

Onota Township

Zoning Administrator's Report

To: Onota Township Board, Planning Commission

From: Jason McCarthy, Onota Township Zoning Administrator

Date: January 4, 2025

Re: Zoning Administrator's Report – December 2025

I provided the following planning and/or zoning-related correspondence during the month of December 2025:

- Denied a zoning compliance application for a *Resort* land use on a property located at E3510 HWY M-28, owned by Jarrod Biebel, due to the proposed single stand-alone structure not meeting the zoning ordinance's definition of *Resort*. Provided a formal review letter to the applicant, Dominic Hagerty, 1920 Enterprise St. Suite #1, Marquette, MI 49855. Subject parcel was 007-066-027-00, and located within the zoned Town Development district.
- Provided Onota Township legal counsel with an update on the Old M-28 rezoning petition (Town Development to Lake Shore/River):

At the Planning Commission meeting on December 9, 2025, I presented the rezoning petition as administratively complete. Following that, the Planning Commission voted to schedule the required public hearing for Tuesday, April 14, 2026.

Based on my review of the Michigan Zoning Enabling Act (MZEA), the MZEA requires a public hearing prior to adoption of a zoning map amendment, and it requires publication/mailed notice at least 15 days prior to that hearing. I did not see a specific statutory deadline in the MZEA that requires the Planning Commission to hold (or schedule) the public hearing within a fixed number of days after receipt/presentation of a complete rezoning petition. In other words, the Act appears to require the hearing and notice, but does not set a maximum time-to-hearing.

I also explained that I did not see language in the zoning ordinance that imposes a required timeframe for when the Planning Commission must schedule or hold the public hearing after a rezoning petition is deemed complete/presented.

- Provided Onota Township legal counsel with an update on the Old M-28 rezoning counter petition (Town Development to Lake Shore/River): Following submission of the rezoning application, a group of property owners who would be subject to the proposed rezoning filed what they are characterizing as a "counter-petition," opposing the

rezoning. Their opposition appears to be framed around concern that the Township will amend the ability to utilize short-term rentals as a land use currently permitted by right in the Town Development zoning district, albeit for the moratorium.

My understanding, based on the Michigan Zoning Enabling Act and the Onota Township Zoning Ordinance, is that a rezoning is a legislative action. There is no procedural mechanism under the MZEA or the zoning ordinance for a counter-petition to block or terminate a rezoning request prior to a public hearing. The appropriate and legally required forum for opposition to a rezoning is the public hearing process before the Planning Commission (and Township Board, if applicable). If a rezoning were ultimately adopted, affected property owners would still retain the ability to contest the decision through existing statutory or judicial remedies.

From an administrative standpoint, my view is that the counter-petition can be accepted into the record as written opposition but does not have independent legal effect and does not alter the Township's obligation to process the rezoning petition through the required public hearing and recommendation process.

I have asked legal counsel for confirmation of my interpretation, and if there is any legal significance to the counter-petition beyond being part of the public record/opposition testimony.

- I also responded to a variety of zoning-related inquiries during this timeframe.

JM