



**CHARTER TOWNSHIP OF CHOCOLAY**  
**PLANNING COMMISSION AGENDA**  
Monday, May 20, 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. April 15, 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**

None

**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 – April 8, 2024
- B. Township newsletter – April 2024
- C. Marquette County Planning Commission minutes 05.01.24 draft
- D. City of Marquette Planning Commission minutes – 04.16.24

### **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, April 15, 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)
- Donna Mullen-Campbell (Secretary)
- Rebecca Sloan (Vice Secretary)
- Stephanie Gencheff
- Kendall Milton

Members absent at roll call:

- George Meister (Vice Chair)
- Don Rhein (Board)

Staff present:

- Dale Throenle (Planning Director / Zoning Administrator)

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

*Soucy requested that the new business be moved in front of old business on the agenda.*

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

*Vote: Ayes: 5 Nays: 0 Motion carried*

**V. Minutes**

**A. March 18, 2024 meeting**

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

*Vote: Ayes: 5 Nays: 0 Motion carried*

**VI. Public Comment**

None

**VII. Presentations**

None

## VIII. New Business

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

#### Staff Introduction

Throenle presented a staff report on the proposed home day care on Baker Street owned by Adam and Jenny Brigman. He stated that one comment was received regarding the project and that comment was in support of the project.

#### Commissioner Discussion

Soucy indicated that the application looked good.

Sloan asked if the applicants owned the property along Wright and Baker Street; Adam Brigman answered that they did.

Mullen-Campell asked if there would be employees; Adam Brigman stated that initially there would be none and that they may add an employee next year.

Sloan asked if they were waiting for State licensing; Adam Brigman stated that the paperwork had been filed with the State, and that it would take three to four months for the paperwork to be completed.

Gencheff asked about child to adult ratios; Adam Brigman replied that the ratio was six children to one adult, and that their maximum would be twelve children.

Soucy asked about increasing capacity; Adam Brigman replied that after two years of being opened, the capacity could be increased to add two more children after an additional application to the State.

Soucy asked Throenle why there was a conditional use permit for this project and how it differed from a group home. Throenle replied that the project is considered a home occupation because it is privately run and not a group home run by the State.

#### Public Hearing

*Sloan moved, and Milton seconded, to go into public hearing.*

*Vote: Ayes: 5 Nays: 0 Motion carried*

Tina Brandel, 201 Terrace Street

Stated that she was retiring from her day care business and spoke in favor of the Brigman project.

Alison Czarny, 330 Foster Creek Drive

Spoke in support of the project.

Bill Sanders, 105 Country Lane

Spoke in support of the project.

### **Commissioner Decision**

*Gencheff moved, Mullen-Campbell 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.*

*Vote: Ayes: 5 Nays: 0 Motion carried*

## **IX. Unfinished Business**

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

#### **Staff Introduction**

Throenle gave an overview of the proposed language and zoning revision language, including the Townhall meetings that were held as part of the process.

Throenle stated that the map revisions were a recommendation, and that eventually the language and the maps would be presented to the Board with the Commissioner's recommendations. He stated that the public would have an opportunity to speak again in two different sessions with the Board if they chose to do so.

Throenle explained the maps that were in the packet and how decisions were made while using the maps. He explained the proposed zoning districts and where they would be located, and the processes the Commissioners used to determine uses and setbacks for each of the proposed agricultural districts.

#### **Public Hearing**

Soucy opened the public hearing and informed the public that the time to speak was open.

*Sloan moved, Mullen-Campbell seconded, to go into a public hearing.*

*Vote: Ayes: 5 Nays: 0 Motion carried*

Soucy opened the public hearing and informed the public that the time to speak was open.

Rich Rosenberger, 530 South Big Creek

Requested that his property be moved from AG 2 to AG 3 on the proposed zoning map.

John Smith, 2176 M-28 East

Requested that his property and the nearby 40 acre properties be moved from AG1 to AG 3 on the proposed zoning map.

Cathy Aalto, 430 Foster Creek Drive

Requested that her property be moved from AG 2 to AG 3 on the proposed zoning map.

Throenle interrupted the public hearing to explain the groupings that were proposed on the zoning map and that the groupings were done by area and not parcel. He also added 1,354 notifications regarding the public hearing were sent out to the AF zoning district parcel owners, the surrounding parcel owners within 500 feet of the AF parcels, and parcel owners that were within 500 feet in Skandia, West Branch, and Onota Townships, and 30 of those notifications were returned to the Township as undeliverable. He added that the hearing was posted on the Township web site and published in the *Mining Journal*.

Greg Seppanen, 1019 Ortman Road

Pointed out that the agriculture property located near him was shown on the map as AG 3 and should be AG 1.

Daniel Ondov, 555 Cherry Creek Road

Expressed confusion on the size of the acres and how the parcels were designated.

Kurt Rascher, 312 West Branch Road

Owns two contiguous parcels on West Branch Road, and stated he had a concern about the 40 acre parcel being in AG 3 and the 14 acre parcel being in AG 2. Thanked the Commissioners for the notification cards that were sent out.

Michele Wietek-Stephens, 550 Little Lake Road

Identified herself as the Chair of the Zoning Board of Appeals, and expressed concern that the parcels surrounding hers were shown as AG 2 on the map, and asked what the minimal buildable acreage was in the 1977 ordinance. She expressed her concerns regarding potential development if parcel sizes were too small and suggested that agricultural activities be allowed regardless of zoning. She added that the proposed plan was not supported by the master plan.

Erik Krueger, 335 Foster Creek Drive

Expressed concern that the 80 acre parcel next to him was proposed as AG 2.

Sheri Migilo, 704 Green Garden Road

Did not know how her property would be zoned under the new proposal, and expressed a concern that if her house were to burn to the ground, she would not be able to rebuild.

Bill Sanders, 101 Country Lane

Expressed that the current proposal did not follow the current master plan, that livestock and forestry were not covered in the proposal, and that the proposal does not follow state zoning law. He suggested that the Commissioners drop the plan and look for other solutions.

Tensi Parsons, 300 Little Lake Road

Stated she agreed with the comments from Wietek-Stephens and Sanders.

Noreen Heitman, 109 Country Lane

Stated she agreed with the comments from Wietek-Stephens and Sanders.

Sheri Migilo, 704 Green Garden Road

Asked questions regarding a conformity issue with her property and expressed support for the proposal and added that additional research was needed.

Brian Banton, 148 Poplar Trail

Stated he agreed with the comments from Wietek-Stephens and Sanders. Expressed that individual areas in the Township should be addressed, not the entire Township at the same time.

Michael Sanders, 109 Country Lane

Asked the Commissioners to reconsider the proposed zoning change, especially in regard to farming and agricultural practices.

Ron Cupman, 320 Green Garden Road

Asked the Commissioners to restart the process. He requested that green spaces be considered as parcel sizes are reduced. Stated that the legend on the map does not match what is in the text.

Jeffrey Hatfield, 724 Green Garden Road

Supported other comments made during the meeting. Spoke about concerns regarding losing usable farmland.

Daniel Ondov, 555 Cherry Creek Road

Stated that rural character should be part of the consideration for the process and expressed support for other comments.

Stan Whittler, 124 County Road 545

Stated that the plan does not meet the public idea of what the Township should be.

Greg Seppanen, 1019 Ortman Road

Pointed out that the agriculture property located near him may be an operating contractor yard or shop.

Harley Huddle, 940 Mangum Road

Expressed concern about potential development near his property.

Bill Sanders, 101 Country Lane

Stated that many non-conformances were established prior to zoning in the Township. He added that development would reduce the quality of the properties that might be surrounded them.

Jennifer Gerard, 201 Green Garden Road

Stated she supported the comments that were already heard. She was concerned about the development that might occur in the area if the proposal went through.

Unknown, unknown

Expressed concerns about the aquifer and environmental impact of the change on local groundwater.

Abby Sanders, 109 Country Lane

Agreed with previous comments and expressed concerns about access to water and potential sewage issues.

Leanne Hatfield, 724 Hatfield Road

Expressed concern that agriculture is sometimes underappreciated, and that more agriculture should be attracted to the area. She expressed that the map was despicable.

John Smith, 2176 M-28 East

He suggested looking at the individual areas surrounding the AG 3 zoning. He suggested changing more lots to AG 3. He added that buying the property next to his was his solution to the problem.

Michele Wietek-Stephens, 550 Little Lake Road

She stated that proposal was despicable, because it grants new rights to other property owners, and it would destroy the character of the Township.

Richard Cookman, 320 Green Garden Road

Asked the Commissioners to reconsider the proposal.

Bill Sanders, 101 Country Lane

Suggested that agriculture be considered for all parcels in the Township.

Soucy asked if there were additional comments; hearing none he closed the public hearing.

Throenle suggested a ten minute break.

*Sloan moved, Mullen-Campbell seconded, to take a ten minute break.*

*Vote: Ayes: 5 Nays: 0 Motion carried*

## **Commissioner Discussion**

Throenle requested time to present clarifications to the public regarding some of the comments that were made. He stated that regarding rebuilding, that as long as setbacks were met on a property, a destroyed structure could be rebuilt.

He addressed the audience regarding his background that laid the groundwork for the decisions in the current policies, and that development is not part his background. He added that the intent statement in each of the proposed language sections specifically stated that agriculture practices would be superseded by the State GAAMPS and the Michigan Right to Farm Act.

Milton stated that building cannot occur on many of the places that were designated. He added that State lands play heavily in the process.

Gencheff stated that she was not sure the Planning Commission was doing what the people wanted. Sloan stated that Gencheff's comments, in Sloan's opinion, did not address the people who were not at the meeting. Sloan added that people who owned 40 or 80 acres not sell the land if they did not want development.

Gencheff stated that development would happen in the future; Sloan responded that nothing would stop that if people chose to sell. Sloan added that she just wanted to live on her property and pass it on to her family in the future.

Gencheff stated that the pin map supported her position.

Sloan stated that the Commissioners represent the entire Township, and that the task was given by the Board to look at the non-conformance issue. She added that the Commissioners agreed with the audience regarding the character of the Township, and that their comments would be considered. She commented that two of the Commissioners were not present and should be part of the discussion.

Gencheff stated that the ordinance is meeting the needs of the citizens based on the number of cases for the Zoning Board of Appeals. She added that the Townhall meetings were not attended that well.

Mullen-Campbell stated that she felt the Commissioners were guided to be visionary from the 1977 ordinance to the future. She thanked the public for their input.

Soucy stated the process was a refinement process from the beginning of the process, and that the discussion would be tabled. He added the decision should be made by all the Commissioners.

Throenle asked Soucy to ask if the language, map or both were the issue. Soucy stated that he believed it was both.

Sloan stated that the goals are to align with legality while staying within the confines of what the Commissioners were addressing.

Soucy asked for a motion to table.

*Mullen-Campbell moved, Sloan seconded to table the discussion to May, possibly June.*

*Vote: Ayes: 5 Nays: 0 Motion carried*

## **IX. Public Comment**

Larry Gould, 340 Karen Road

Suggested that a review of the land division and subdivision act be considered in future discussions.

Michele Wietek-Stephens, 550 Little Lake Road

Asked what the purpose of the Planning Commission was—was it to follow the master plan or the whims of the Board? She added that the master plan should be the direction for the Township.

Bill Sanders, 101 Country Lane

Asked what would be considered at the next meeting. He stated that it was wrong that the Board directed the Commission to take on the task.

Soucy responded that the Board did not direct the Commissioners to do the project; instead, the Board presented an issue to the Commissioners and asked them to solve it, Sloan and Gencheff agreed.

Unknown, unknown

Asked about the process and said to fix non-conforming parcels only.

Unknown, unknown

Asked how to fix the non-conforming problem. She added that not all residents were represented at the meeting and their voices should be considered as well.

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

Mullen-Campbell

Do we start over?

Milton

No comments.

Gencheff

The decisions are difficult.

Sloan

Finds it difficult to not to interact with the public.

Soucy

Stated to the public that he appreciated the comments received. Mullen-Campbell stated that there would be no card in the mail for the next meeting so the public should check the Township web page for meeting dates and times.



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

Planning / Zoning Administrator Throenle

He stated the next meeting would be May 20.

He addressed the public, thanking them for their participation, and reminded them that they, and those that oppose their ideas, should come to future meetings so that the Commissioners can be better informed on public wishes.

He reminded the public to view the meeting dates and minutes on the Township website.

## **XII. 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

## **XIII. Adjournment**

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

*Vote: Ayes: 5 Nays: 0 Motion carried*

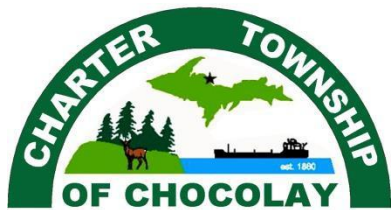
Soucy adjourned the meeting at 8:16 PM

Submitted by:

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Planning Commission Secretary

Donna Mullen-Campbell



**Charter Township of Chocolay**

**Planning and Zoning Department**

5010 US 41South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

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**Agenda Item: 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)
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>	C
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
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



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>sanitary sewer</li><li>Internet service</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>vacation rental</li><li>single family rental</li><li>similar rental with four units or less</li><li>tourist home</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.

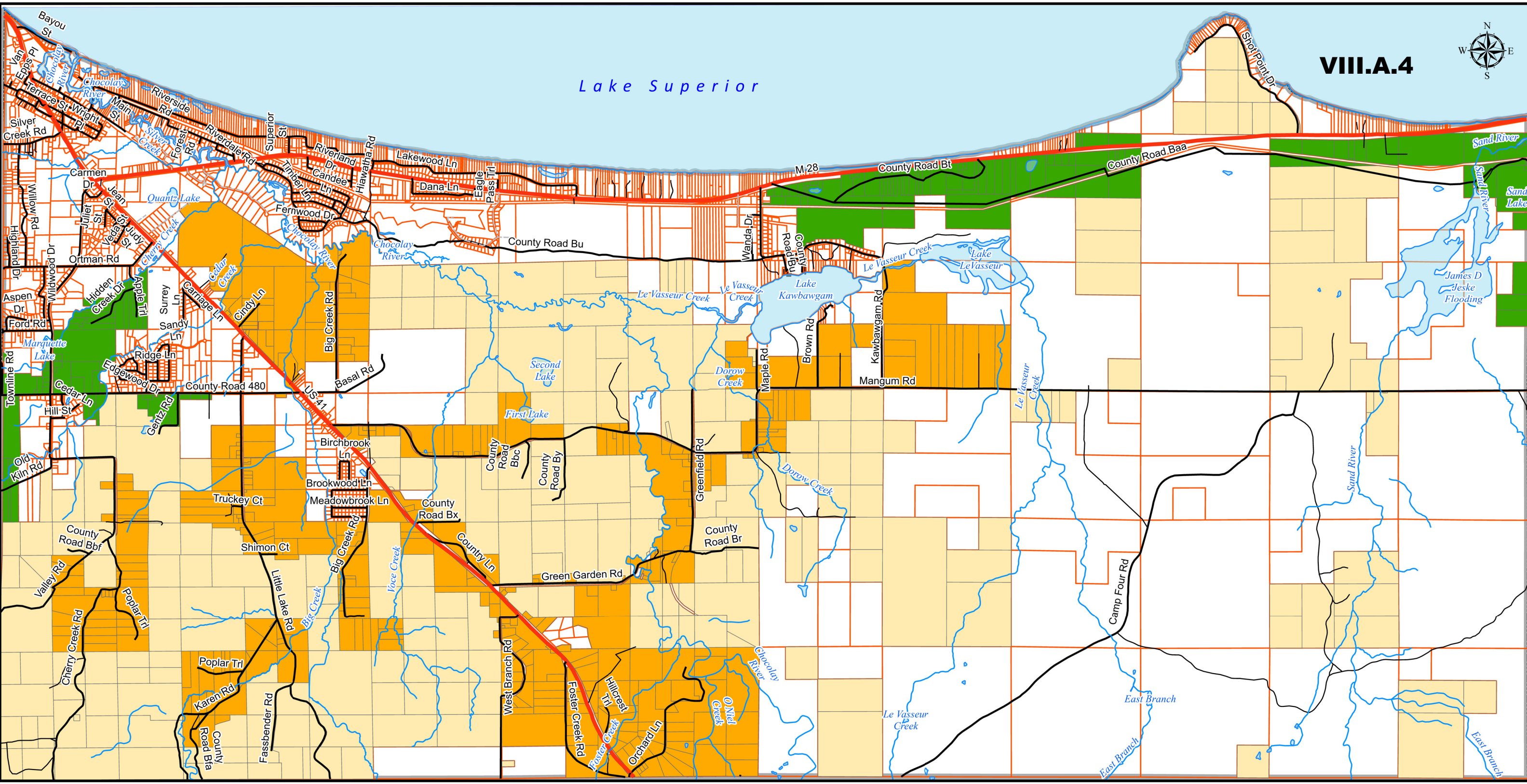

### *District Regulatory Control*

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

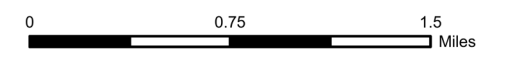
Township

April 15, 2024

Not intended for legal use

Lakes, Rivers and Streams	Roads
 Lake	 Highway
 Lake Superior	 Primary road
 River or stream	 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







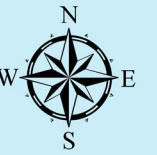
Charter Township of Chocolay

# Proposed AG Zoning Districts Northwest

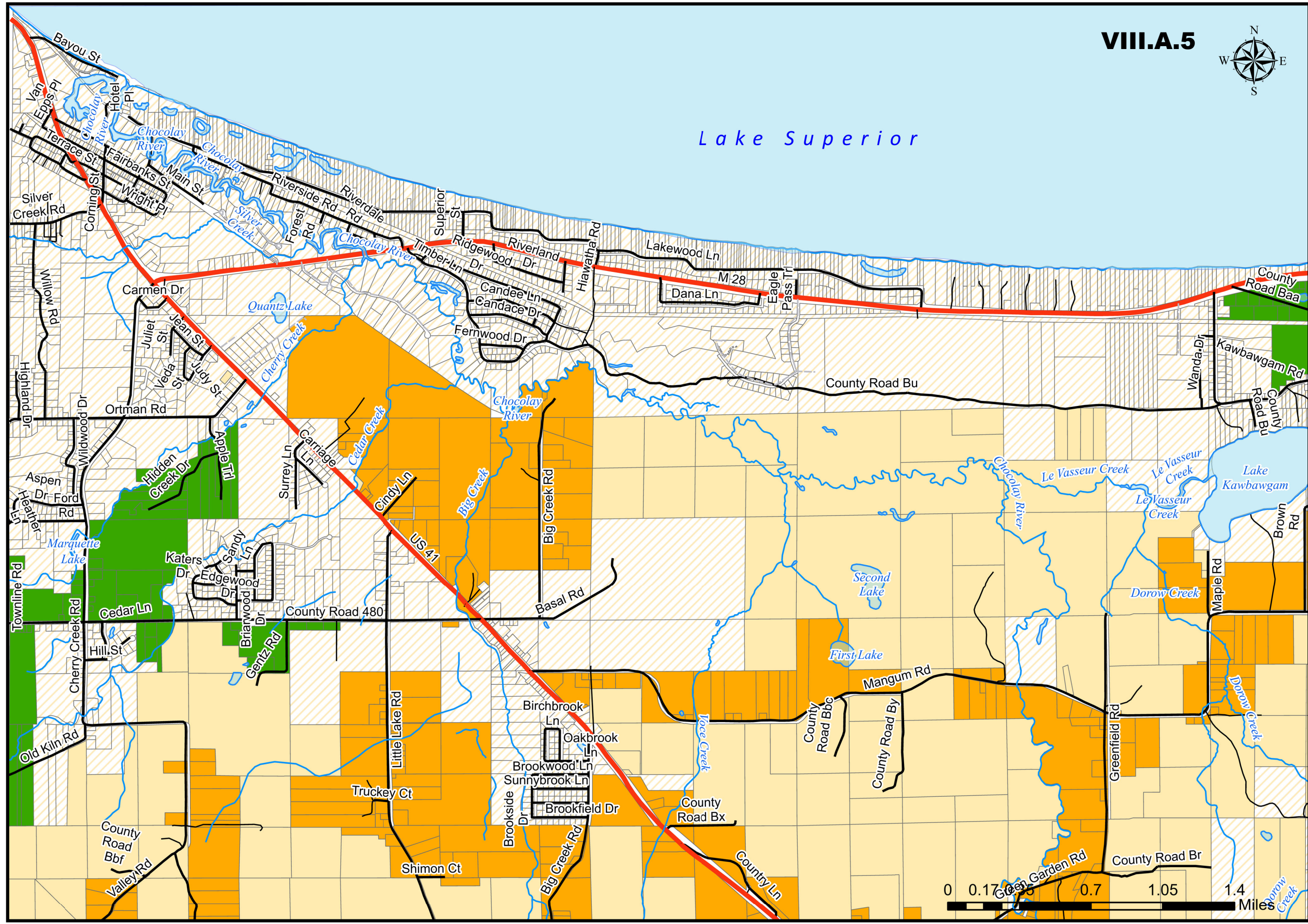
Northwest

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

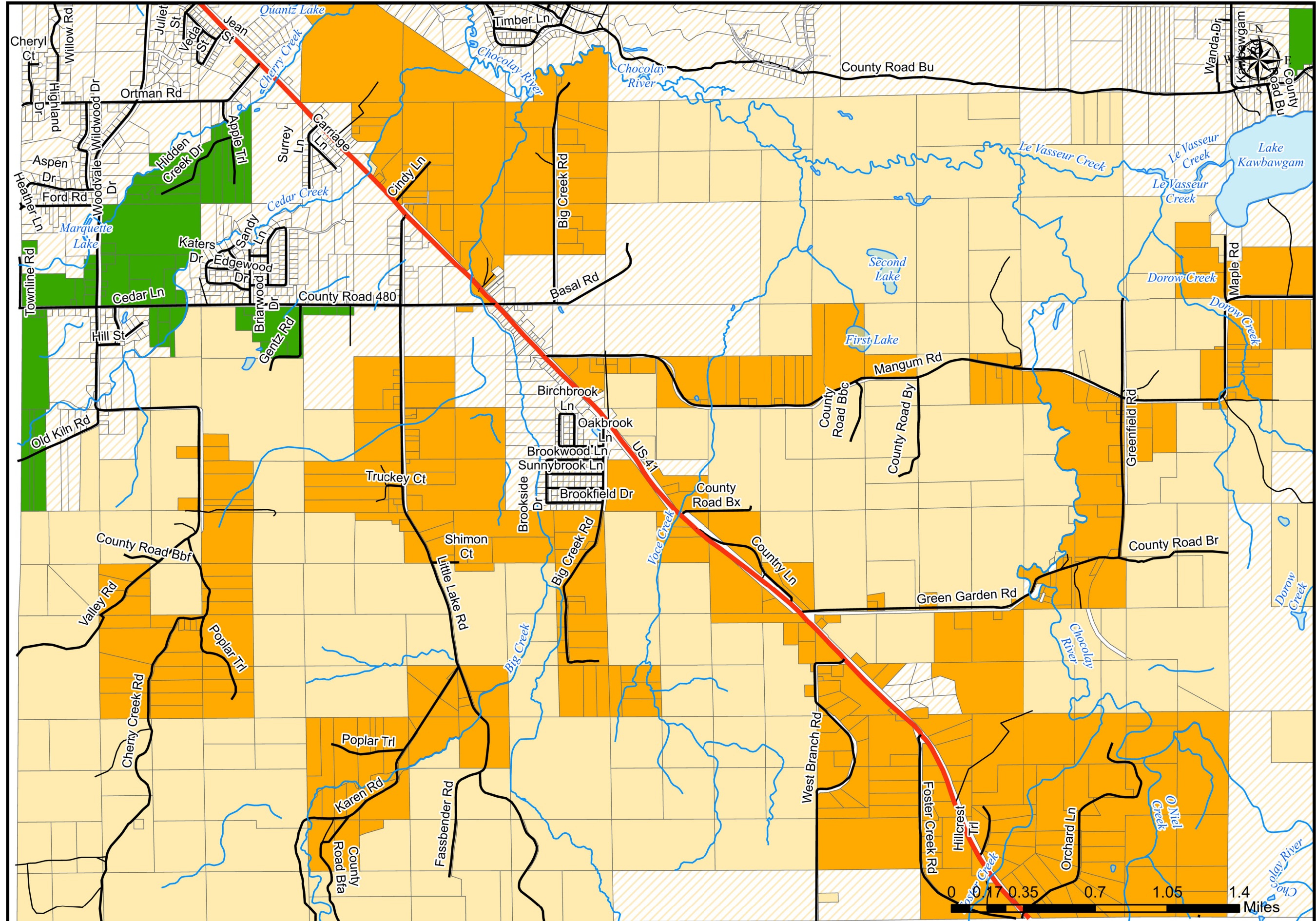
### Roads

-  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







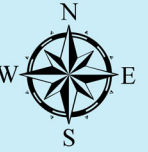
Charter Township of Chocolay

# Proposed AG Zoning Districts

Northeast

April 15, 2024

## VIII.A.7



### Lakes, Rivers and Streams

- Lake
- Lake Superior
- River or stream

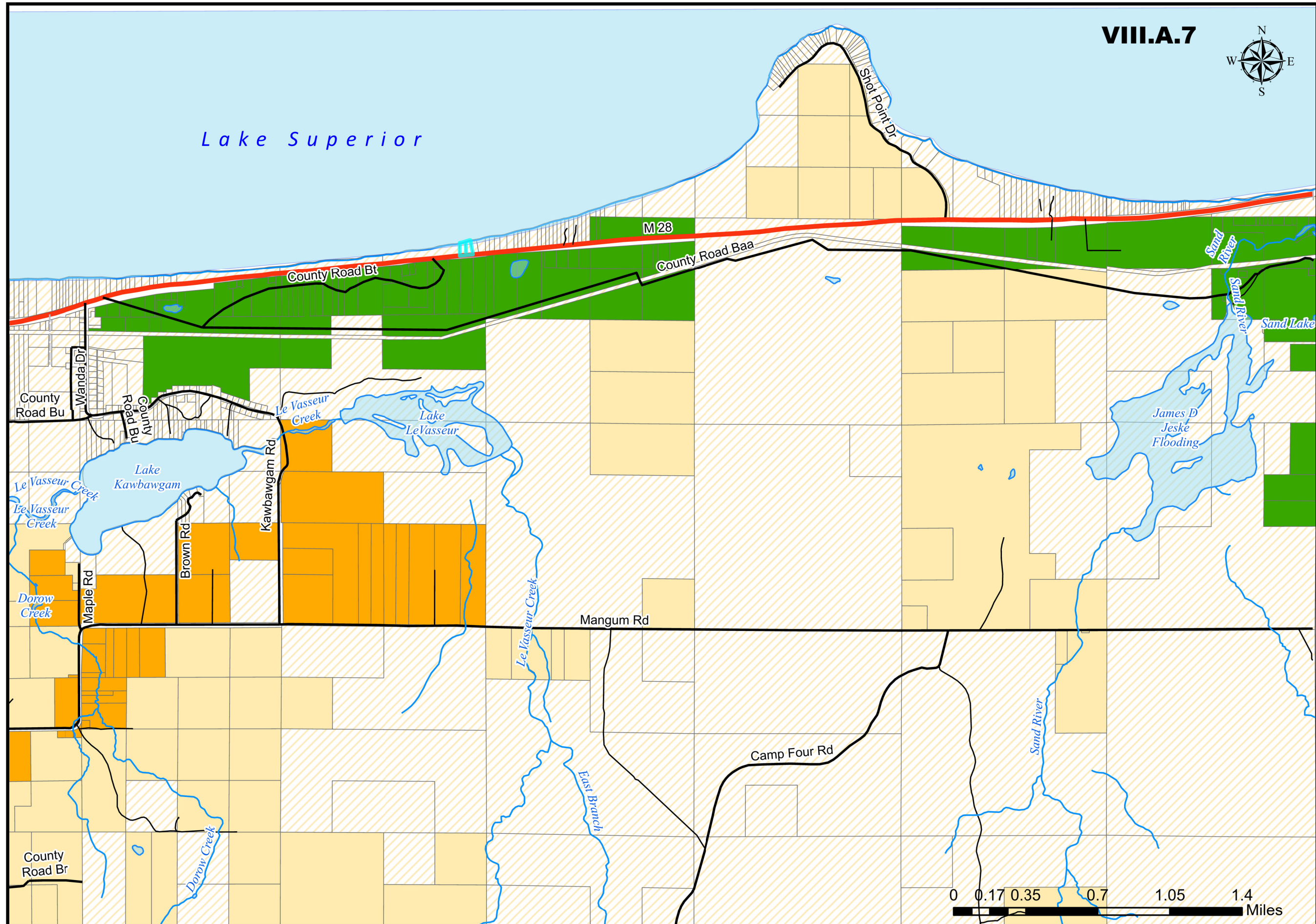
### Roads

- 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

Southeast

April 15, 2024

### Lakes, Rivers and Streams

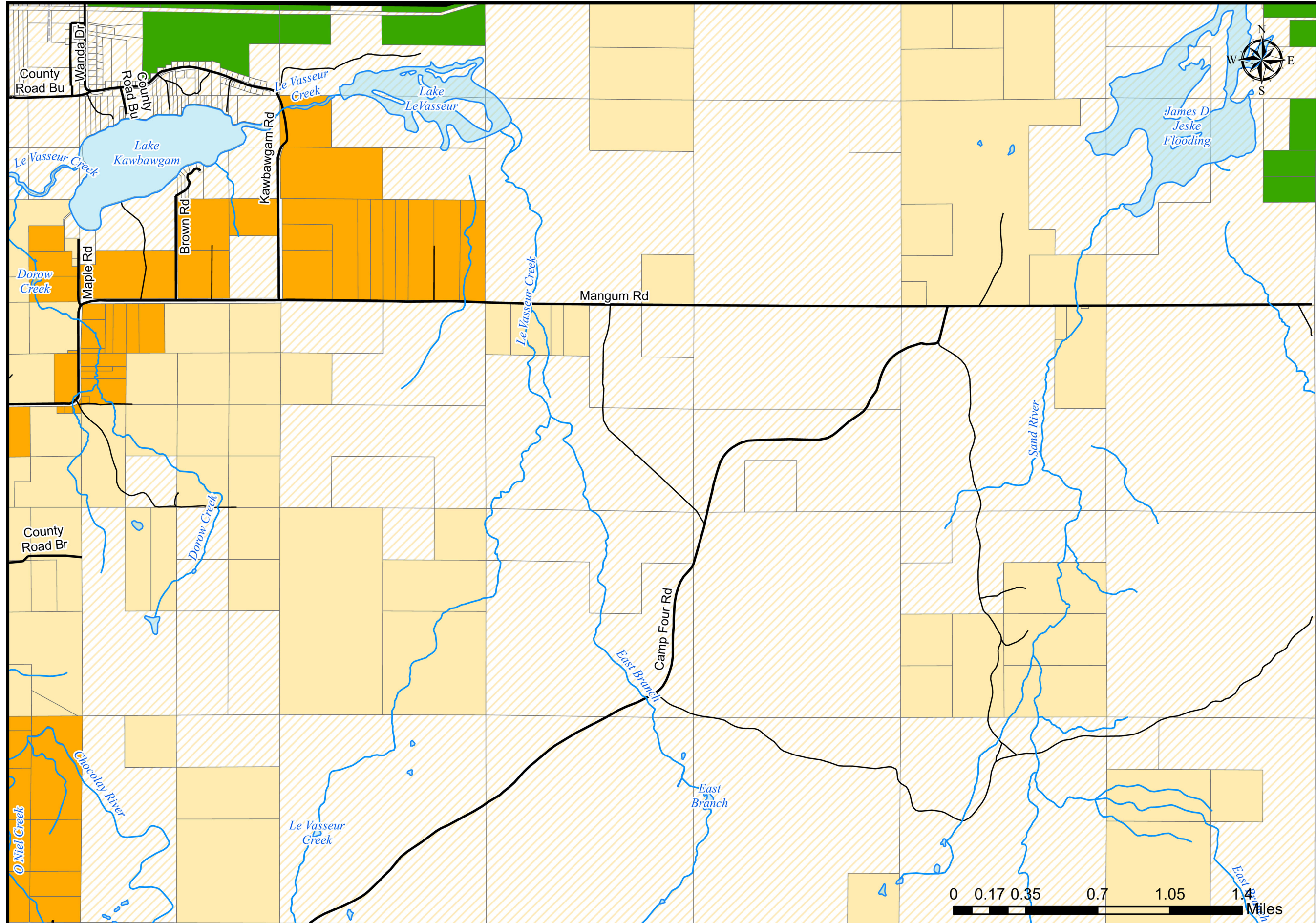
- Lake
- River or stream

### Roads

- Primary road
- Secondary road
- Unpaved / not classified

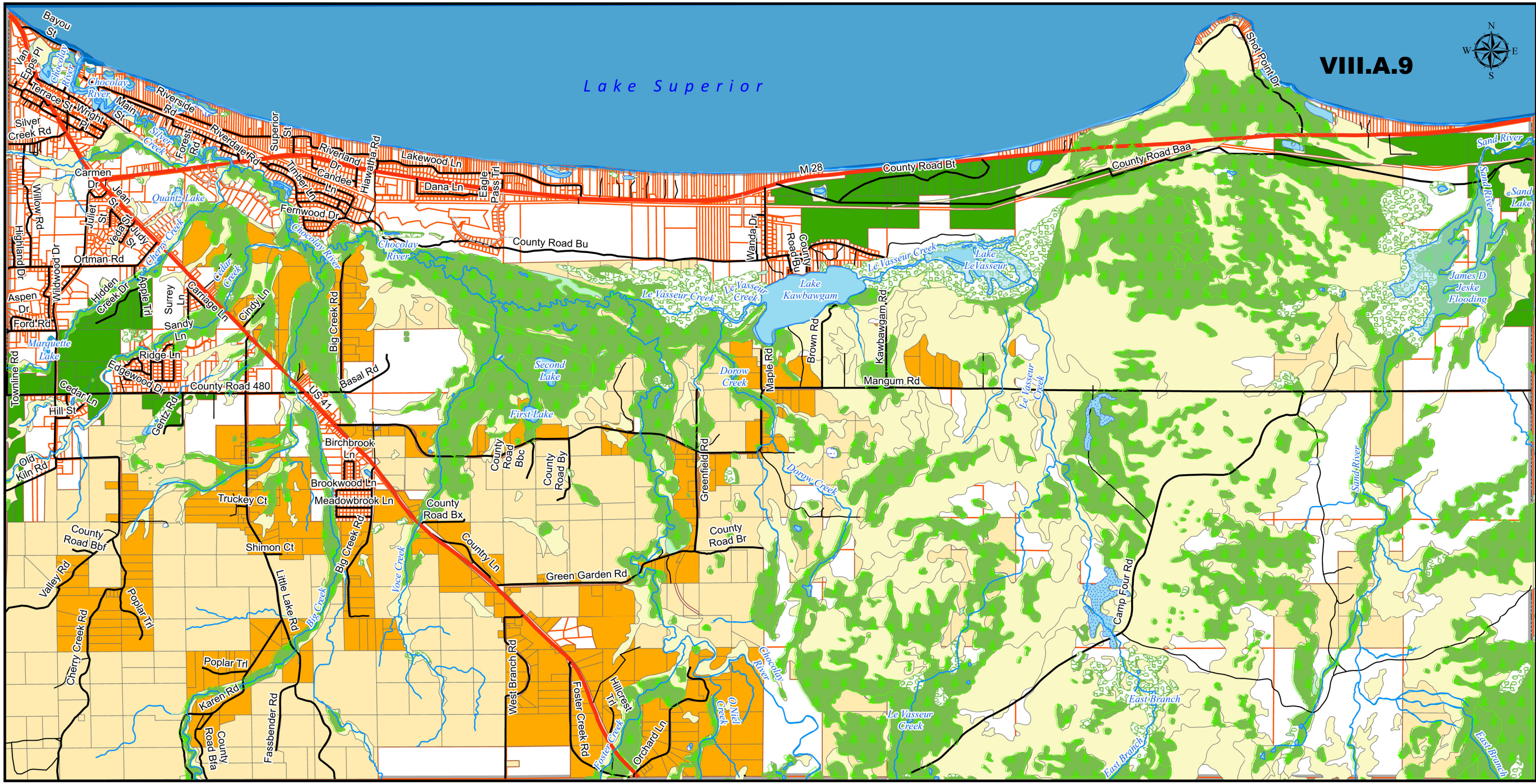

### Proposed AG Zoning Districts

- 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**

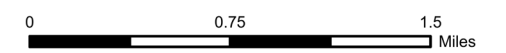
-  AG 1 - less than 3 acres
-  AG 2 - 3 to 15 acres
-  AG 3 - 15 acres or more

**Hydic Soils and Wetlands**

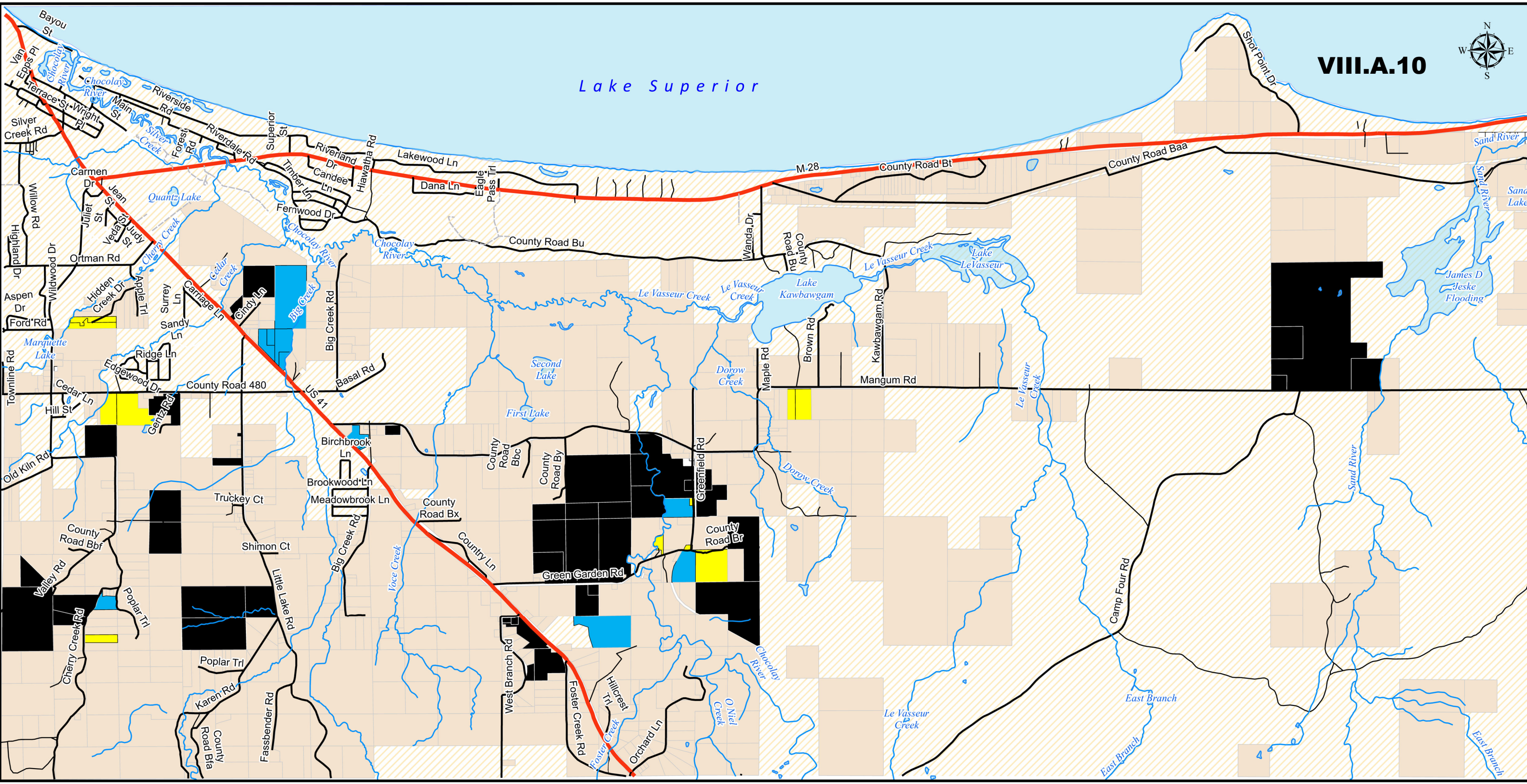

- USA Wetlands**
-  Estuary
  -  Lake, Reservoir
  -  Marine
  -  Marsh, Swamp, Bog, Prairie
  -  River

**EGLE Hydic Soils**

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





Charter Township of Chocolay

### Townhall Parcel Selection

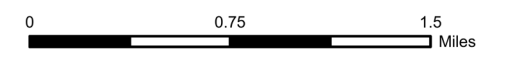
Township

9.26.2023, 10.10.2023, and 10.17.2023

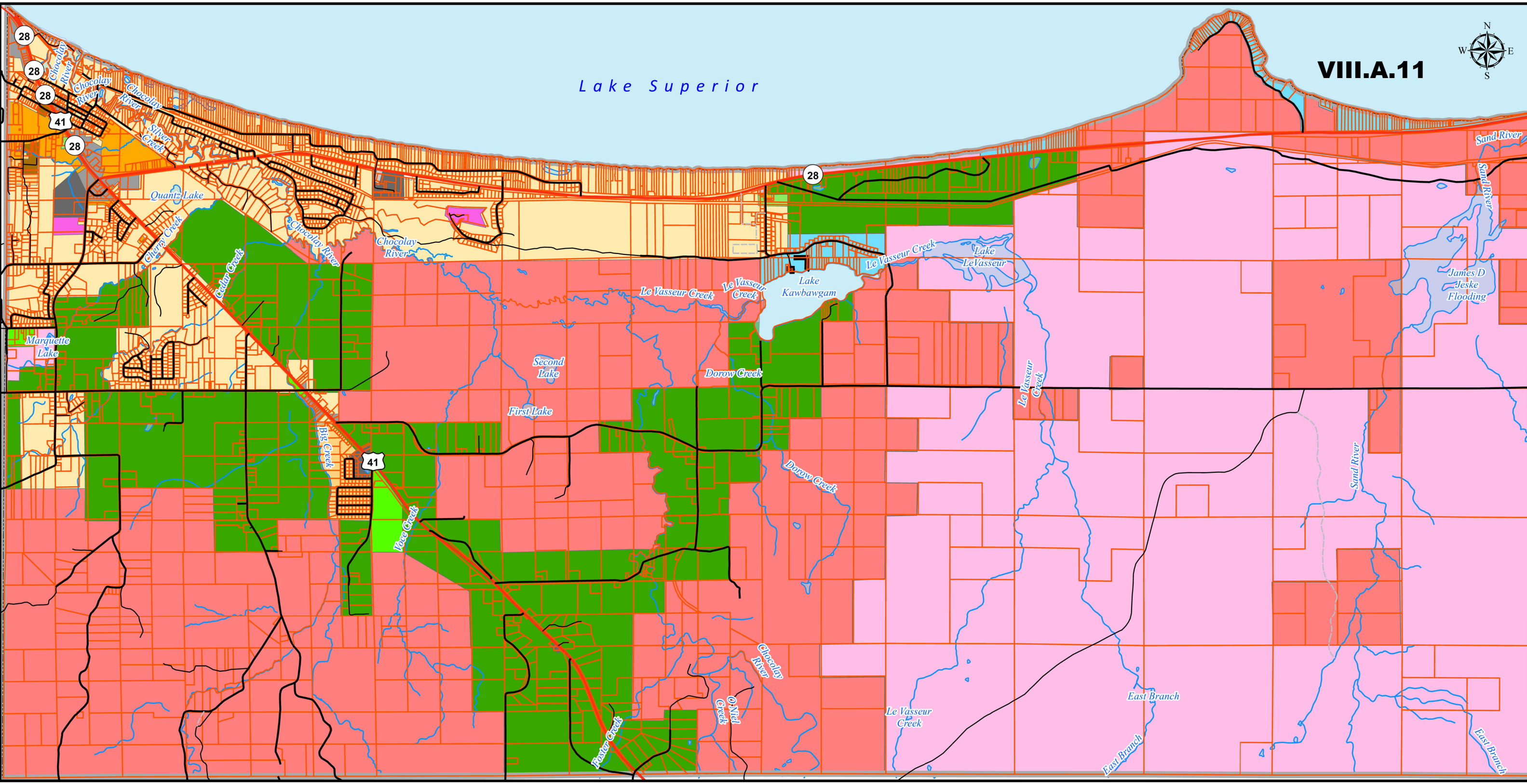
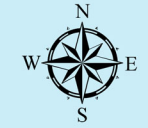

Not intended for legal use

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

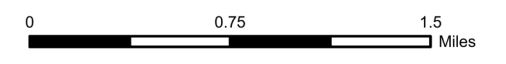




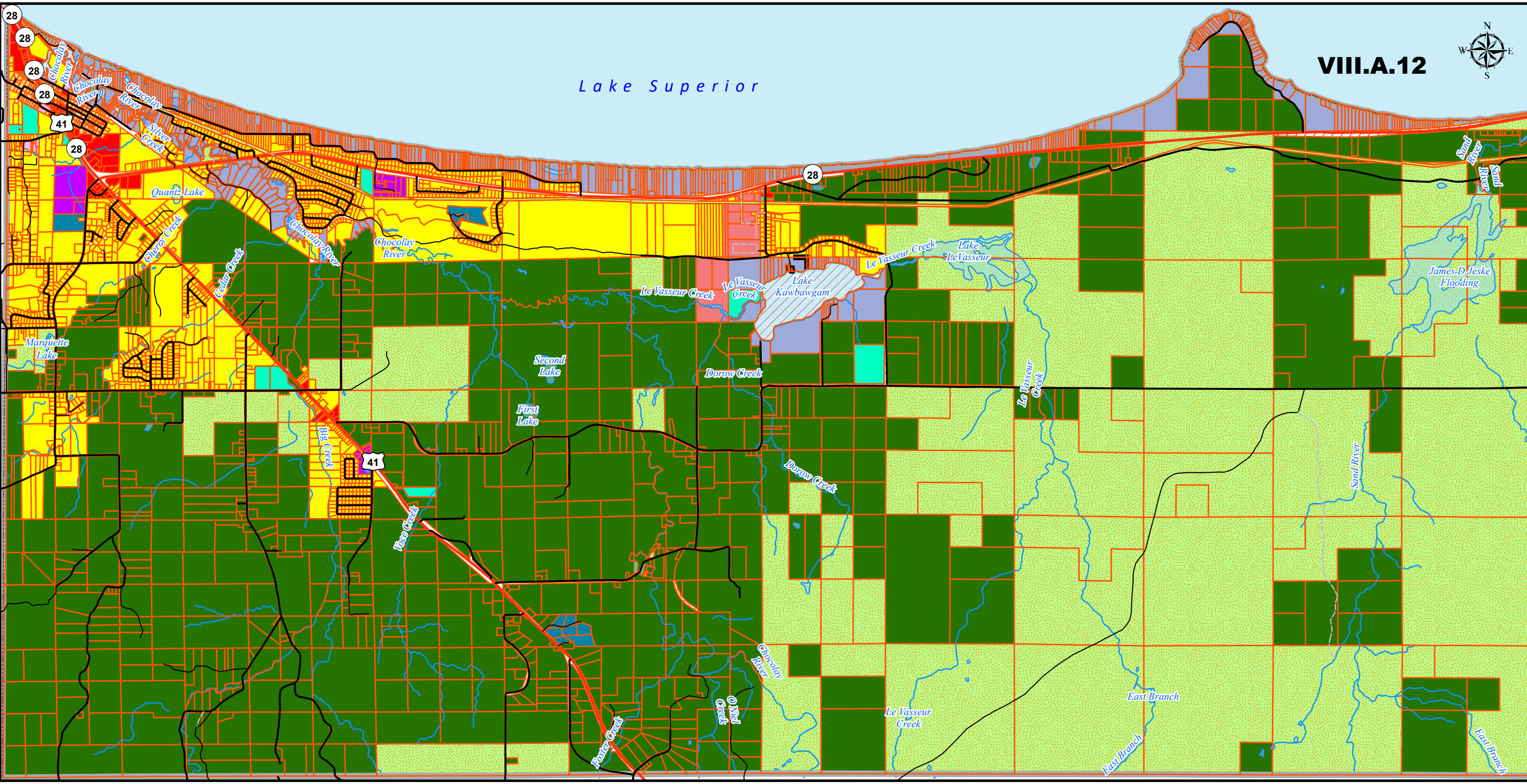




**Charter Township of Chocolay**  
**Zoning Map**  
 Township  
 Prior to 2008  
 Not intended for legal use

<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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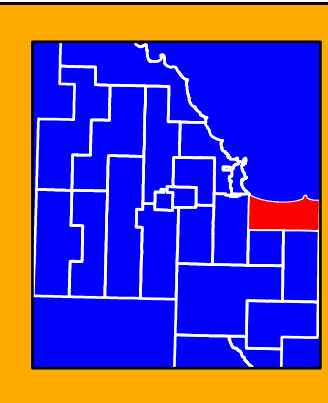


Charter Township of Chocolay  
**Zoning Districts**  
 Township  
 September 12, 2022

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

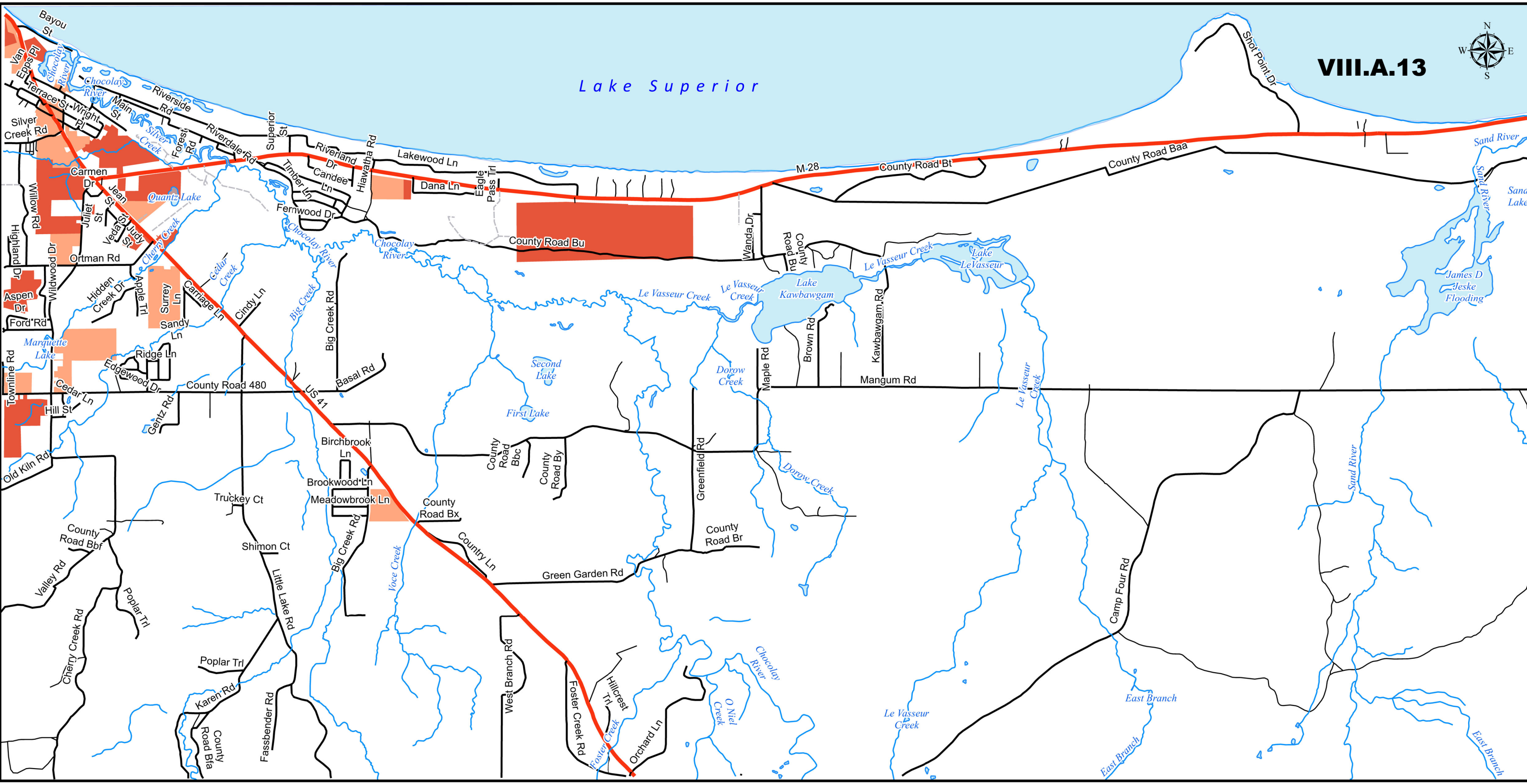
Zoning
AF - Agriculture / Forestry
C - Commercial
I - Industrial
KBIC - Trust properties
MFR - Multi-Family Residential
MP - Municipal Properties
PUD - Planned Unit Development
R1 - Single Family Residential
R2 - High Density Residential
State Lands
WFR - Waterfront Residential
No zoning provided



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

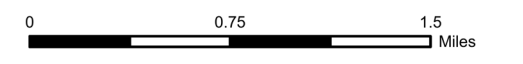
**Township Clerk:** \_\_\_\_\_



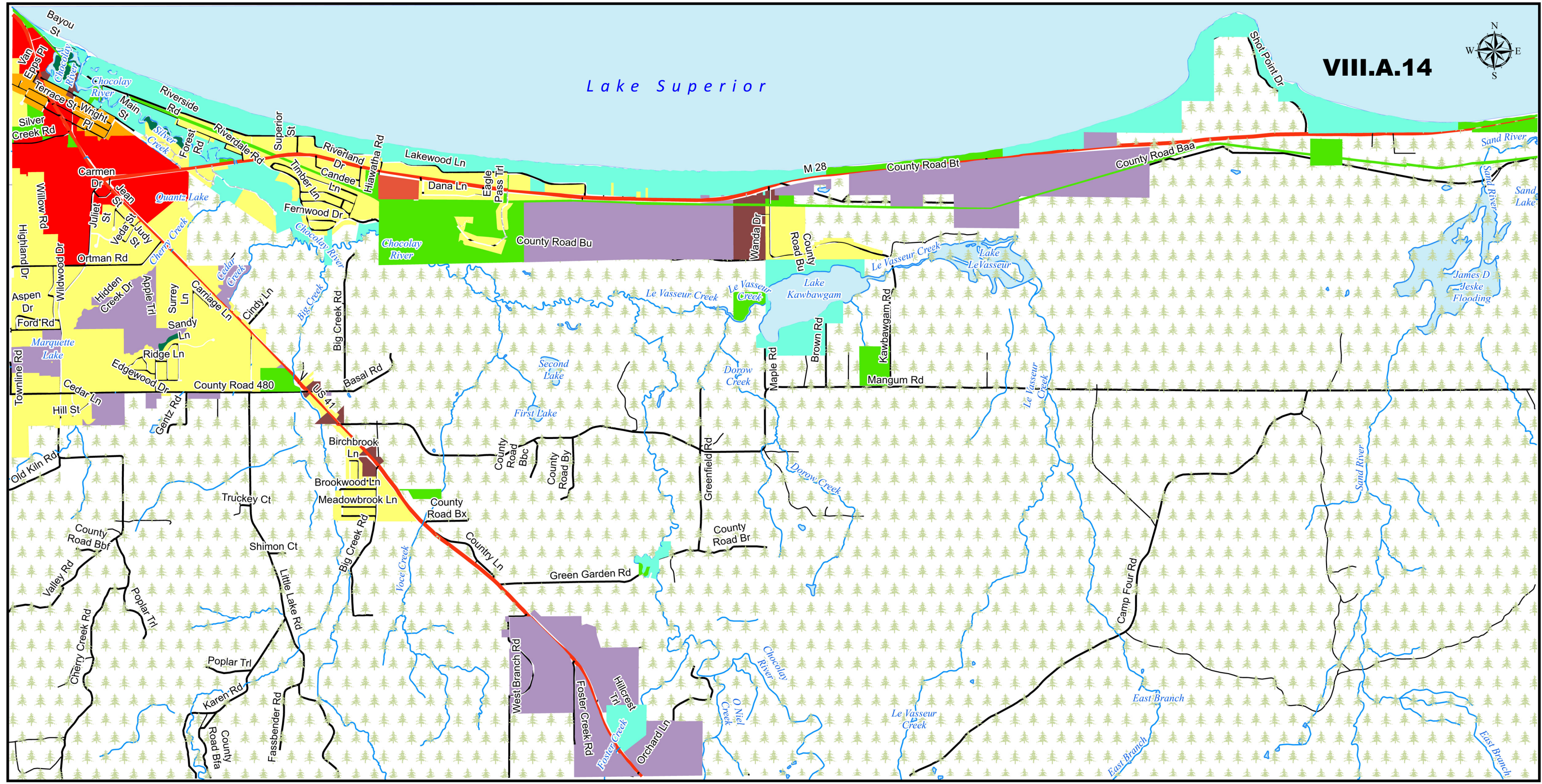
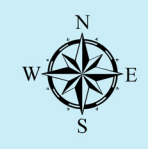



Charter Township of Chocolay  
**Future Growth Sectors 2021**  
 Township  
 September 18, 2023  
 Not intended for legal use

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







**CHARTER TOWNSHIP OF CHOCOLAY**

Charter Township of Chocolay

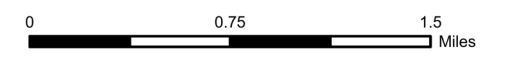
**Future Land Use 2021**

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

---

**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

April 8, 2024

The regular meeting of the Chocolay Township Board was held on Monday, April 8, 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, Ben Zyburt, David Lynch

ABSENT: Don Rhein (excused), Judy White (excused), Kendra Symbal

STAFF PRESENT: William De Groot, Suzanne Sundell

APPROVAL OF AGENDA.

Lynch moved, Engle supported to approve the agenda as modified, adding the Treasurer's Report after the Clerk's Report.

MOTION CARRIED

PUBLIC COMMENT - NONE

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting, March 11, 2024.
- B. Approve Revenue and Expenditure Reports – March 2024.
- C. Approve Bills Payable, Check Register Reports – March 6, 2024 (Check #'s 26718 – 26736, in the amount of \$26,340.34), March 6, 2024 (ACH 8A) in the amount of \$30,600.00, March 14, 2024 (Check #'s 26737 – 26755, in the amount of \$170,015.16), and March 28, 2024 (Check #'s 26756 – 26781, in the amount of \$90,629.08).
- D. Approve Bills Payable, Tax Disbursement Check Register Reports – March 18, 2024 (Check #'s 5066 – 5070, in the amount of \$1,666,375.01), and March 28, 2024 (Check #'s 5071 - 5079, in the amount of \$7,481.06
- E. Approve Bills Payable – Regular Payroll of March 14, 2024 (Check #'s DD4013 – DD4073 and Check #'s 11490 – 11495, Voided 11489), Federal, State, and MERS in the amount of \$59,000.37), and Regular Payroll of March 28, 2024 (Check #'s DD4074 – DD4107 and Check #'s 11496 – 11501. Federal, State, and MERS in the amount of \$52,237.92).

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

MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen indicated we have been approved for two grants:

1. Feasibility study for solving the problem at the mouth of the Chocolay River. This grant is for \$112,000. RFP's for the study will be going out.
2. A \$15,000 grant for art in the tunnel under US 41 / M28, which will hopefully include artwork from local artists.

Supervisor Bohjanen also indicated that April 23<sup>rd</sup> is the deadline for submitting petitions for running for office on the August 6<sup>th</sup> primary. Packets are available at the office from Lisa Perry.

#### CLERK'S REPORT

Clerk Engle stated he had nothing to add.

#### TREASURER'S REPORT

Treasurer Zyburt stated that over the last quarter there were two CD's that matured. The first one was for \$250,000 at a rate of 3.15%, which was reinvested into a CD at 4.2% for two years. This results in an increase of \$2,875 in interest. The second one was for \$150,000 at a rate of 0.25%, which was reinvested for one year at 4.75%. This results in an increase of \$6,750. Total increase is \$9,625.

#### PUBLIC HEARING – FEMA FLOOD INSURANCE PROGRAM ORDINANCE

Public Hearing opened at 5:36 p.m. by Supervisor Bohjanen.

Supervisor Bohjanen stated that we have been participating in the FEMA Flood Insurance program for many years. There was a recent re-mapping of the areas in question and maps were presented to review. The maps have since been finalized and will take effect on June 6, 2024. One of the conditions is that we have to update our ordinance – this means accepting the map changes and having an agreement with the County building inspectors to monitor the compliance of the buildings and flood plains. Failure to accomplish the upgrading of the ordinance and acceptance of the flood plain maps would result in the program being cancelled, which would mean that FEMA flood insurance would not be available. The people needing flood insurance would be anyone in the danger zones that would want to borrow money from a federal lending institution in order to build.

No comments were received.

Public Hearing was closed at 5:39 p.m.

#### PRESENTATIONS – PETER WHITE LIBRARY

Andrea Ingmire, Library Director of Peter White Public Library gave a presentation of the annual report. In 2021, PWPL went through a strategic planning process, with the outcome being three major strategic priorities – Service, Expertise, and Sustainability. Books are the main thing they do, along with digital offerings, and circulation has increased. Ingmire spoke on the programming that is available. The library has also gone through a rebranding and has returned to the previous logo used in the early 2000's. The website has been redesigned. The library is also working on digitizing

different publications and collections. These are available through UPLINK. Financially, the library has started growing with endowments, which has helped balance the library budget. Upcoming things include the replacing of the front steps and a leaking issue. The library is requesting a renewal millage proposal be put on the ballot for the November election.

CONSIDER COUNTY FEMA FLOOD INSURANCE PROGRAM RESOLUTION

**Michigan community resolution and intergovernmental agreement to manage floodplain development for the national flood insurance program**

**Community A (NFIP community): Chocolay Township**

**Community/Entity B (enforcing agency): County of Marquette, Michigan**

**WHEREAS**, Community A (check the appropriate following box statement)  currently participates  desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

**WHEREAS**, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
  - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
  - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).

4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

**WHEREAS**, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

**WHEREAS**, by the action dates of this document Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, and the Michigan Rehabilitation Code for Existing Buildings to all development within Community A’s political boundaries, and

**WHEREAS**, Community A and Community/Entity B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP, and

**NOW THEREFORE**, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community/Entity B agree that Community/Entity B’s officially designated enforcing agency for the construction code act, the Marquette County Building Official, be directed to administer, apply, and enforce on Community A’s behalf the following floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:
  - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding (Appendix G103.3), and
  - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Appendix G103.2), and
  - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding (Appendix G103.1). Where it is determined that a

proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:

- i) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
  - ii) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
  - iii) Appendix G of the current Michigan Building Code.
  - iv) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
- d. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed (Appendix G103.9).
2. Community A and Community/Entity B agree that Community A will retain responsibility for the following:
- a. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations (Appendix G301.2); and

Advising FEMA of any changes in community boundaries, including appropriate maps.

3. Community A and Community/Entity B will split the following responsibilities:
- a. Assisting in the delineation of flood hazard areas (Community A); provide information concerning uses and occupancy of the floodplain or flood-related erosion areas (Community A), maintain flood proofing and lowest floor construction records (Community B), and cooperate with other officials, agencies, and persons for floodplain management (both).
4. Community A assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
5. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

**FURTHER BE IT RESOLVED**, both communities declare their understanding that, until this resolution is rescinded or Community A makes other provision to enforce the construction code act:

1. Community A and Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

**Community A:** \_\_\_\_\_ Date Passed: \_\_\_\_\_  
 Officer Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Witness Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Community/Entity B:** \_\_\_\_\_ Date Passed: \_\_\_\_\_  
 Officer Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Witness Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Lynch moved, Zyburt supported to accept the FEMA Resolution and Intergovernmental Agreement as presented.

**ROLL CALL VOTE**

AYES: Lynch, Zyburt, Engle, Bohjanen  
 NAYS: None  
 ABSENT: White, Rhein, Symbal  
**RESOLUTION APPROVED**

**CONSIDER SECOND READ AND ADOPTION OF REVISED FEMA FLOOD INSURANCE PROGRAM ORDINANCE #60.**

Zyburt moved, Lynch supported that after a first reading, public hearing, and second reading held April 8, 2024, the Chocolay Township Board approve proposed revised Ordinance #60 FEMA Flood Ordinance. The proposed revised Ordinance #60 shall take effect fifteen (15) days from the publication of the final draft within the Mining Journal and the posting on the Township Website.

**ROLL CALL VOTE**

AYES: Lynch, Zyburt, Engle, Bohjanen  
 NAYS: None  
 ABSENT: White, Rhein, Symbal  
**MOTION CARRIED**

**DISCUSSION COUNTY ORV ORDINANCE UPDATE**

Supervisor Bohjanen indicated that Chocolay Township is currently opted out of the ORV Ordinance. Marquette County is looking to update their current ordinance and is looking for survey information. There is nothing from the County that is pushing us to opt in or opt out, but we will have to decide before they rewrite the ordinance. Supervisor Bohjanen asked if the consensus at the moment is to remain opted out, or if we should hold a public hearing to make the decision. The Board was fine with opting out. Supervisor Bohjanen asked that the County be notified we would like to remain opted out.



CONSIDER NEW BATHROOM PROJECT AT BEAVER GROVE PARK.

Township Manager De Groot indicated that this is a three-step project. The bathroom facility at Beaver Grove is aged and subject to vandalism due to its location. The new bathroom will be moved closer to activity areas. Three different RFP's have been issued – removal, insert new, and electrical. This project has been budgeted for this year.

Lynch moved, Zyburt supported that the Chocolay Township Board approves staff recommendations to replace the restroom building at the Beaver Grove Park.

To complete this work the Township Board awards the following contracts:

1. The replace Vault Restroom to Boom Concrete, Inc. in the amount of \$44,455.75.
2. The pumping and removal of existing Vault Restroom to Carey-Sodergren, Inc. in the amount of \$8,417.00.
3. All associated electrical work to J. Wright & Co., Inc. in the amount of \$9,745.00.

ROLL CALL VOTE

AYES: Lynch, Zyburt, Engle, Bohjanen

NAYS: None

ABSENT: White, Rhein, Symbal

MOTION CARRIED

CONSIDER POLICE CHIEF PACKET.

Supervisor Bohjanen indicated that a packet has been put together. Legal counsel advises this should be a full Board decision, along with interviews. Board would like a prescreening process with interviews conducted with the top tier.

Township Manager De Groot gave an overview of the Police Chief vacancy. This process may take a month or two. He was seeking guidance from the Board as to timing. The May meeting may be too early – possibly a Special Meeting later in May to prepare for a June discussion. The Board is looking at May 21 or 22. Due to scheduling conflicts with the Fire Hall Meeting Room, this will be in the Township Meeting Room.

Lynch move,d Zyburt supported that a Special Meeting of the Township Board be scheduled for Tuesday, May 21, 2024 at 5:30 p.m. in the Township Hall for the purpose of a screening meeting regarding the Police Chief position. An alternative date will be scheduled for May 22, 2024.

MOTION CARRIED.

Manager De Groot indicated we will work on getting the information/packet out in trade magazines, Lake Superior Community Partnership, and our website.

CONSIDER DONATING THE REMAINING NON-COMPLIANT FIRE DEPARTMENT SCBA'S.

Engle moved, Lynch supported that the Chocolay Township Board approves staff recommendations to donate the remaining Fire Department SCBA's to Build Your Culture Training Company to be used for the training of Fire Fighters.

MOTION CARRIED

CONSIDER THE REPLACEMENT OF A VENTILATION FAN USED DURING FIRES BY THE FIRE DEPARTMENT.

Zyburdt moved, Lynch supported that the Chocolay Township Board approves the Township Manager and Fire Chief to purchase a Super Vac, V18-BL-SP replacement ventilation fan for the Fire Department's use during structure fires. The purchase price is \$4,576.92. The purchase will be drawn from the existing Fire Department Capital budget.

MOTION CARRIED

RECOGNITION OF BI-ANNUAL FIRE DEPARTMENT LEADERSHIP ELECTION.

Lynch moved, Zyburdt supported that the Chocolay Township Board recognize Lee Gould as the Chocolay Township Fire Chief in accordance with the Michigan Charter Township Act and the Chocolay Township Volunteer Fire Department's bi-annual elections.

MOTION CARRIED

CONSIDER MARQUETTE COUNTY ROAD COMMISSION CONTRACT TO RE-PAVE SHOT POINT.

Zyburdt moved, Lynch supported that the Chocolay Township Board formally accept the Marquette County Road Commission Bid recommendation for Bacco Construction to repave Shot Point for the project amount of \$488,117.80.

MOTION CARRIED

MANAGER UPDATE OF WORK PLAN AND CORPORATE STATUS.

Township Manager De Groot indicated that with the Road Commission contract, this will leave approximately \$200,000 in reserves in the Road Fund. With the success of last year, we may be able to consider some chip sealing when we look at our next budget. With Shot Point, we are looking at a layer of Geotech fabric, a layer of gravel, and then the pavement. Everything is on track, as the survey work was done last fall for Shot Point. No construction timeline yet.

Grant structures – we have received over \$375,000 for various projects from 2023 / 2024. This includes reimbursements for the televising of the sewers. We also received reimbursement for generators for the sewer. Passage of 2024 federal budget - \$112,000 for mouth of Chocolay. State budget grant of \$150,000 for radios for Police and Fire departments.

Reviewing grants for park improvements for next year through MDOT and DNR – Silver Creek Park and Chocolay River Park.

Audit – will have information by May or June meeting.

BOARD MEMBER COMMENTS

Don Rhein – Absent

Kendra Symbol – Absent

Judy White – Absent

Dave Lynch – glad we were able to donate the SCBA's

Ben Zyburt – None

Max Engle – None

Richard Bohjanen – None

PUBLIC COMMENT - NONE

Zyburt moved, Lynch supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:22 p.m.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of March 18, 2024, Draft.
- B. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of March 20, 2024, Draft.
- C. Information – Chocolay Township Newsletter – March 2024.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

**CHOCOLAY TOWNSHIP NEWSLETTER**

**April 2024**

**DEPARTMENT REPORTS**

**Assessing**

**By John Gehres**

I've continued to organize the assessing department and prepare for field inspections this summer. Letters for the 20% reappraisal will go out this month to residents that are included in this year's inspections. The County Equalization process has concluded, and the numbers move on to the State in May.

**Clerk**

**By Lisa Perry**

We have been busy finalizing the February Presidential Primary election by getting the reimbursement and retention completed.

Chocolay Township did not have a May election so the focus will be getting ready for the August Primary. If you are on the absentee ballot list and have not returned your application, you can still return the one that was mailed to you in January. Please check the boxes at the top of this application for the corresponding elections that you would want ballots for (August 6 and November 5). If you do not have this application, another will be mailed to you at the end of May or beginning of June.

Absentee voters can receive their ballots in the mail and return them to their clerk's office via USPS mail, in person, or via the drop box as in the past or with the passing of Proposal 22-2 Michigan voters can now bring them to their early voting site (nine days) or to their precinct on election day and put them through the tabulator. This will be

beneficial with the August election as the voter CANNOT CROSS PARTY LINES on this ballot.

A voter can check their voting status by calling your local clerk's office or by using the Secretary of State's website, <https://mVIC.sos.state.mi.us/>.

**Fire Department**

**By Lee Gould**

We continue to work on our Wildland/Rescue Truck. We ordered the truck/chassis after the board approved the purchase. We ordered a Ford F550 that has the weight rating to carry our equipment and skid unit with 200 gallons of water. We hope to have the truck delivered by the end of summer. We are currently working on the rear box of the truck. This is a specifically built box for wildland trucks that has compartments to carry Wildland Fire and Rescue equipment and also allows for our skid unit to sit between the compartments. We hope to have the box design finished up by the end of April.

We have transitioned our equipment to the warm season. This means winterizing the snowmobile and getting the rescue 4-wheeler load onto the trailer with our rescue sled. We are getting our water rescue equipment ready as this warm spring and predicted warm summer may have water rescue calls happening earlier than normal.

Our call volume was up in April. We responded to two major structure fires in our township. The first fire was a large pole barn that mostly collapsed upon arrival of the first truck. The second fire was a mobile home and detached garage that were well evolved upon



arrival of the first truck. Both fires were total losses. We also responded to a structure fire as mutual aid in the City of Marquette. We responded to numerous other emergency calls from motor vehicle accidents, fire alarms and power lines down.

## Public Works

### By Brad Johnson

Baseball and soccer fields are in use already for the summer. This is the earliest we have been able to allow people to use them in at least 20 years.

The Chocoday river is low this year. As of now, people can launch boats at the Chocoday River Access Park but if we don't get some rain to bring the river to normal stage, there could be a very good chance that the boat launch could become too low to launch.

The restroom at Beaver Grove is torn down. The electrical work is half done and we are waiting on the BLP to move the underground feed and transformer to complete the electrical portion. The new restroom is tentatively scheduled for delivery in June.

The spring brush drop off is going to be opened on April 19<sup>th</sup> through May 5<sup>th</sup>.

## Planning / Zoning

### By Dale Throenle

#### Planning Commission

The Planning Commissioners participated in a regular meeting on April 15 in the Township Fire Hall.

There were two items on the agenda; one was considered unfinished business, and the other was considered new business. Commissioners moved the new business in front of the unfinished business on the meeting agenda.

### New Business

#### 1) CU 24-05 164 Baker Street - Home Day Care

Commissioners reviewed and approved an application for a new day care that will be located on Baker Street in Harvey.

#### Unfinished Business

#### 1) 24-24-02 Proposed Agriculture / Forestry (AF) Zoning Ordinance Amendments and Map

During the public hearing, Commissioners heard viewpoints from the public regarding proposed changes in the AF zoning district and the related map. After the public hearing was closed, the Commissioners voted to table the item until the May meeting.

The next regular Planning Commission meeting is on **May 20 at 6PM** in the Township Fire Hall.

#### Zoning Board of Appeals

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

## Police

### By Liz Norris-Harr

This month was filled with training courses! Liz attended the first annual Administrative Conference in Mt. Pleasant. This conference was put on by the Michigan Association of Chief of Police. The conference gave tools for handling stress, trauma, secondary trauma and was a great avenue for networking.

Detective Carter attended a Cellebrite course in Menominee Wisconsin. "Cellebrite empowers agencies to modernize their investigative workflow and close a widening "public safety gap" driven by the ever-growing digital sophistication of crimes and evidence." We look forward to being able to use Detective Carters new techniques.



Chief Jennings and Sgt Carrick attended the UP-Chief's Conference. There was a large amount of takeaway regarding grants and new equipment. Sgt Carrick and Liz have already gotten the ball rolling on a few!

skills and knowledge for defensive tactics and use of force situations. At the end of this hands-on course Sgt Carrick will be a trainer.

Sgt Carrick is attending an Effective Fitness Combative Instructors course. The purpose of this course is to provide Law Enforcement with the

## 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	11.5								
<b>Pounds Year To-Date</b>	<b>19</b>	<b>30</b>	<b>34</b>	<b>45.5</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					1/8/2024	<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 Aughney 02.26.24</a>	Election Information	Scott Aughney - Citizens for Electoral Justice	
24-12	3/28/2024	4/4/2024					4/2/2024	<a href="#">24-12 Gencheff (League of Women Voters) 03.28.24</a>	Election 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
24-14	4/8/2024	4/12/2024			04/10/2024	4/26/2024	4/11/2024	<a href="#">24-14 Zakrzewski 04.08.24</a>	Police Reports	Bartlomiej	Zakrzewski
24-15	4/9/2024	4/15/2024			04/10/2024	4/29/2024	4/17/2024	<a href="#">24-15 Peterson 04.09.24</a>	Police Reports	Hannah	Peterson
24-16	4/15/2024	4/22/2024					4/18/2024	<a href="#">24-16 Ghiardi 04.15.24</a>	Police Reports	Luke	Ghiardi
24-17	4/25/2024	5/1/2024					4/25/2024	<a href="#">24-17 Soper 04.25.24</a>	Police Reports	Timothy	Soper

## Web Page Statistics

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

Month	Sessions	Page Views
January	1,889	6,150
February	1,657	4,579
March	1,601	4,091
April	2,059	5,380
Totals	1,889	6,150
<b>Averages</b>	<b>1,819</b>	<b>5,270</b>



# Zoning Permit Counts

Zoning permit counts through April, 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
April	10	Conditional Use	2	0
		Deck	0	0
		Fence	8	0
		Garage	2	0
		Grading	0	0
		Home	1	0
		Home / Garage	3	0
		Home Occupation	1	0
		New Commercial	0	0
		Outbuilding	2	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>21</b>	<b>Total</b>	<b>21</b>	<b>0</b>



**MARQUETTE COUNTY PLANNING COMMISSION  
MEETING MINUTES  
May 1, 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, Karen Alholm, Bob Struck. Staff present: Amy Stephens, Jen Sides, and Sven Gonstead. Commissioners absent: Kathy Vermaat and Charles Bergdahl.
3. Approval of Minutes: Ms. Stephens made a correction to the minutes from March 7, 2024 stating that under Item 11, Announcements should read that the MI Healthy Neighborhoods “regional housing effort is being regionally distributed”. Commissioner Swisher motioned to approve the March 7, 2024 meeting minutes with the modifications. Seconded by Commissioner Slater. The motion was carried unanimously.
4. Public Comment: None.
5. Approval of Agenda: Commissioner Struck motioned to approve the agenda with the addition of 10 b. Marquette Township Zoning Map Amendment. Supported by Commissioner Alholm. The motion was carried unanimously.
6. Public Hearing: None.
7. Communications: Commissioner Alholm made a motion to accept and file communications, supported by Commissioner Swisher. The motion was carried unanimously.
8. Monthly Reports: Commissioner Slater made a motion to accept and file the April 2024 reports. The motion was seconded by Commissioner Swisher. The motion was carried unanimously.
9. Old Business
  - a. Materials Management Planning: Ms. Stephens stated the County is reviewing the Central UP inter-local agreement and that they have three more weeks to review and respond to the proposed agreement.
  - b. Meeting Time Change: Still looking at second week of the month. Commissioner Struck asked to postpone this conversation until next month’s meeting due to personal schedule changes.
10. New Business
  - a. Forsyth Township Zoning Map Amendment: The proposed zoning map amendment is to rezone nearly a one acre parcel from Commercial to Rural Residential. The property is currently functioning as a Church and a printing business and the applicant would like to be able to reside in the property as well. Under the Rural Residential zoning district, the property owner plans to apply for a Conditional Use permit to continue to run a church



at this location. The township did follow the proper procedure and it does align with the future land use map. The rezoning would also help to eliminate a spot zone as that side of the street is currently zoned Rural Residential. Commissioner Slater made a comment stating that this building is currently operating as a church and a business and that people are actively living on the property. Therefore, the Township should be cautious moving forward that the applicant isn't still conducting business in a Rural Residential district if they choose to proceed with the rezoning. Commissioner Alholm motioned to accept staff recommendations with the inclusion of commissioner comments, seconded by Commissioner Swisher. The motion was carried unanimously.

- b. Marquette Township Zoning Text Amendment: This proposed zoning map amendment is to rezone a 3 ¼ acre parcel on Brickyard Rd. from Rural Residential to Development District. They had brought this to the Township Planning Commission earlier this year but had to redo the process as they had not complied with the public notice process. This was proposed to be rezoned in 2017 but did not move forward as it did not comply with the Townships Future Land Use map. In 2020, the Township updated their Master Plan and adjusted the Future Land Use Map to show that parcel to be Development District. There is currently a single family home on the lot that would be demolished to build a commercial structure on that parcel.

There was public comment considered from both for and opposing sides. Residents nearby are not pleased with light pollution, traffic, and the encroaching commercial businesses. There were a couple of supporting comments as well. There is interest from a couple parties to develop on that land.

Planning staff recommended supporting the proposed amendment due to the rezoning falling in line with the Future Land Use map and that the Township followed proper procedure. Commissioner Swisher motioned to support the proposed amendment, seconded by Commissioner Struck. The motioned was carried unanimously.

11. Announcements: Ms. Stephens announced that Perkins Park and Campground will be opening for the season on May 13<sup>th</sup>. Sugarloaf is open and expected to be receiving trail improvements by the Great Lakes Climate Corps throughout the summer with periods of closure for safety of trail workers and the public. Work is anticipated to begin in late May. The Marquette County Planning Division is currently beginning the process of updating the County's 5-Year Rec Plan; there is a survey that went out last week to solicit input from the public regarding county-owned recreation facilities. The Planning Division is hoping to begin accepting applications for the MSHDA CHILL program within the next month or so. The program is for general home repairs for County residents with 80% Area Median Income or lower. Repairs of up to \$10,000 will be a grant and repairs costing between \$10,001 and \$40,000 would be a no-interest loan, forgivable after 5 years. Additionally, we are expecting three buildings to be demolished at Little Trout Lake within the next month, funded by Land Bank blight elimination funds. Planning staff presented a year in review report to the Forestry Commission.

12. Public Comment: None.

13. Adjournment: Commissioner Slater motioned, seconded by Commissioner Struck, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 7:03 p.m.

Respectfully submitted,

Amy Stephens, Planner

DRAFT

**OFFICIAL PROCEEDINGS OF THE  
MARQUETTE CITY PLANNING  
COMMISSION  
April 16th, 2024**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00p.m. on Tuesday, April 16th, 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, C. Gottlieb, S. Lawry, D. Fetter, Vice Chair K. Clegg, Chair S. Mittlefehldt

PC Members absent: None

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

**AGENDA**

*It was moved by M. Rayner, seconded by C. Gottlieb, and carried 5-0 to approve the agenda as presented.*

**MINUTES**

The minutes of 04-02-24 were approved as presented in a revision provided at the meeting, by consent.

**CONFLICT OF INTEREST**

There were no conflicts of interest stated.

**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 (PC) 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 at this meeting were:

- Definitions, both amended and new.
- Amending Section 54.307 to allow duplex, triplex and quadplex dwellings as a Permitted Use in the Medium Density Residential (MDR) zoning districts. The PC decided to put forward the proposal to allow Duplexes and Triplexes as a Permitted Use but keep Quadplexes as a Special Land Use in MDR districts. Also including new dimensional regulation tables for Duplexes and Triplexes.
- Amending Section 54.308 to allow duplex dwellings as a Permitted Use in the Low Density Residential (LDR) zoning districts, and to allow triplex and quadplex dwellings as a Special Land Use in the LDR districts. The PC decided that this is the proposal they wish to put forward. Also including new dimensional regulation tables for Duplexes.
- Amending Section Figure 8, in Sec. 54.306, to update with the Duplex, Triplex, Quadplex uses, and the two proposed Light Manufacturing categories included in the definitions presented at this meeting.
- Amending the description in Sec. 54.320 for the Boundaries of the Riparian Overlay District to define the boundary along Lake Superior as the "Lake Superior shoreline Coastal High Hazard Areas as depicted on the current Flood Insurance Rate Map published by the Federal Emergency Management Agency and designated as AE."

- Amending the figures down significantly for the required amount of a building façade that has to be built to the setback line in the Third Street Corridor district. Section 54.322, Figures 14 & 15.
- Another addition to the voluntary considerations in Figure 52, the Site Plan review checklist.
- Amending Fig. 8 in Art. 3, as well as Fig. 10 and Fig. 24, for new categories of Solar Energy Systems (SES) and revisions to the existing SES standards as well as those for Small Wind Energy systems.
- Adding Sec. 54.647 for Solar Energy Systems (SES), and Sec. 648 for Small Wind Energy (SWE) systems. These are standards for Specific Uses, and what exists for SES and SWE is currently in Art. 7, but that has been expanded on significantly to provide for larger SES, and SES principal uses.
- Amending Sec. 54.1003 to establish a “clear zone” that would prohibit planting street trees in front of non-residential building entrances.
- Amending Sections 54.1004 and 54.1005 to allow for landscaping stone and some other similar materials to be used as ground cover, rather than grass or vegetative ground cover alone, in residential dwelling districts.

A consensus was reached on the disposition of these issues.

### **COMMISSION AND STAFF COMMENTS**

There were no Commissioner comments.

D. Stensaas stated that staff is hoping that the Draft Community Master Plan will be ready by the end of this week or at least in time to put on the May 7<sup>th</sup> agenda for discussion and the possibility of making a motion to approve asking the City Commission to release the Draft Plan for the mandatory 63-day public comment period.

### **ADJOURNMENT**

The meeting was adjourned by Chair S. Mittlefehldt at 8:10 p.m.

*David Stensaas*

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