

Charter Township of Oscoda

Planning Commission **AGENDA**

February 6, 2023 6PM
Robert J. Parks Public Library
6010 Skeel Ave
Oscoda, MI 48750

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- 1) **Call to Order –**
 - 2) **Pledge of Allegiance**
 - 3) **Welcome Guests**
 - 4) **Member Roll Call**
 - 5) **Approval of Work Session and Planning Commission Minutes –**
 - i. Planning Commission Regular Meeting Minutes January 3, 2022
 - 6) **Agenda – Additions, Corrections, & Approval**
 - 7) **Public Comment – (Non-Scheduled and Scheduled Agenda Items)**
 - 8) **Public Hearing–**
 - i. **Ordinance 2011-244 Amendments**
 - ii. **Add Full Bathroom Definition to 165 Zoning Ordinance**
 - 9) **Old Business –**
 - i. **2022 Case Updates (For informational purposes only)**
 - 201-2022 Janis Tire- SLUP for Trailer Sales- **Approved, Case Closed**
 - 202-2022 Steve & Cathy Wusterbarth- SLUP for Accessory Structure- **Approved, Construction not yet started, Land Use Permit Extended per applicants' request.**
 - 203-2022 PKL Homes- SLUP for PUD- **Closed, Applicant not proceeding with project.**
 - 204-2022 R. Heck- SLUP for PUD- **Closed, Applicant not proceeding with project.**
 - 902-2022 & 903-2022 Enviro Analytical- SLUP's for Marihuana Safety Compliance Facilities- **Progressing through licensing process**
 - 904-2022 HMG 21 INC- SLUP for Class B Grow Facility- **Case Closed, facility open and operational.**
 - 101-2022 Bryan Hutchinson- Site Plan for Shed Sales- **Case Denied**
 - 205-2022 AuSable Developments- SLUP for Apartments- **Preliminary Site Plan Approved, pending final Site Plan review.**
 - 905-2022 TLG 21 INC- SLUP for Adult Use Marihuana, change of location- **Approved, Location moved and Case Closed.**
 - 906-2022 Great Green North- SLUP for Class B Grow Facility- **Preliminary approval given, progressing through licensing process.**

- 103-2022 John Hedstrom- Site Plan Review- **Preliminary approval given.**

ii. **Wurtsmith District Rezoning Process- Update**

10) **New Business –**

- a) **2022 Thru 2026 Parks and Rec Plan, Goals**
- b) **First Read- Section 6.43, Food Trucks/Mobile Food Vending Units- Amendments and Location Maps**
- c) **First Read- Article VIII, Zoning Board of Appeals Section 8.3.3**
- d) **First Read- Code of Ordinances Chap. 10 Article VII, Recreational Marijuana Establishments Prohibited- Delete Article**
- e) **First Read- Code of Ordinances Chap. 26, Article III Installation, maintenance and/or Repair of Sidewalks- Amendments**

11) **Report of the Zoning Board of Appeals Representative**

12) **Report of the Township Board Representative**

13) **Report of the Planning Commission Sub-Committees**

14) **Report of the Economic Improvement Committee**

15) **Comments of Planning Commission members**

16) **Report of the Zoning Administrator**

17) **Adjournment**

Charter Township of Oscoda

Planning Commission

Meeting Minutes

January 3, 2023 6PM

Robert J. Parks Public Library

6010 Skeel Ave

Oscoda, MI 48750

- 1) **CALL TO ORDER**
Jeff Linderman, Chair, called the meeting to order at 6:01 PM.
- 2) **Pledge of Allegiance**
- 3) **WELCOME GUEST** – Mr. Linderman welcomed guests to the meeting.
- 4) **ROLL CALL**
Present – Mr. Palmer, Mr. Tasior, Ms. Hopcroft, Mr. Linderman
Absent – Mr. Schulz
Quorum –Mr. Linderman determined a quorum present.
- 5) **APPROVAL of Meeting Minutes-**
 - i. **Planning Commission Regular Meeting Minutes December 5, 2022-** Ms. Hopcroft made a motion to approve the minutes with one correction. Supported by Mr. Palmer Roll call vote. All in favor.
- 6) **AGENDA – Additions, Corrections & Approval –**
 - ii. Ms. Hopcroft made a motion to approve the agenda as submitted. Supported by Mr. Tasior. Roll call vote. All in favor.
- 7) **PUBLIC COMMENT** – None
- 8) **PUBLIC HEARING** – N/A
- 9) **NEW BUSINESS –**
 - i. Planning Commission Meetings Schedule for 2023-
 - a. Ms. Vallette went over the meeting schedule and the dates that were adjusted to accommodate for the Holidays.
 - b. Mr. Linderman made a motion to approve the meeting schedule as presented. Supported by Mr. Tasior. Roll call vote. All in favor.
 - ii. Planning & Zoning Director Annual Report-
 - a. Ms. Vallette stated that this annual report is a requirement per the Planning Enabling Act for the Planning Commission to do every year.
 - b. Ms. Vallette asked the Commission for feedback and edits if there are any.
 - c. Ms. Hopcroft asked for more information to be added to Section 5.5 New Multi- Use Facility Planning Process. Ms. Vallette will expand on the reason why only two work sessions were held.
 - d. Mr. Linderman asked that a word be removed from Section 5.6.
 - e. Ms. Vallette informed the Commission that Land Use Permits were up compared to the year before.
 - iii. Guide to Development Revisions-

- a. Ms. Hopcroft stated that she had some revisions, but asked if she could email them to Ms. Vallette to have her make the edits rather than go over all of them at the meeting. The Commissioners agreed to that. Ms. Vallette will make all edits and email the edited version to all members.
- b. The Guide to Development will also be presented at the next EIC meeting on 1/6/2023.
- c. Mr. Palmer went over a few items he thought needed revising. We also discussed cleaning up the language under Pre-Application meetings, to clarify the Development Review Committee and if Pre-Application meetings should be encouraged or required.
- d. It was decided that under the Planned Development approval process to take out the Planning Commission scheduling a work session. A meeting with the Development Review Committee will be scheduled instead of a work session.
- e. Ms. Vallette was asked to attend the EIC Meeting in case there are any questions that need to be answered.
- iv. First Read- Ordinance 2011-244 Amendments
 - a. Ms. Vallette went over the three changes that need to be made within the Ordinance. Language regarding an alternate will be taken out. Vice-Chairperson will be added under Officers and Committees. Under Sec 2-145, immediately adjoining will be replaced with within 300 feet.
- v. First Read- Add Full Bathroom Definition to 165 Zoning Ordinance
 - a. Ms. Vallette stated that in our new Micro Housing Ordinance, a Full Bathroom is required in a Micro House, but a Full bathroom is not defined in our Ordinance.
 - b. Ms. Vallette read our definition of a Full Bathroom: A bathroom with a sink, toilet, bathtub, and/or shower (or a bathtub and shower combination)
 - c. Mr. Tasior made a motion to accept that definition for a Full Bathroom, to be added to the 165 Zoning Ordinance, and move it on to a public hearing. Supported by Ms. Hopcroft. Roll call vote. All in favor.

10) OLD BUSINESS- N/A

11) Report of the Zoning Board of Appeals Representative

- i. Mr. Vallette stated that there had not been a ZBA meeting since the last Planning Commission meeting.

12) Report of the Township Board Representative

- i. The Township Board changed their meeting start time to 6:30PM.
- ii. The 2023 Budget was approved by the Township Board.
- iii. The Township is still looking into Auto Dialer and is waiting for the County to finalize their alert system to see if we want to join or not before pursuing Auto Dialer.
- iv. A Township Board member made a request for the Township to utilize Facebook to get notices out to people. The Attorney is reviewing that.
- v. Ms. Loveless withdrew her purchase agreement for the California/Michigan Property.

13) Report of the Planning Commission Sub-Committees

- i. Ms. Hopcroft stated that the Master Plan Sub-Committee was waiting for the Villages Board Meeting to have further information on the 8000 Block on Base.
- ii. Mr. Tasior stated that the Ordinance Revision Sub-Committee had a few items to look at. The first reads on tonight's agenda came from the last work session. Mr. Tasior asked Ms. Vallette to send all work session agendas to all Planning Commission members, to keep them informed.

14) Report of the Economic Improvement Committee

- i. Mr. Tasior stated that the next EIC Meeting is 1/5/2023 at 4pm.
- ii. Mr. Tasior stated that the MEDC will be at Tait's Restaurant, 1/10/2023 at 11:30, hosted by Lindsey Miller. The purpose of this meeting is to inform business owners of grant opportunities.

- iii. Ms. Hopcroft stated that the Arts & Place Making Committee presented a project to the Township Board. That project was not approved.

15) Comments of Planning Commission members

- i. Mr. Palmer and Ms. Hopcroft wished everyone a Happy New Year.

16) Report of the Zoning Administrator

- i. Ms. Vallette thanked the Commissioners for a great 2022 and is looking forward to see what 2023 holds. She stated that Planning Commission and ZBA members are needed. She also stated that there is a four part training coming up. In May, we will look at our By-Laws to add some missing language.

Declaring no further business, Mr. Linderman adjourned the meeting at 7:16 PM.

Jeff Linderman - Chair

Date

Nichole Vallette – Planning & Zoning Director

**STATE OF MICHIGAN
COUNTY OF IOSCO
CHARTER TOWNSHIP OF OSCODA**

ORDINANCE NUMBER 2011-244

An ordinance to amend Chapter 2, Article IV, Division 3, of the Oscoda Code of Ordinances, entitled "Planning Commission," to bring the ordinance into compliance with state law.

THE CHARTER TOWNSHIP OF OSCODA ORDAINS:

PART I. Ordinance Amendment.

Chapter 2, Article IV, Division 3, Section 2-133 is hereby amended to read as follows:

Sec. 2-133. Appointments and Terms

The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.

The planning commission members, other than an ex officio member, shall serve for terms of 3 years each. A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

~~The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, may also appoint to the planning commission not more than (1/2) alternate member(s) for the same term as regular members. An alternate member may be called as needed to serve as a member of the planning commission in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the planning commission as the same voting rights as a regular member.~~

Planning commission members shall be qualified electors of the township, except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resource, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

One member of the township board shall be appointed to the planning commission as an ex officio member. The ex officio member has full voting rights. The ex officio member's term on the planning commission shall expire with his or her term on the township board. No other elected officer or employee of the township is eligible to be a member of the planning commission.

PART II. Ordinance Amendment.

Chapter 2, Article IV, Division 3, Section 2-137 is hereby amended to read as follows:

Sec. 2-137. Officers and Committees

The planning commission shall elect a chairperson, **vice chairperson**, and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws.

The planning commission may also appoint advisory committees whose members are not members of the planning commission.

PART III. Ordinance Amendment.

Chapter 2, Article IV, Division 3, Section 2-145 is hereby amended to read as follows:

Sec. 2-145. Subdivision and Land Division Recommendations

The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent, Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land **immediately adjoining within 300 feet of** the proposed platted land.

PART IV. Severability. Should any division, section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART V. Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or

proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Article IV of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance

PART VI. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART VII. Effective Date; Publication. This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Oscoda at a meeting duly called and held on _____, 2023, and ordered to be given publication in the manner prescribed by law.

Made, passed and adopted by the Oscoda Township Board on this ____ day of _____, 2023.

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Oscoda Township Board held on the ____ day of _____, 2023.

Joshua Sutton, Clerk

Adopted:
Published:
Effective:

Full Bathroom: a bathroom with a sink, toilet, bathtub and/or shower (or a bathtub and shower combo)

Table 14: Action Plan

Facility	Year	Project	Revenue Source
Oscoda Beach Park	2022	Bathhouse improvements, outdoor shower, foot wash stations	MDNR Grants
	2022	Site furnishings	MDNR Grants
	2023	Parking improvements and lighting	MDNR Grants
	2023	Playground equipment	MDNR Grants
	2023	Splash pad expansion	MDNR Grants
	2025	Boardwalk and pier improvements	MDNR Grants
Old Orchard Campground	2022	Bike path improvements	MDNR Grants
	2022	Add shelter facilities	MDNR Grants
	2024	Add and improve playground equipment	MDNR Grants
	2023	Add and improve picnic facilities	MDNR Grants
Ken Ratliff/Warrior Pavilion Park	2022	Design a site master plan	Township
	2022	Boat launch, kayak launch, and dock improvements	MDNR Grants, Waterways
	2023	Add and improve playground equipment	MDNR Grants
	2024	Add site furnishings	Township
	2025	Parking lot improvements	MDNR Grants
	2025	Add amphitheater	MDNR Grants
Foote Site Park	2022	Design a site master plan	Township
Riverbank Park	2023	Enhance Dwight Street Entrance	MDNR Grants
	2023	ADA Kayak launch	MDNR Grants
	2023	Extend/connect to walking trail to current trail	MDNR Grants
	2024	Parking improvements	MDNR Grants
Sports Complex	2023	Identify new sports complex site	Township
Piety Hill	2023	Update and improve the boardwalk	MDNR Grants
	2024	Add site furnishings	Township
	2025	Parking improvements	MDNR Grants
Huron Sunrise Park	2022	Develop accessible path to beach	MDNR Grants
	2024	Extend the pathway	MDNR Grants
	2024	Parking improvements	MDNR Grants
	2025	Add site furnishings	Township
General	2022	Expand a plan for the ORV trail system	Township
	2022	Park and wayfinding signage	Township
	2022	Feasibility study for an indoor recreation center	Township
	2022-2025	Connect nonmotorized trails when the opportunity arises	MDNR Grants, MDOT
	2022-2025	Accessibility improvement updates as needed	MDNR Grants

Section 6.34 Food Trucks/Mobile Food Vending Units:

Section 6.34.1 Intent

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of the Township of Oscoda, while providing a framework under which such businesses operate, this article is established.

(Amd. of 6-20-2018)

Section 6.34.2 Definitions

As used in this article, the following terms shall have the meanings indicated:

Food: Any item intended for public consumption, whether on private and/or public property, and including but not limited to solid food, liquid, gelatin food product, or any other consumable item to be ingested by human beings and/or pets and as allowed by relevant state regulations and/or law.

Food Vending Unit: A self-contained, vehicle, trailer, and/or any moveable structure that serves the purpose of vending food to the public. Any such food vending unit must meet the requirements as set forth within this ordinance as well as those requirements as set forth by way of relevant Township policy, either zoning and/or functional in nature, and compliant with any state regulation and law.

Mobile Food Vending: Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a "food service establishment" under Public Act 92 of 2000, and which may include the ancillary sales of branded merchandise items, consistent with any food and/or drink sold by a particular vendor, or unique to the vendor her/himself, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending, assuming full compliance with any trademark law.

Mobile Food Vending Unit: Any motorized or nonmotorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale. Ancillary tables set up by a vendor next to or proximitous to the mobile food vending unit itself, is not to be allowed.

Operate: All activities associated with the conduct of business, including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.

Vendor: Any individual, company, restaurant or organization engaged in the business of mobile food vending; if more than one (1) individual is operating a single cart, food truck, or other means of conveyance, then "vendor" shall mean all individuals operating such means of conveying food.

(Amd. of 6-20-2018)

Section 6.34.3 License/Permit required

- A. No vendor shall engage in mobile food vending without a license issued by the Charter Township of Oscoda's Zoning Office authorizing such vending.
- B. All licenses/permits, including but not limited to any licenses as authorized by this ordinance, shall be prominently displayed on the mobile food vending unit. A License/permit for vending shall not be issued by the Zoning Administrator's office unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this article.

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- C. A vendor who has applied for and received a License to operate a food truck or mobile food vending unit under this article does not have to also apply for and receive a permit to operate under the Charter Township of Oscoda's, Peddlers and Transient Merchants Ordinance (Sections 22-1—22-30 of the Oscoda Township Code).

(Amd. of 6-20-2018)

Section 6.34.4 Duration of License/Permit; non-transferability

Licenses/permits issued by the Township of Oscoda's Zoning office shall be valid only for the calendar year in which they are issued and for the mobile food vending unit identified on the permit. Any permit issued under this article is nontransferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit.

(Amd. of 6-20-2018)

Section 6.34.5 Application for License/Permit

- A. Any vendor desiring to operate a food truck or engage in mobile food vending in the Township of Oscoda shall submit a completed application to the Township of Oscoda's Zoning office and receive a license/permit issued by that office.
- B. The applicant shall truthfully state, in full, all information requested on the application for a license/permit issued by the Township of Oscoda's Zoning office. Additionally, the applicant shall provide all documentation, such as insurance, as required by this article or the Township of Oscoda. The application for a license/permit shall be accompanied by a fee as set by Township Resolution.

(Amd. of 6-20-2018)

Section 6.34.6 Single-event permits

A single-event application is also available from the Township of Oscoda's Zoning office for vendors wishing to operate a food truck or mobile food vending unit during a Township-sponsored or Township-endorsed special event or to operate at a public or private event held on public property or in a public park.

(Amd. of 6-20-2018)

Section 6.34.7 Fees

An application for a license shall be accompanied by a fee in the amount established by resolution by the Oscoda Township Board. Permits shall only be for the calendar year in which the permit is issued. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the Zoning Administrator's Office.

(Amd. of 6-20-2018)

Section 6.34.8 Requirements

Any vendor engaging in mobile food vending shall comply with the following requirements.

- A. Food trucks/mobile food vending units shall only operate in districts zoned RT- Residential Tourist, WI- Wurtsmith Industrial, I-Industrial, ~~B-1 Central Business District~~, B-2-General Business District, ~~SSBN-~~

(Supp. No. 3)

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State Street Business and Neighborhood, CBD- Corridor Business District and WB-3-Wurtsmith Business District.

- B. Vendors shall not operate on Township-owned property without prior authorization and approval of the Zoning Administrator's office.
- C. No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit while on the location noted on the permit.
- D. Vendors shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the vendor and/or customers on a daily basis.
- E. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights over sixty (60) watts shall contain opaque hood shields to direct the illumination downward.
- F. Vendors shall not use loud music, amplification devices or crying out or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the Township of Oscoda.
- G. The vendor may have one (1) portable sign that is six (6) square feet, with no dimensions greater than three (3) feet and no height greater than four (4) feet, located within five (5) feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian/vehicle safety.
- H. Mobile food vending units shall not be parked and operating in residential areas: For commercial areas, vending may occur between the hours of 7:00 a.m. and 11:00 p.m. For private property in commercial areas, vending may occur between 6:00 a.m. and 3:00 a.m. No Mobile Vending Units may be present or operating except during the specific hours mentioned in this section. This includes all setup and teardown.
- I. Reserved.
- J. No vendor shall utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner.
- K. Vendors shall comply with all applicable State, County and Township laws, regulations, and ordinances, including those regulating noise, signage, and loitering.
- L. Vendors shall not represent the granting of a permit under this article as an endorsement of the Township.
- M. Vendors may only utilize designated areas at authorized Township owned properties with a permit issued for the specific date and location.

(Amd. of 6-20-2018)

Section 6.34.9 Other Licenses/Permits

License/permit obtained under this article shall not relieve any vendor of the responsibility for obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule.

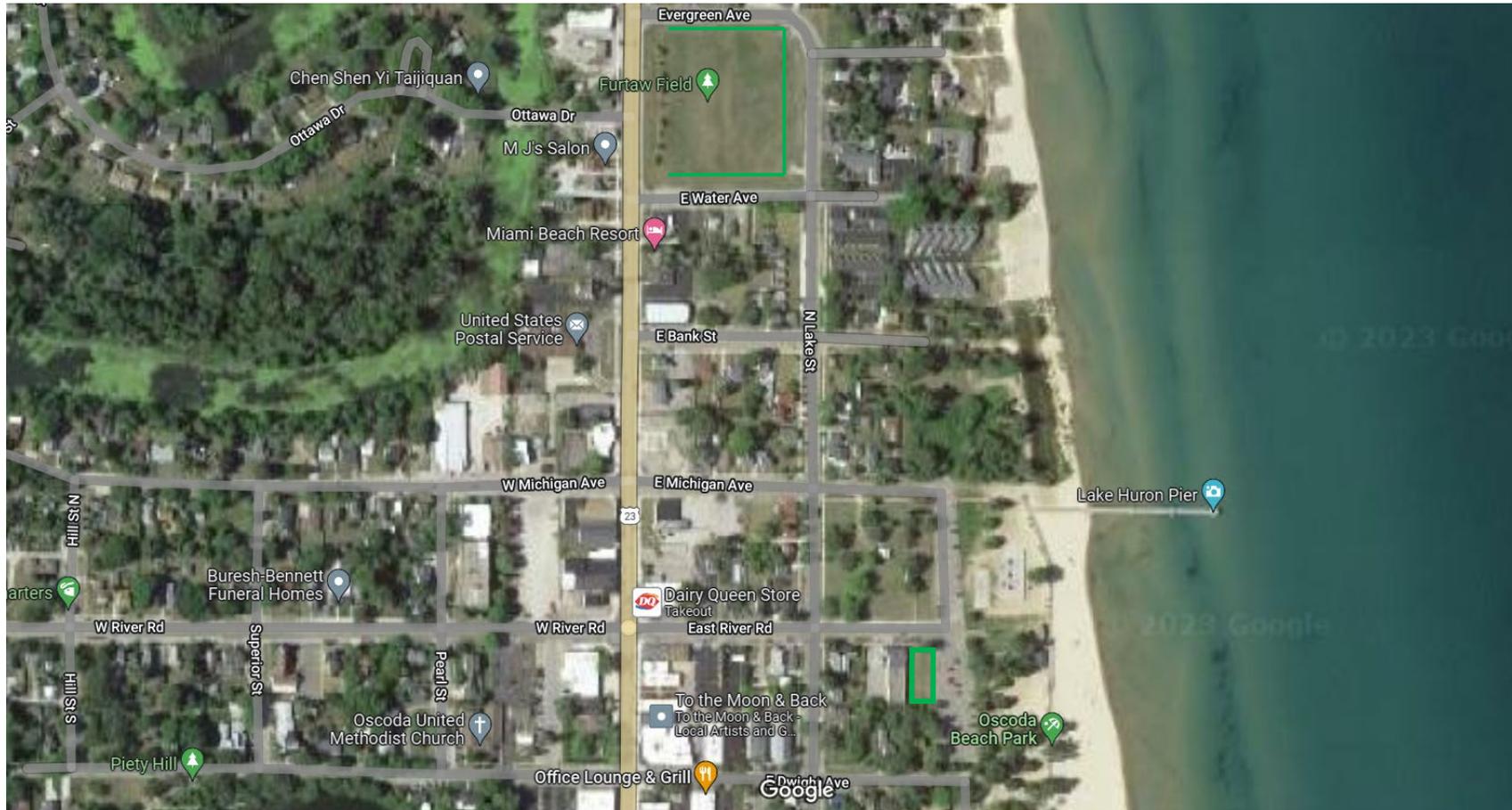
(Amd. of 6-20-2018)

Section 6.34.10 Complaints; revocation of permit

- A. If a written complaint is filed with the Oscoda Township's Zoning Administrator's office alleging a food vendor has violated the provisions of this article, the Zoning Administrator's office shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made by the Zoning Administrator's office, with the assistance of the State, County, and other Township departments, as required, as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Zoning Administrator's office, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.
- B. The Township of Oscoda's Zoning office shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this article or violates any other Federal, State or local law, ordinance or regulation; makes a false statement on his/her application; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.
- C. Immediately upon such revocation, the Zoning Administrator's office shall provide written notice to the permit holder by first class mail to the address indicated on the application. The permit to operate shall become immediately null and void upon revocation.

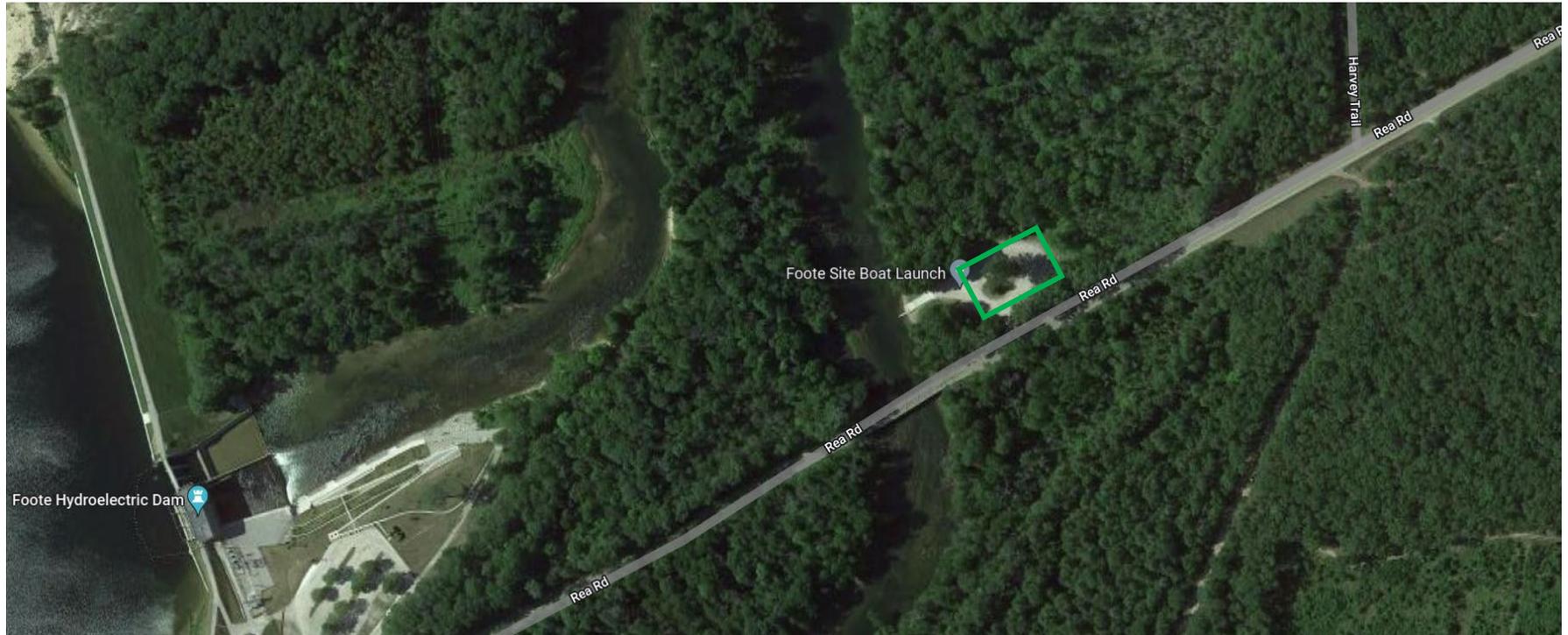
(Amd. of 6-20-2018)

OSCODA TOWNSHIP BEACH PARK AND FURTAW FIELD



— Township Owned Property for Food Trucks & Mobile Vending Units

FOOTE SITE PARK



— Township Owned Property for Food Trucks & Mobile Vending Units

KEN RATLIFF MEMORIAL PARK



— Township Owned Property for Food Trucks & Mobile Vending Units

OSCODA HURON SUNRISE PARK



— Township Owned Property for Food Trucks & Mobile Vending Units

OSCODA TOWNSHIP SPORTS COMPLEX



 Township Owned Property for Food Trucks & Mobile Vending Units

VETERAN'S MEMORIAL PARK



— Township Owned Property for Food Trucks & Mobile Vending Units

STATE OF MICHIGAN
COUNTY OF IOSCO
CHARTER TOWNSHIP OF OSCODA

ARTICLE VIII- ZONING BOARD OF APPEALS

An ordinance to amend Article VIII of Ordinance 165, the Zoning Ordinance of the Charter Township of Oscoda, entitled “Zoning Board of Appeals,” to bring the ordinance into compliance with state law.

THE CHARTER TOWNSHIP OF OSCODA ORDAINS:

PART I. Ordinance Amendment.

Article VIII, Section 2-8.3.3, is hereby amended to read as follows:

Section 8.3.3 Variances

A variance ~~in~~ **from** the ***strict application of the provisions of the*** Zoning Ordinance may be applied for and granted ~~under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54~~ ***in accordance with the requirements of state law, including the Michigan Zoning Enabling Act, 2006 PA 110,*** and as provided under Ordinance. The Zoning Board of Appeals shall state the grounds of any determination made by the Board.

The Board shall have the power to authorize, upon an appeal, specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements;

To obtain a variance, the applicant must show that the following conditions listed below are satisfied:

1. Would Strict adherence to the Charter Township of Oscoda Ordinance unreasonably prevent the owner from using the property for a permitted use, or make the use extremely difficult?
2. Would strict adherence to the Charter Township of Oscoda Ordinance deprive the applicants of rights commonly enjoyed by other properties in the same district, and is the variance request the minimum necessary?
3. ~~Is the variance request due to unique circumstances related to the property, and not conditions that are common in the neighborhood or that particular zoning district?~~

43. Is it true that the circumstances and conditions of the property and variance request are not a result of the actions of the applicant or previous property owner?

54. Is it true that granting the variance will not be detrimental to adjoining property or the general welfare?

65. Will granting this variance be in harmony with the general purpose and intent of the Charter Township of Oscoda Ordinance?;

PART II. Severability. Should any division, section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Article IV of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

PART IV. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V. Effective Date; Publication. This Ordinance shall become effective thirty (30) days after its publication as required by applicable law.

Made, passed and adopted by the Oscoda Township Board on this ____ day of _____, 2023.

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Oscoda Township Board held on the ____ day of _____, 2023.

Joshua Sutton, Clerk

Adopted:
Published:
Effective:

~~ARTICLE VII. RECREATIONAL MARIJUANA ESTABLISHMENTS PROHIBITED¹~~

~~Sec. 10-221. Title.~~

~~This article shall be known and cited as the Charter Township of Oscoda Prohibition of Recreational Marijuana Establishments.~~

~~(Ord. No. CD5:1, § 1, 10-3-2019)~~

~~Sec. 10-222. Purpose.~~

~~The preliminary statements of Ord. No. CD5:1 shall serve as the basis for why the township is "opting out" of allowing the sale of recreational marijuana within the Charter Township of Oscoda.~~

~~(Ord. No. CD5:1, § 2, 10-3-2019)~~

~~Sec. 10-223. Violations.~~

~~(a) A violation of this article shall, in addition to any other legal remedies available either by any local, state, or federal government, shall be enforced as a municipal civil infraction, where fines will be no less than \$100.00 and not more than \$500.00 per day. The remedies as provided herein shall be cumulative and in addition to any other legal remedies that the Township may have at law. Furthermore, reimbursement for any costs of enforcement and/or prosecution shall also be part of the penalty to be derived herefrom if in fact anybody is found and/or adjudicated to be a responsible party therefrom. Additionally, the township shall be entitled to any injunctive and/or equitable relief as it relates to any enforcement of this article.~~

~~(b) This article shall be administered and enforced by the ordinance enforcement officer of the township and/or any other person designated by the township board.~~

~~(Ord. No. CD5:1, § 3, 10-3-2019)~~

~~Sec. 10-224. Penalty.~~

~~(a) This article may be enforced by way of civil infraction, or by way of misdemeanor. It shall also comply with the notice provisions as set forth in the relevant civil infraction ordinance and/or any amendment thereto, as well as the penalties provided therein. Reimbursement of township expense, including cost of prosecution and administrative personnel, shall also be as ordered by the court. Lastly, each respondent and/or defendant may also be subject to oversight by the 81st District Court for an appropriate period of time by way of probation or any other method deemed within the discretion of the court.~~

~~(b) In addition to any and all other penalties as provided herein, that any fines, costs, and/or other fees assessed shall be applied by the township against the township tax rolls for purposes of collection as would any other amounts of monies as otherwise taxed, including but not limited to any assessment of interest, administrative costs or other fees associated therewith. Furthermore, the Township shall have the authority to place a lien upon the premises for purposes of collection of all reasonable costs.~~

¹Cross reference(s)—Medical marihuana, §§ 10-161 et seq.

(Ord. No. ~~CD5:1, § 4, 10-3-2019~~)

~~Secs. 10-225—10-240. Reserved.~~

(Supp. No. 4)

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ARTICLE III. INSTALLATION, MAINTENANCE AND/OR REPAIR OF SIDEWALKS

Sec. 26-101. Definitions.

Sidewalk installation, maintenance and/or repair is defined as work that is necessary to keep sidewalk pavements, or to restore sidewalk pavements, for the purpose for which sidewalks are normally used, and to a standard so as to allow said purpose to be accomplished. Furthermore, the standards for such, installation, maintenance and/or repair are more specifically described below.

(Ord. No. 2005-231, § 1, 4-13-2005)

Sec. 26-102. Purpose.

The purpose of this section is to regulate the installation, maintenance and/or repair of public sidewalks to keep them in a proper and safe condition for public use; to provide for the imposition of liability upon abutting land owners for injuries or damages caused by a defective sidewalk; to provide for the establishment of sidewalk maintenance districts by the township board for assessment of cost of repairs to sidewalks in said districts; to provide standards of proper sidewalk installation, maintenance, repairs and construction. ~~However it shall not be required of any property owner to remove snow and/or ice on a seasonal basis, defined as starting on November 1 to May 1 of each year.~~

(Ord. No. 2005-231, § 2, 4-13-2005)

Sec. 26-103. Regulations.

- (a) The owner or owners of all lots and premises within the township are required to maintain, repair and keep safe sidewalks adjacent to or upon their lots and premises in or along the public street rights-of-way in the township.
- (b) It shall be the duty of all owners of premises within the limits of the township to keep all cement, asphalt, concrete walks, and sidewalks which have been heretofore or hereafter laid in front of, upon, or adjacent to such premises, in or along any street or alley rights-of-way, in good repair and free of dangerous obstructions and/or conditions. Any owner of any such premises who shall allow any such sidewalk to remain in disrepair, or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair or unsafe condition of said sidewalk.

(Ord. No. 2005-231, § 3, 4-13-2005)

Sec. 26-104. Standards.

All sidewalks or portions thereof hereafter constructed or repaired shall comply with the following specifications:

- (1) All sidewalks shall be constructed to the grade that has been established with existing adjoining walks or, in the absence of the foregoing, to the grade that is established by the township superintendent, and shall be paved with a single course of concrete using limestone aggregate, which shall have a compressive strength of not less than 3,500 pounds per square inch within 28 days of paving.

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- (2) All sidewalks shall be at least four feet in width. Wider walks to a maximum of ten feet may be required by the township superintendent in commercial or industrial areas or multiple family areas due to the anticipated traffic and the development of the area.
 - (3) Paving shall be constructed on at least a two inch thick sand cushion and shall be at least four inches in depth except across driveways, where it shall be at least six inches in depth. Paving joints shall be perpendicular to sidelines at intervals consistent with adjoining or abutting sidewalks and not greater than the sidewalk width. One-inch expansion joints shall be placed through the walk at least every 50 feet, and between walks and other rigid structures.
 - (4) The surface shall be roughened with a mechanic's brush or other equipment to prevent smooth and slippery surfaces.
 - (5) Bicycle paths on or along public roads shall be constructed not less than six feet in width.

(Ord. No. 2005-231, § 4, 4-13-2005)

Sec. 26-105. Township construction or repair.

The township board may construct, repair or maintain; or may order the construction, repair and maintenance of sidewalks for the health, safety and general welfare of the residents of the township in accordance with the following:

- (1) Provide notice, to owners and residents of property involved, that a public hearing will be conducted regarding the construction or repair of sidewalks or pathways. Said notice will be delivered, by first class mail, to the most recently known address of owners and/or residents of properties that abut or are adjacent to the proposed sidewalk improvements.
- (2) The township board will conduct a public hearing to receive comments on the proposed sidewalk construction or repair project(s).
- (3) Following the public hearing the township board may either construct, repair or maintain the sidewalk and to assess the costs to property owners. The cost of replacement or repair of a sidewalk to be charged against a property owner shall be based upon actual cost, less any subsidy or credit as the township board may allow. The township board, in its discretion, may also, after replacing or repairing a sidewalk, authorize collection of the costs of such replacement or repair by civil process, counterclaim, or such other means as may be proper for the collection of debts by legal process.
- (4) No work shall be commenced until approved by either the county road commission or state department of transportation having jurisdiction over the right-of-way within which the sidewalk is located.

(Ord. No. 2005-231, § 5, 4-13-2005)

Sec. 26-106. Township cost sharing of repair expenses.

An owner of property that includes or adjoins a sidewalk may receive partial reimbursement for sidewalk repair or replacement costs when the township superintendent determines that such reimbursement is in accordance with the then current sidewalk and bicycle path repair and replacement policy of the township board. The financing on behalf of the township, necessary to effect any responsibility within this article, shall be subject to annual budget appropriation therefore and/or otherwise be subject to township budget constraints.

(Ord. No. 2005-231, § 6, 4-13-2005)

Sec. 26-107. Owner caused defects.

Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to:

- (1) Surface drainage;
- (2) On site construction or vehicular traffic; or
- (3) Other on site activities, the abutting property owner shall be responsible for its repair, maintenance and/or safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition, and liable for all consequential injuries, from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the township for any damages, costs or expenses resulting from such owner defaults as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing on the same.

(Ord. No. 2005-231, § 7, 4-13-2005)

Sec. 26-108. Penalties and enforcement.

Any person violating the provisions of this article, shall have such violations punishable by way of civil infraction, in accordance with township ordinance, Chapter 2, Art. VI of this Code, or any amendments thereto.

(Ord. No. 2005-231, § 8, 4-13-2005; Ord. No. 222-1, § IX, 2-12-2019)

Sec. 26-109. Other remedies.

In addition to those rights and remedies set forth in this article, the township shall be entitled to pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction as permitted by law.

(Ord. No. 2005-231, § 9, 4-13-2005)

Sec. 26-110. No limitation of liability.

The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under other applicable local, state or federal law.

(Ord. No. 2005-231, § 10, 4-13-2005)