNMENT MATCH WITHOUT DONATED FUNDS**

Lynch moved, White supported:

**WHEREAS**, The Chocolay Township Board supports the submission of an application titled, "Kawbawgam Pocket Park Improvements" to the Recreation Passport Grant Program for development of improved access and amenities at Kawbawgam Pocket Park; and,

**WHEREAS**, the proposed application is supported by the Community's 5-Year Approved Parks and Recreation Plan OR Current Annual Capital Improvement Plan; and,

**WHEREAS**, Chocolay Township is hereby making a financial commitment to the project in the amount of \$ 9,000 matching funds, in cash and/or force account; and,

**NOW THEREFORE, BE IT RESOLVED** that The Chocolay Township Board hereby authorizes submission of a Recreation Passport Grant Program Application for \$ 36,000 and further resolves to make available its financial obligation amount of \$ 9,000 (25%) of a total of \$36,000 project cost during the 2025 fiscal year.

AYES: Rhein, Lynch, White, Engle, Bohjanen

NAYES: None

ABSENT: Zyburt, Symbal

RESOLUTION APPROVED.

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by the Township Board of Chocolay Township at their regular meeting held on March 11<sup>th</sup>, 2024 at 5:30 p.m. in the Chocolay Township Fire Hall, with a quorum present.

\_\_\_\_\_  
Max L. Engle, Township Clerk

\_\_\_\_\_  
Date

CONSIDER A CONTRACT WITH MARQUETTE COUNTY EQUALIZATION FOR THE FETCH ELECTRONIC PARCEL TOOL AND MAPPING.

Lynch moved, Rhein supported that the Chocolay Township Board approves the Township Manager to enter into a contract with Marquette County for the use of the FETCH GIS software platform. The cost of the purchase is outlined in the “Marquette County Fetch GIS Access Quote”.

MOTION CARRIED

EWING PINES SUBDIVISION PLAT AMENDMENT RESOLUTION.

RESOLUTION OF  
THE TOWNSHIP OF CHOCOLAY

White moved, Lynch supported that:

Upon consideration of a request by Paulette Perttunen and Timothy Prisk, record title owners of Lots numbered One (1) to Seven (7) of the Ewing Pines Subdivision Plat, pursuant to their Second Amended Complaint, case number 21-60631-CL, to vacate Lots numbered One (1) through Seven (7) of the Ewing Pines Subdivision Plat, and all of Trillium Circle. Therefore the Township of Chocolay, pursuant to MCL 560.226(c), resolves to approve the vacation of Lots numbered One (1) through Seven (7) of the Ewing Pines Subdivision Plat, and all of Trillium Circle.

AYES: Rhein, Lynch, White, Engle, Bohjanen

NAYS: None

ABSENT: Zyburt, Symbal

RESOLUTION APPROVED

It is certified that the Township of Chocolay passed this Resolution in formal Board action on March 11, 2024.

Certification:

\_\_\_\_\_  
By: Max L. Engle  
Its: Township Clerk

\_\_\_\_\_  
Date

CONSIDER AUDIT LETTERS OF ENGAGEMENT AND UNDERSTANDING.

Lynch moved, Rhein supported to enter into agreement with Anderson Tackman and sign the letters to move forward with our audit.

MOTION CARRIED

DISCUSSION OF POLICE CHIEF RETIREMENT AND NEXT STEPS.

Supervisor Bohjanen indicated that our previous practice of hiring a police chief has changed. Going forward, we will need to advertise for candidates and interview by the full Board. There is also criteria that is necessary for MCOLES to be hired on as Chief.

Township Manager De Groot explained the process of hiring a new police chief. The Township Manager is not allowed to be involved, except for the administrative process. De Groot stated it has been an honor to service with Chief Jennings, who has been with the force for 38 years. De Groot will be presenting a timeline to the Board at the April meeting if they wish. This could include the advertising, salary, recruitment, how to handle (internal first, then outside?), open meeting on a different day for interviews, tours, internal vetting. The last two hires have been an open process. The attorney would recommend having just one process to provide transparency.

De Groot will draft a couple different versions for the April meeting. This is a highly sought after job and we may receive a lot of resumes. In April, the Board may need to decide on desired criteria. The current Chief will be ending his employment with us as of May 31, 2024. The June meeting will include a recognition of Chief Jennings' accomplishments.

#### MANAGER UPDATE OF WORK PLAN AND CORPORATE STATUS.

Manager De Groot indicated that we have received funding of approximately \$142,000 for new radios. We have contracted with Motorola to provide the radios. We should have them within a few months, and then they get templated through the State.

The auditors have been in and spent the last week with us. There is nothing to report at this time.

There is a movement in the news right now – AXMITAX – they have started a petition to have a constitutional amendment to eliminate property taxes. They do not have anything in place as to how the money would be replaced. They have until mid-July to collect 450,000 signatures. We are looking at putting something on the web as to where property taxes go. Michigan Township Association is also looking at informational material.

We have a temporary employee, Kellie Barry-Angeli, in the front office to replace staff that is on medical leave.

#### BOARD MEMBER COMMENTS

Don Rhein – None

Kendra Symbal – Absent

Judy White – attends the meetings at the landfill – they are having significant financial problems. There is a possibility that they will need to raise tipping fees.

Dave Lynch – None

Ben Zyburt – Absent

Max Engle – None

Richard Bohjanen – None

PUBLIC COMMENT

Bob Hendrickson, IOHT – the funding for the Lakenenland extension is \$300,000 and is coming from a Michigan Trust Fund grant. This trail will be a parallel trail, and not be replacing the motorized trail on the south side. This will be an aggregate trail, which also make the trail ADA.

Rhein moved, Lynch supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:43 p.m.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of February 12, 2024, Draft.
- B. Minutes - Marquette County Solid Waste Management Authority, Special Meeting of February 9, 2024.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of February 21, 2024, Draft.
- D. Information – Chocolay Township Newsletter – February 2024.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

**CHOCOLAY TOWNSHIP NEWSLETTER**

**March 2024**

**DEPARTMENT REPORTS**

**Assessing**

**By John Gehres**

A total of 18 petitions were filed with the Board of Review, which met on March 11<sup>th</sup> and 12<sup>th</sup>. A copy of the petitions will be sent to the taxpayers and the county. We are now required to file several reports with the county and state. Once those are completed, I will be looking forward to setting up these summer’s inspections and getting a technician in place.

**Fire Department**

**By Lee Gould**

We continue to work on our Wildland/Rescue Truck. The truck was ordered in early March with an anticipated build of 5-10 months. We are currently working on the box that will be attached to the rear chassis. These are custom made to fit this type of apparatus. The box compartments will hold our equipment and skid unit. We hope to have the box finalized in April to have it arrive at the same time as the truck.

The fire department holds elections for officers every other year. This April we will hold our elections. These are important positions as they each provide leadership on the fire ground and also are assigned leadership duties each year.

This weather has been challenging with the seasons flip flopping from warm to cold, dry to snow. Our call volume has increased with the weather also. We have responded to a few vehicle accidents and two structure fires. Our call volume is slightly lower than average due mostly to the mild winter.

**Public Works**

**By Brad Johnson**

With the recent snow melt, staff has noticed a significant amount of dog waste on our baseball and soccer fields. We have posted on our website and facebook reminding people to please clean up after their pets.

We have already installed the dock at the River Access Park and put up the tennis/pickle ball nets at Silver Creek Park.

We were contacted by Superior Recover Center about having clients that do community service to help with their recovery process. They asked if we would be able to provide tasks for their group to support local communities. They had 4 clients willing to come here and start raking for us and washing outside windows. As the weather permits, we will be working with this group and finding other projects/tasks for them.

**Planning / Zoning**

**By Dale Throenle**  
**Planning Commission**

The Planning Commissioners participated in a regular meeting on March 18 in the Township Fire Hall.

There were two items on the agenda; one was considered old business, and the other was considered new business.





**Old Business**

1) Proposed Zoning Ordinance Amendments for the Agriculture / Forestry (AF) Zoning District (34-23-02)

Commissioners discussed attorney changes to the proposed zoning ordinance language for the new AG 1, AG 2, and AG 3 zoning districts. The Commissioners approved the language and will present the language and the related zoning map at a public hearing at the April meeting.

**New Business**

1) Proposed Accessory Dwelling Unit Language

Commissioners began a discussion on Accessory Dwelling Units (ADUs) within the Township. They reviewed possible ordinance language and discussed various aspects of how and where ADUs should be permitted in the Township. The discussion will resume at the meeting scheduled in May.

The Planning Commission will hold two public hearings at the April meeting. One will be regarding the language and zoning map for the proposed AG 1, AG 2, and AG3 zoning districts. The other will be regarding a home day care to that will be in the Harvey area. The regular monthly meeting is on **April 15 at 6 PM** in the Township Fire Hall.

**Zoning Board of Appeals**

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

**Police**

**By Liz Norris-Harr**

This month Chief Jennings put in his retirement date. After serving for over 35 years it is well deserved!

**Prescription Drug Collection**

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

Month 2019	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Pounds To-Date	19	11	4									
<b>Pounds Year To-Date</b>	<b>19</b>	<b>30</b>	<b>34</b>									

**FOIA**

REQ #	Date Rec	Res by Date	Invoice Sent	48 Days Invoice	10 day Ext Sent	10 day Ext	Response Date	Link to Documentation	Description	First Name	Last Name
24-01	1/5/2024	1/11/2024					1/9/2024	<a href="#">24-01 Carlson 01.05.24</a>	Police Reports	Britta	Carlson
24-02	1/8/2024	1/12/2024			1/9/2024	01/26/2024	1/24/2024	<a href="#">24-02 Mulcahey 01.08.24</a>	Employee Information Salaries/Benefits	Deborah	Mulcahey
24-03	1/5/2024	1/11/2024			1/9/2024	1/26/2024	Cancelled	<a href="#">24-03 Gencheff 01.05.24</a>	Voting Information	Stephanie	Gencheff
24-04	1/8/2024	1/12/2024			01/09/2024	1/26/2024	1/24/2024	<a href="#">24-04 Mulcahey 01.08.24</a>	Employee Information email address	Deborah	Mulcahey
24-05	1/11/2024	1/17/2024					1/15/2024	<a href="#">24-05 Heidtman 01.11.24</a>	Police Reports	Travis	Heidtman
24-06	1/26/2024	2/1/2024					1/30/2024	<a href="#">24-06 Hughes 01.26.24</a>	Police Reports	Brittany	Hughes
24-07	1/30/2024	2/5/2024			01/30/2024	2/19/2024	2/16/2024	<a href="#">24-07 Kanerva 01.30.24</a>	Police Reports	John	Kanerva
24-08	2/15/2024	2/21/2024			02/16/2024	3/8/2024	2/23/2024	<a href="#">24-08 Walters 02.15.24</a>	Police Information	Kevin	Walters
24-09	2/22/2024	2/28/2024					2/23/2024	<a href="#">24-09 Schreiner 02.22.24</a>	Employee Information	Chris	Schreiner
24-10	2/22/2024	2/28/2024					2/29/2024	<a href="#">24-10 Schreiner 02.22.24</a>	Township Financial Information	Chris	Schreiner
24-11	2/26/2024	3/1/2024			02/28/2024	3/15/2024	Cancelled	<a href="#">24-11 Aughtney 02.26.24</a>	Blection Information	Scott Aughtney - Citizens for Electoral Justice	
24-12	3/28/2024	4/4/2024					4/2/2024	<a href="#">24-12 Gencheff (League of Women Vote</a>	Blection Information	Stephanie Gencheff - League of Women Voters	
24-13	3/28/2024	4/4/2024					4/1/2024	<a href="#">24-13 Lorens 03.28.24</a>	Police Reports	Steve	Lorens



## Web Page Statistics

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

Month	Sessions	Page Views
January	1,889	6,150
February	1,657	4,579
March	1,601	4,091
<b>Totals</b>	<b>1,889</b>	<b>6,150</b>
<b>Averages</b>	<b>1,759</b>	<b>5,243</b>

## Zoning Permit Counts

Zoning permit counts through March, 2024:

2024 Reviewed Permits by Month		2024 Reviewed Permits by Type		
Month	Number of Permits	Permit Type	Approved Number	Denied Number
January	3	Addition	0	0
February	2	Alteration	0	0
March	6	Commercial Outbuilding	0	0
		Conditional Use	2	0
		Deck	0	0
		Fence	2	0
		Garage	1	0
		Grading	0	0
		Home	0	0
		Home / Garage	3	0
		Home Occupation	1	0
		New Commercial	0	0
		Outbuilding	0	0
		Pole Building	0	0
		Rezoning Application	0	0
		Sign	1	0
		Site Plan Review	1	0
		Zoning Variance Request	0	0
<b>Total</b>	<b>11</b>	<b>Total</b>	<b>11</b>	<b>0</b>



Chocolay Township				
February 27, 2024 Presidential Primary Election Results				
Partisan Section	Candidate	Precinct 1	Precinct 2	Total
<b>Presidential</b>				
Democratic Party	Dean Phillips	14	10	24
	Marianne Williamson	6	9	15
	Joseph R. Biden, Jr	322	330	652
	Uncommitted	32	51	83
	Write In	2	1	3
	<b>Total</b>	<b>376</b>	<b>401</b>	<b>777</b>
<b>Republican Party</b>				
Republican Party	Nikki Haley	122	164	286
	Asa Hutchinson	0	0	0
	Vivek Ramaswamy	2	0	2
	Donald J. Trump	236	254	490
	Ryan L. Binkley	1	0	1
	Chris Christie	1	1	2
	Ron DeSantis	3	6	9
	Uncommitted	17	15	32
	Write In	0	2	2
	<b>Total</b>	<b>382</b>	<b>442</b>	<b>824</b>
<b>Registered Voters</b>				
		2671	2482	5153
<b>Ballot Count (In Person)</b>				
		222	205	427
<b>Percent of Registered Voters (In Person)</b>				
		9%	9%	9%
<b>Absentee Ballots</b>				
Absentee Ballots	Issued	573	678	1251
	Returned on Time	518	607	1125
	Percentage (Absentee)	20%	25%	22%
<b>Early Voting</b>				
Early Voting	Chocolay Township	20	32	52
	Sands Township	19		19
	Skandia Township	3		3
	West Branch Township	11		11
	<b>Total</b>			<b>85</b>



**MARQUETTE COUNTY PLANNING COMMISSION  
MEETING MINUTES  
March 6, 2024**

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: Ken Kaiser, David Slater, Eric Swisher, Kathy Vermaat, Charles Bergdahl. Staff present: Amy Stephens and Melissa Schroeder. Public present: Chuck Bergdahl and Jim Belpedio. Commissioners absent: Karen Alholm and Bob Struck.
3. Approval of Minutes: Commissioner Slater motioned to approve the February 7, 2024 meeting minutes. Seconded by Commissioner Bergdahl. The motion was carried unanimously.
4. Public Comment: None.
5. Approval of Agenda: Commissioner Swisher motioned to approve the agenda with the addition of 10 e. 2025 Capital Improvement Project Ranking form. Seconded by Commissioner Vermaat. The motion was carried unanimously.
6. Public Hearing: None.
7. Communications: Commissioner Bergdahl made a motion to accept and file communications, supported by Commissioner Slater. The motion was carried unanimously.
8. Monthly Reports: Commissioner Slater made a motion to accept and file the February 2024 reports. The motion was seconded by Commissioner Swisher. The motion was carried unanimously.
9. Old Business
  - a. Materials Management Planning: Ms. Stephens stated Alger, Delta, Dickinson, Marquette, Menominee and Schoolcraft counties have agreed to a regional plan, unofficially. Letters were sent to adjacent counties to determine if they want to take part in this multi-county plan. The County Board will have to submit its notice of intent by early June or July to the State to share what is being selected and the finalization of the inter-local agreement is currently underway with the Civil Council Review.
10. New Business
  - a. Champion Township Zoning Text Amendment #1: The text to Chapter 10, Special Regulations, Section 1005, Waterfront Development proposed amendment appears to be well received with a lot of public comments advocating for the health protection of the Yellowdog River Watershed ecosystem. Increasing this waterfront setback also supports other federally designated setback range requirements. Commissioner Slater suggested communications take place regarding these set-backs with EGLE to be comparable to Best Management Practices set by the State and cover all of their bases.

Commissioner Slater made a motion to accept staff recommendations with inclusion of comments, seconded by Commissioner Swisher. The motion was carried unanimously.

- b. Champion Township Zoning Text Amendment #2: This zoning text amendment is to add definitions to section 202 and adding proposed definitions as both a Permitted Use and a Conditional Use in Chapter 5, Section 501, 502, 504, and 506. Champion Township defines “A Club” as a private non-profit organization of persons associated for a common social, recreational, or political purpose. They want to add a “Club that does not serve alcohol” and is not operated for profit and label as a Permitted Use and add a “Club that serves alcohol” as a Special Land Use by Conditional Use Permit. Ms. Stephens added a comment regarding The Religious Land Use and Institutionalized Persons Act that assemblies, including churches and clubs, should be treated the same under the zoning ordinance.

Jim Belpedio, Champion Board Trustee and Planning Representative would like the best advice on how to go about making this beneficial to those in favor and to those who are not in favor of these Clubs and more clear understandings of these Conditional and Permitted Use Permits especially with these Clubs being in the center of residential areas and next to a Church.

Staff recommends not supporting the proposed amendment and that “A Club” be considered one definition regardless of alcohol use or not and for it to be a Conditional Use in all districts. Commissioner Vermaat motioned to support staff recommendations to not differentiate between “A Club” that does not serve alcohol and one that does serve alcohol and recommends the use of “A Club” as a Special Land Use by Conditional Use Permit in all districts, seconded by Commissioner Bergdahl. The motion was carried unanimously.

- c. Negaunee Township Zoning Text Amendment: Proposing to amend the text of the Forestry District including Article II Section 202 as well as, Article III Section 315 (D) by adding Building Materials Sales and Storage and Wholesale and Storage Facility as a Conditional Use Authorized by Permit. Commissioner Slater makes the motion to approve this proposed text amendment, seconded by Commissioner Swisher. The motion was carried unanimously.
- d. Meeting Time Change: A proposal to change the Forestry and Planning Commission meeting days to the first Thursday of the month and the times to be held at 3pm and 4pm was discussed and supported by Commissioner Swisher and seconded by Commissioner Slater. A tentative motion carried unanimously pending absent board members input.
- e. 2025 Capital Improvement Project Ranking Form: The Planning Commission was asked to approve the release of this updated 2025 Capital Improvement Project Ranking form. Commissioner Vermaat motioned to approve this release after applying formatting changes, seconded by Commissioner Slater. The motion was carried unanimously.

11. Announcements: Commissioner Vermaat announced CUPPAD held a presentation regarding the Billerud paper mill adjusting their production levels to demand, re-scoping maximum re-use of existing equipment and take advantage of the natural resources in the U.P. and sustainability, with support from the State of Michigan. Commissioner Vermaat also announced that the MSHDA Regional Housing Effort funding is being eliminated.

12. Public Comment: None.

13. Adjournment: Commissioner Slater motioned, seconded by Commissioner Bergdahl, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 7:33 p.m.

Respectfully submitted,

Melissa Schroeder, R/M/D Support Staff

**OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY PLANNING  
COMMISSION  
March 19th, 2024**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, March 19, 2024, in the Commission Chambers at City Hall. An audio/video recording of this meeting is available online [here](#).

**ROLL CALL**

Planning Commission (PC) members present: W. Premeau, M. Rayner, K. Clegg, S. Lawry, D. Fetter, Chair S. Mittlefehldt.

PC Members absent: C. Gottlieb

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

**AGENDA**

*It was moved by M. Rayner, seconded by K. Clegg, and carried 6-0 to approve the agenda as presented.*

**MINUTES**

The minutes of 02-06-24 were approved as presented.

**CONFLICT OF INTEREST**

There were no conflicts of interest stated.

**NEW BUSINESS****A. Election of Officers**

M. Rayner stated that she would like to nominate S. Mittlefehldt to continue to be Chair.

*It was moved by M. Rayner, seconded by S. Lawry and approved 6-0 for S. Mittlefehldt to serve as Chair until the next elections, in 2025.*

*It was moved by S. Mittlefehldt, seconded by D. Fetter and approved 6-0 for K. Clegg to serve as Vice-Chair until the next elections, in 2025.*

**B. Presentation – Cultural Trail Project**

Tiina Morin, City of Marquette Arts and Culture Division Manager, provided a slideshow presentation and spoke to it for about 40 minutes. The presentation covered the genesis of the Cultural Trail Project at the Karl Zuger overlook at Father Marquette/Lakeside Park, the purpose of the project in honoring and preserving Marquette's diverse history and cultural heritage, the scope of the seven-mile ADA accessible multi-use pathway project that will connect twelve selected sites on the waterfront between the mouth of the Carp River and Presque Isle Park, grants acquired and the consulting team that has been engaging stakeholders and preparing development plans for the project, and the Seven Grandfathers statuary project that will be placed adjacent to the new boat launch/pier in the lower harbor.

Planning Commission members asked questions about connectivity via City streets to and from the Cultural Trail, intentions of planning and budgeting for long-term maintenance of all planned facilities, and phasing of the project.

## **PUBLIC COMMENT ON AGENDA ITEMS**

No comments were provided.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

No comments were provided.

## **WORK SESSION**

### **A. Land Development code 2024 Amendments**

The Planning commission and staff continued work on a comprehensive update to the Land Development Code (LDC) by discussing several items from the LDC that staff has annotated and prepared for amendments. The items discussed were:

- Definitions, both amended and new.
- Amending Section 54.905 to clarify maneuvering lanes for angle parking of 75-90 degrees applies to both one-way and two-way lanes. Staff will also update the graphic used in the document.
- Amending Sections 54.403 and 54.616 to eliminate the requirement for a specific separation distance between multi-family buildings, and replacing that with the requirement for the applicant to submit preliminary or final site plans that comply with the separation distance that is required by the Michigan Building Code and Fire Safety regulations, as it applies to the specific proposal.
- New Section 54.647 - Specific Use standards for Solar Energy Systems (SES) of 20kW to 2MW of generating capacity.
- Amendment of Section 54.708 - Accessory Structure and General standards for Solar Energy Systems (SES) of less than 20 kW of generating capacity.
- Amendment of Section 54.710 to clarify regulations that apply to recreational vehicles stored in a rear yard area.
- Amendments of Section 54.1402 to clarify some development review procedures, and to address how the movement of buildings will be reviewed for approval after a site plan has been approved.

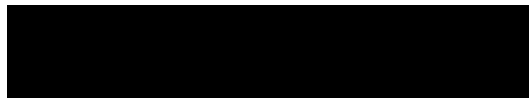
A consensus was reached on some of these issues and others will require more research and/or study.

## **COMMISSION AND STAFF COMMENTS**

A. Landers provide information on the status of cases that are on the docket for the next two meetings.

## **ADJOURNMENT**

The meeting was adjourned by Chair S. Mittlefehldt at 8:15 p.m.



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