
Fwd: Comments on proposed revised ordinance

1 message

Lindy Kellogg <lkelloggcentervillepc@gmail.com>
To: Joe Mosher <moshercentervilletp@gmail.com>

Tue, Jan 30, 2024 at 2:18 PM

Hi,

This came through prior to the meeting last night.

Can you please add to the minutes as written comment?

Thanks,
Lindy

----- Forwarded message -----

From: **Donald Baty** <donfbaty@outlook.com>

Date: Mon, Jan 29, 2024 at 4:23 PM

Subject: Comments on proposed revised ordinance

To: grobbelenvironmental@gmail.com <grobbelenvironmental@gmail.com>, lkelloggcentervillepc@gmail.com <lkelloggcentervillepc@gmail.com>, Nancy Popa <nanook551@gmail.com>

I apologize in advance for this very late comment on the zoning ordinance amendments; I failed to review the minutes of the prior meeting and did not see that a copy of the draft revised ordinance was posted.

I am concerned about the definition of Marina. The definition lists a number of things and completes the list with “and services for watercraft.” By the use of the word “and,” I believe a reasonable interpretation of the term marina would require that all of the listed features be present – including a breakwall and providing sales and services. This is a problematic definition for several reasons. First, the legal definition of the “boat basin” usually requires that there be a “break wall” (see for example, <https://www.lawinsider.com/dictionary/boat-basin>). And in turn breakwall is customarily defined as a structure that protects boats from the action of waves. Break walls are very uncommon on inland land lakes, and I do not believe there are any breakwalls on Lake Leelanau. Second, by requiring both sales and services, a business that provides dockage and gas but does not include a break wall or does not provide sales and services would not be a marina. I am sure this is not the intent of the drafters of the ordinance. It is noteworthy that EGLE does not require all of the listed activities/services for an activity a lake front to be a marina (from Part 301 of NREPA – “*Marina*” means a facility that is owned or operated by a person, extends into or over an inland lake or stream and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft”). While the NREPA definition is a good starting point, I believe it has some deficiencies. I offer the following definition for your consideration:

“Marina” means a facility that (a) is owned or operated by a person(s), extends into or over an inland lake or stream or on or near the shore of a lake or stream, and (b) offers to the public, or members of a group, association similar group, docking, mooring, loading, fueling or other services or goods for watercraft.

I also just received the draft of the proposed overlay district. I intend to review that and provide comments as soon as possible.

Thank you for your consideration.

Don

Donald F. Baty, Jr.

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