

Charter Township of Oscoda

Planning Commission **AGENDA**

March 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 February 6, 2023
 - 6) **Agenda – Additions, Corrections, & Approval**
 - 7) **Public Comment – (Non-Scheduled and Scheduled Agenda Items)**
 - 8) **Old Business –**
 - i. **2022 Case Updates (For informational purposes only)**
 - 202-2022 Steve & Cathy Wusterbarth- SLUP for Accessory Structure- **Approved, Construction not yet started, Land Use Permit Extended per applicants' request.**
 - 902-2022 & 903-2022 Enviro Analytical- SLUP's for Marihuana Safety Compliance Facilities- **Progressing through licensing process**
 - 205-2022 AuSable Developments- SLUP for Apartments- **Preliminary Site Plan Approved, pending final Site Plan review.**
 - 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.**
 - 10) **New Business –**
 - a) **Case 101-2023- Site Plan Review**
 - b) **Case 102-2023- Site Plan Review**
 - 11) **Public Hearing–**
 - i. **Section 6.34, Food Trucks/Mobile Food Vending Units- Amendments and Location Maps**
 - ii. **Article VIII, Zoning Board of Appeals Section 8.3.3- Amendments**
 - iii. **Code of Ordinance Chap. 10 Article VII, Recreational Marijuana Establishments Prohibited- Delete Article**

**iv. Code of Ordinances Chap. 26, Article III Installation, maintenance and/or Repair
of Sidewalks- Amendments**

- 12) 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 Director**
- 17) Adjournment**

Charter Township of Oscoda

Planning Commission

Meeting Minutes

February 6, 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 6:00 PM.
- 2) **Pledge of Allegiance**
- 3) **WELCOME GUEST** – Mr. Linderman welcomed guests to the meeting.
- 4) **ROLL CALL**
Present – Mr. Palmer, Mr. Tasior, Mr. Schulz, Ms. Beckner, Ms. Mackenzie, Ms. Hopcroft, Mr. Linderman
Absent – None
Quorum – Mr. Linderman determined a quorum present.
- 5) **APPROVAL of Meeting Minutes-**
 - i. **Planning Commission Regular Meeting Minutes January 3, 2023-** Mr. Palmer made a motion to approve the minutes as presented. Supported by Mr. Linderman. Roll call vote. All in favor.
- 6) **AGENDA – Additions, Corrections & Approval –**
 - ii. Ms. Hopcroft made a motion to approve the agenda with two additions. Adding Multi-Use Facility Update under Old Business #3 and a Conceptual Review for Jason Merillat New Business (a), moving other new business items down a letter. Supported by Mr. Schulz. Roll call vote. All in favor.
- 7) **PUBLIC COMMENT** – None
- 8) **PUBLIC HEARING –**
 - i. **Ordinance 2011-244 Amendments**
 - a. Mr. Tasior made a motion to open the Public Hearing for Amendments to Ordinance 2011-244, Establishment of Planning Commission. Supported by Mr. Palmer. Roll call vote. All in favor.
 - b. Ms. Vallette went over the revisions. The first read was done January 3rd, 2023. Alternate language was removed, added Vice Chairperson to Section 2-137 Officers and Committees and under Section 2-145, notice shall be mailed to owners within 300 feet of the proposed platted land was added.
 - c. Ms. Vallette stated that this Ordinance was reviewed by the attorney and she was ok with the changes.
 - d. Two typos were noted, edits will be made by Ms. Vallette.
 - e. Ms. Vallette stated that she had not received any correspondence on the Amendments.
 - f. Mr. Tasior made a motion to close the Public Hearing and move into deliberations. Supported by Ms. Hopcroft. Roll call vote. All in favor.
 - g. Commission members were content with the revisions.
 - h. Mr. Linderman made a motion to close deliberations on Ordinance 2011-244 Amendments. Supported by Mr. Tasior. Roll call vote. All in favor.

- i. Mr. Tasior made a motion to approve the Ordinance Amendments presented as well as the corrections noted during deliberations. Supported by Mr. Schulz. Roll call vote. All in favor.

ii. **Add Full Bathroom Definition to 165 Zoning Ordinance**

- a. Ms. Hopcroft made a motion to open the Public Hearing for adding the definition of a Full Bathroom to the 165 Zoning Ordinance. Supported by Mr. Schulz. Roll call vote. All in favor.
- b. Ms. Vallette stated that there was a first read on this last month and has been through the Ordinance Revision Sub-Committee. The new Micro Housing Ordinance requires a full bathroom in the house but it was never defined in the Ordinance. We are defining a Full Bathroom in such a way that it doesn't force a Micro House owner to have to have a Shower and a Bathtub.
- c. Ms. Vallette did not receive any correspondence.
- d. Mr. Schulz stated that he thought the definition should say a room rather than a bathroom.
- e. Ms. Hopcroft made a motion to close the public Hearing and move into deliberations. Supported by Mr. Linderman. Roll call vote. All in favor. Ms. Hopcroft made a motion to close deliberations. Supported by Mr. Schulz. Roll call vote. All in favor.
- f. Ms. Hopcroft made a motion to add the Full Bathroom definition to the 165 Zoning Ordinance, with the one correction made by Mr. Schulz. Supported by Mr. Palmer. Roll call vote. All in favor.

9) **OLD BUSINESS-**

i. **2022 Case Updates (For informational purposes only)**

- 201-2022 Janis Tire- SLUP for Trailor 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**

- a. Ms. Vallette stated that the process is in Phase 2. Mr. Iacoangeli is working on setbacks and other items needed for Phase 2 and hopes to get it to our Sub-Committee soon so it can be on the March Planning Commission agenda.

iii. **Multi-Use Facility- Update**

- a. Ms. Vallette read the timeline that Mr. Freeman gave to her regarding where we are in the Multi-Use Facility planning process.

10) **NEW BUSINESS –**

a. **Conceptual Review- 5599 F-41 for Jason Merillat**

- i. Mr. Merillat wanted the Planning Commission to review his proposed project before getting engineered plans. The Planning Commission stated that they did not see a problem with him proceeding with the project. He is proposing an addition to his existing building, also to be utilized for RV Storage.

b. **2022 thru 2026 Parks and Rec Plan, Goals**

- i. Mr. Linderman asked Ms. Vallette to put this on the agenda for the evening. He wanted to know who is responsible for all the goals. Ms. Kline informed the board that there were grants being applied for to achieve the Parks and Rec Goals. Ms. Kline and Ms. Vallette will review the goals at a later date.

c. **First Read- Section 6.34, Food Trucks/Mobile Food Vending Units- Amendments and Location Maps**

- i. Ms. Vallette stated that since Section 6.34 was finalized, the Corridor Business District was finalized, along with SSBN and those two districts needed to be added to Section 6.34. Ms. Vallette also made maps of where Food Trucks are allowed, with a permit, on Township Property. Mr. Palmer noted that Ms. Vallette had Foote Site Park in the wrong location. That will be fixed.
- ii. Mr. Tasior made a motion to move Section 6.34 Amendments and Maps to a Public Hearing. Supported by Mr. Palmer. Roll call vote. All in favor.

d. **First Read- Article VIII, Zoning Board of Appeals Section 8.3.3**

- i. Ms. Vallette went over the changes. The changes made to this section were done by the Attorney. The Ordinance refers to the Uniform Condemnation Act and the Attorney felt that was an error. Removing question #3 from the list of questions was necessary, due to our ZBA not being authorized to hear Use Variances, as that language pertained to Use Variances. Mr. Tasior questioned removing #3, but Ms. Vallette confirmed that question one would cover what he was concerned about.
- ii. Mr. Tasior made a motion to move the amendments for Article VIII, Zoning Board of Appeals Section 8.3.3 to a Public Hearing, with the edits by Ms. Hopcroft to be done by Ms. Vallette before the Public Hearing. Supported by Mr. Palmer. Roll call vote. All in favor.

e. **First Read- Code of Ordinances Chap. 10 Article VII, Recreational Marijuana Establishments Prohibited- Delete Article**

- i. Ms. Vallette stated that since the Township now allows Recreational Marijuana, this Chapter needs deleted. This is just a housekeeping issue.
- ii. Mr. Tasior made a motion to move deleting Chapter 10. Article VII, Recreational Marijuana Establishments Prohibited to Public Hearing. Supported by Mr. Linderman. Roll call vote. All in favor.

f. First Read- Code of Ordinances Chap. 26, Article III Installation, maintenance and/or Repair of Sidewalks- Amendments

i. Ms. Vallette stated that there was one sentence to be removed from Section 26-102 the last line, since property owners should be responsible for maintaining their sidewalks and the Ordinance goes on further to state that. It is conflicting.

ii. Mr. Schulz made a motion to approve the amendments, with Ms. Hopcroft's corrections, and move it on to Public Hearing. Supported by Ms. Hopcroft. Roll call vote. All in favor.

11) Report of the Zoning Board of Appeals Representative

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

12) Report of the Township Board Representative

- i. Mr. Palmer welcomed the new members to the Planning Commission
ii. 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.
iii. Water loss is happening, and some of it is between the house and the meter where Homeowners do not know there is a leak until it pools up in their yard.
iv. A water line down Lake St. is being re-designated as a Primary water line and the Township is taking it over.
v. The C2R2 Grant reimburses the Township and then contractors can be paid. Contractors know this going into projects.
vi. Match on Main Grant Approved.
vii. Façade Grant Program was Approved.
viii. Next RAB meeting is 2/15/2023 at 5pm.

13) Report of the Planning Commission Sub-Committees

- i. Ms. Hopcroft stated that the Master Plan Sub-Committee was on the agenda at the Villages Board Meeting to have further discussion on the 8000 Block on Base.
ii. Mr. Tasior stated that the Ordinance Revision Sub-Committee met to review the 4 first reads on this evenings agenda.

14) Report of the Economic Improvement Committee

- i. Mr. Tasior stated that they are proceeding with a CIA.
ii. Mr. Tasior stated that they are looking to renew Place Leap Strategies.
iii. Mr. Tasior stated that the MI/CA deal did not go through.

15) Comments of Planning Commission members

- i. Mr. Palmer welcomed the new members and stated the Planning Commission had a lot of work to do.
ii. Ms. Hopcroft welcomed the new members.
iii. M. Tasior reminded Commissioners of training requirements.

16) Report of the Zoning Administrator

- i. Ms. Vallette welcomed the two new members. She also let the Commissioners know that herself and Ms. Kline both received their Master Citizen Planner Certificates and went on to talk about a few training opportunities.

Declaring no further business, Mr. Linderman adjourned the meeting at 8:05 PM.

Jeff Linderman - Chair

Date

Nichole Vallette – Planning & Zoning Director

**CHARTER TOWNSHIP OF
OSCODA**

Zoning Department

Memo

To: Planning Commission Members

From: Nichole Vallette, Planning & Zoning Director

Date: March 1, 2023

Re: Case #101-2023 and Case #102-2023

Nature of Case #101-2023:

Case #101-2023, Brenda Godfrey, 6611 Loud Dr., has submitted a Site Plan Application for a poultry shed and run for four Chickens.

Existing Property Conditions:

The parcel is zoned R-3, Mixed Residential District. The property is 75'x287' or 0.479 acre. The parcel number is 064-V45-000-006-00.

Communications Received:

No mailing is required for a Site Plan Review. The Zoning Director will announce at the meeting any communications received.

Planning & Zoning Director Recommendations/Comments:

Ms. Godfrey is proposing to build a four-foot chicken coop with an eight foot run for four Chickens. The proposed structure will be in the rear yard and at least 10 feet from the side lot line. Under Chapter 4, Section 4-2 in the Code of Ordinances, keeping Poultry requires a site plan approval by the Planning Commission to ensure that no nuisance will be created thereby and that the Zoning District allows for keeping of such animals.

Nature of Case #102-2023:

Case #102-2023, Jason Merillat, 746 Bissonette Rd., has submitted a Site Plan Application for a proposed addition to an existing building for cold storage/Recreational Vehicle Storage at 5599 F-41, Oscoda.

Existing Property Conditions:

The parcel is zoned Corridor Business District, F-41 Zone. The property is 130'x1159' or 3.402 Acres. The parcel number is 064-A30-000-023-00. This parcel received Special Land Use approval in 2014 for Storage Units and only requires a site plan review for the proposed addition.

Communications Received:

No mailing is required for a Site Plan Review. The Zoning Director will announce at the meeting any communications received.

Planning & Zoning Director Recommendations/Comments:

Mr. Merillat is proposing to build an 8,000 Sq. Ft. addition to the existing building, total building size to be 12,000 Sq. Ft. The building is utilized for cold storage/Recreational Vehicle Storage. All applicable standards of approval the Zoning Ordinance have been met for this project.

- **Section 10.3 - Standards for Approval:**

A site plan shall be reviewed and approved by the Planning Commission upon finding that the following conditions are met.

1. That the proposed use will not be detrimental to the adjacent properties or the surrounding neighborhood.
2. That there is a proper relationship between existing roads and highways and proposed deceleration lanes, service drives, ingress and egress drives, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
3. That buildings, structures, parking areas, utility areas, walls, and fences are so designed and located to minimize the adverse effects of such development on users of such development and occupants of adjacent properties.

4. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fencing, or other screening.

5. That as many natural landscape features possible are retained, particularly where they provide a barrier or buffer between the development and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control soil erosion or the discharge of storm water.

6. The proposed development provides for the proper development of public utilities and infrastructure.

7. All buildings or groups of buildings are arranged to permit emergency vehicle access.

8. That the plan for soil erosion control, storm water discharge, wells, and septic systems have been approved by appropriate public agencies.

9. The Planning Commission may further require landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

10. In approving a site plan, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that escrow money be placed with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Zoning compliance permits shall not be issued until the improvement is physically provided or monies having been deposited with the Township Treasurer. The Planning Commission shall require marginal access drives for all subdivisions having residential lots facing onto major thoroughfares. Where practical, the Planning Commission shall require a rear lot relationship to major thoroughfares.

11. Where the Township has adopted specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan shall be approved unless there is general compliance with such Township plan.

Oscoda Charter Township
110 S. State Street Oscoda, MI 48750
989-739-3211 Ext. 250
zoning@oscodatownshipmi.gov

Case# ~~202~~-2023
101-2023

APPLICATION FOR: (circle one)
SPECIAL LAND USE PERMIT
SITE PLAN REVIEW
ADMINISTRATIVE REVIEW

Property owner Information:

Name: BRENDA GODFREY
Address: 6611 LOUD DR
Phone: 989 739 4347

Applicant Information:

Name: BRENDA GODFREY
Address: 6611 LOUD DR
Phone: 989 739 4347

Property Information:

Address: 6611 LOUD DR
Zoning District: R3
Parcel#: 064-V45-000-006-00
Phone: _____
Parcel Size: 75' x 278' .479 ACRE

Engineer - Architect- Surveyor -
other consultant

Name: _____
Address: _____
Phone: _____
E-Mail: _____

Site Plan/Operational Information Submitted (2 complete copies; max. scale 1"=50', 1"=100' over 3 acres)

Project Title and Brief Description:

Chicken coop for 4 chickens & Run - Coop is 4FT
Run is 8FT

Project Completion Schedule/Phasing:

April / May

Please Note: The applicant or their official representative should be present at the Planning Commission's Public Hearing/Meeting to present the application and answer any questions Commission Members may have.

Applicant's Signature: I am the owner of the property included in this application or am officially acting on the owner's behalf. I hereby attest that the information on this application form, the site plan and other attachment(s) is, to the best of my knowledge, true and accurate. I hereby grant permission to the Township Staff and/or any appropriate Township Official to access this property to review the accuracy of the information submitted.

Brenda J. Godfrey
Applicant Signature

Feb 21, 2023
Date

Oscoda Township
Site Plan - Special Land Use Application
OFFICIAL USE ONLY

Application Submitted: 2-21-2023 Complete Application Accepted: 2-21-2023 By: NV

Zoning information reviewed and verified as: (circle one) Complying Non-Complying with basic standards of the R-3 District.

Non-Compliance(s):

Approval Required: (circle one) Zoning Director (see Sect. 10.1 B & C) or Planning Commission

Water - Sewer Dept. review and approval is also required:

Water-Sewer Dept. Approval: _____ **Date** _____

Fire Department Approval: _____ **Date** _____

Administrative Review: In accordance with (circle one) Section 10.1(8) or 10.1(C) of the Zoning Ordinance, I find this application meets/does not meet applicable requirements.

Therefore I hereby (circle one) **APPROVE** **DENY** this application.

Planning & Zoning Director Signature

Date

Planning Commission Review:

Public Notice Mailing Date: N/A

Publication Date: N/A

Public Hearing/Meeting Date: 3/6/2023

Materials to Commission: 3-1-2023

Planning Commission Action: (circle one) **Approved** **Denied** **Approved with Conditions**

Conditions of Approval:

If the Special Land Use/Site Plan is approved with conditions:

I understand that I will forward documentation to the Planning Commission within 6 months attesting to the progress relative to compliance with conditions 1 through _____

Applicant

Date

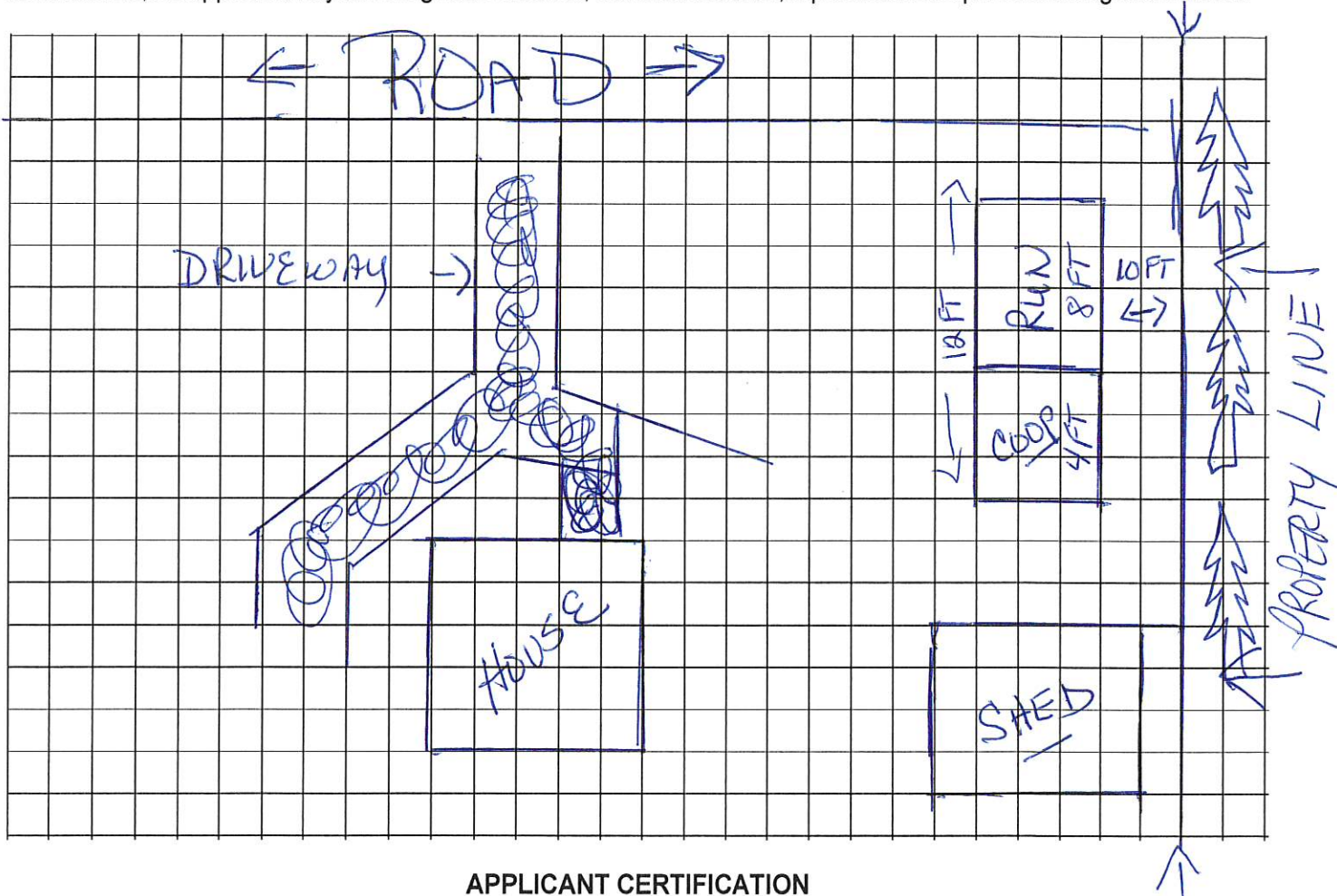
Oscoda Township Land Use Permit
SITE PLAN DRAWING

Page 03 of 03

As part of a Land Use Permit application, an accurate site plan must be submitted, including:

- Property dimensions, including total width and depth, and a "North" arrow.
- All structures currently located on the property with their size(s) indicated.
- The exact distance(s) between all structures on the property.
- All roads or easements adjoining, abutting or traversing the property.
- An accurate depiction of the driveway access to the property and parking areas.
- The proposed placement of any new structure, addition or other improvement on the property, showing the dimensions of the improvements and the distances between them and other structures and the lot lines.

Note: It is preferred that the site plan information be included on, or with, a copy of a **property survey**. However, if a survey is not available, the applicant may use the grid area below, or a similar format, to provide the required drawing information.



APPLICANT CERTIFICATION

"I certify the above or attached drawing accurately reflects the subject property as surveyed including property lines and the height, size, and setback locations of existing and proposed structures and improvements."

Sandra J. Maffey
Signature (Applicant)

2/23/23
(Date)

APPLICATION FOR: (circle one)
SPECIAL LAND USE PERMIT
SITE PLAN REVIEW
ADMINISTRATIVE REVIEW

Conceptual Review

site plan Review 2.6.2023
3.6.2023

Property owner Information:

Name: Jason Merrillat
Address: 746 Bissonette Rd.
Phone: 989-984-7103

Applicant Information:

Name: SAME
Address: _____
Phone: _____

Property Information:

Address: 5599 F-41
Zoning District: Corridor Business District - F-41 zone
Parcel#: 064-A30-000-023-00
Phone: _____
Parcel Size: 130' x 1159'

Engineer - Architect- Surveyor -
other consultant

Name: Mike Russo
Address: Tawas, MI
Phone: 989-362-7735
E-Mail: _____

Site Plan/Operational Information Submitted (2 complete copies; max. scale 1"=50', 1"=100' over 3 acres)

Project Title and Brief Description:

Add 8,000 sq. ft onto existing Recreational Vehicle Storage Facility. Received Special Land use approval in 2014. Addition on rear of building w/ 14 storage areas

Project Completion Schedule/Phasing:

Please Note: The applicant or their official representative should be present at the Planning Commission's Public Hearing/Meeting to present the application and answer any questions Commission Members may have.

Applicant's Signature: I am the owner of the property included in this application or am officially acting on the owner's behalf. I hereby attest that the information on this application form, the site plan and other attachment(s) is, to the best of my knowledge, true and accurate. I hereby grant permission to the Township Staff and/or any appropriate Township Official to access this property to review the accuracy of the information submitted.


Applicant Signature

2-6-23
Date

Oscoda Township
Site Plan - Special Land Use Application
OFFICIAL USE ONLY

Application Submitted: 2/22/2023 Complete Application Accepted: 2/22/2023 By: NW

Zoning information reviewed and verified as: (circle one) Complying Non-Complying with basic standards of the CBO F-41 District.

Non-Compliance(s):

Approval Required: (circle one) Zoning Director (see Sect. 10.1 B & C) or Planning Commission

Water - Sewer Dept. review and approval is also required:

Water-Sewer Dept. Approval: _____ Date: _____

Administrative Review: In accordance with (circle one) Section 10.1(8) or 10.1(C) of the Zoning Ordinance, I find this application meets/does not meet applicable requirements.
Therefore I hereby (circle one) **APPROVE** **DENY** this application.

Planning & Zoning Director Signature

Date

Planning Commission Review:

Public Notice Mailing Date: _____

Publication Date: _____

Public Hearing/Meeting Date: _____

Materials to Commission: _____

Planning Commission Action: (circle one) Approved Denied Approved with Conditions

Conditions of Approval:

If the Special Land Use/Site Plan is approved with conditions:

I understand that I will forward documentation to the Planning Commission within 6 months attesting to the progress relative to compliance with conditions 1 through _____

Applicant

Date

- a. Property dimensions, including total width and depth, and a "North" arrow.
- b. All structures currently located on the property with their size(s) indicated.
- c. The exact distance(s) between all structures on the property.
- d. All roads or easements adjoining, abutting or traversing the property.
- e. An accurate depiction of the driveway access to the property and parking areas.
- f. The proposed placement of any new structure, addition or other improvement on the property, showing the dimensions of the improvements and the distances between them and other structures and the lot lines.

This image shows a full page of blank graph paper. The grid consists of small, equal-sized squares formed by thin black lines. There are no margins, text, or other markings on the page.

"I certify the above or attached drawing accurately reflects the subject property as surveyed including property lines and the height, size, and setback locations of existing and proposed structures and improvements."

(Date)



proposed addition
8000 sq ft.

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 section, 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 be compliant with any state regulation and laws.

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 vender 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, often commonly referred to as a "Food Truck." Ancillary tables set up by a vendor next to or proximitous to the mobile food vending unit itself is are 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.
- 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 section 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-State Street Business and Neighborhood~~, CBD- Corridor Business District and WB-3-Wurtsmith Business District.

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- 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

A 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

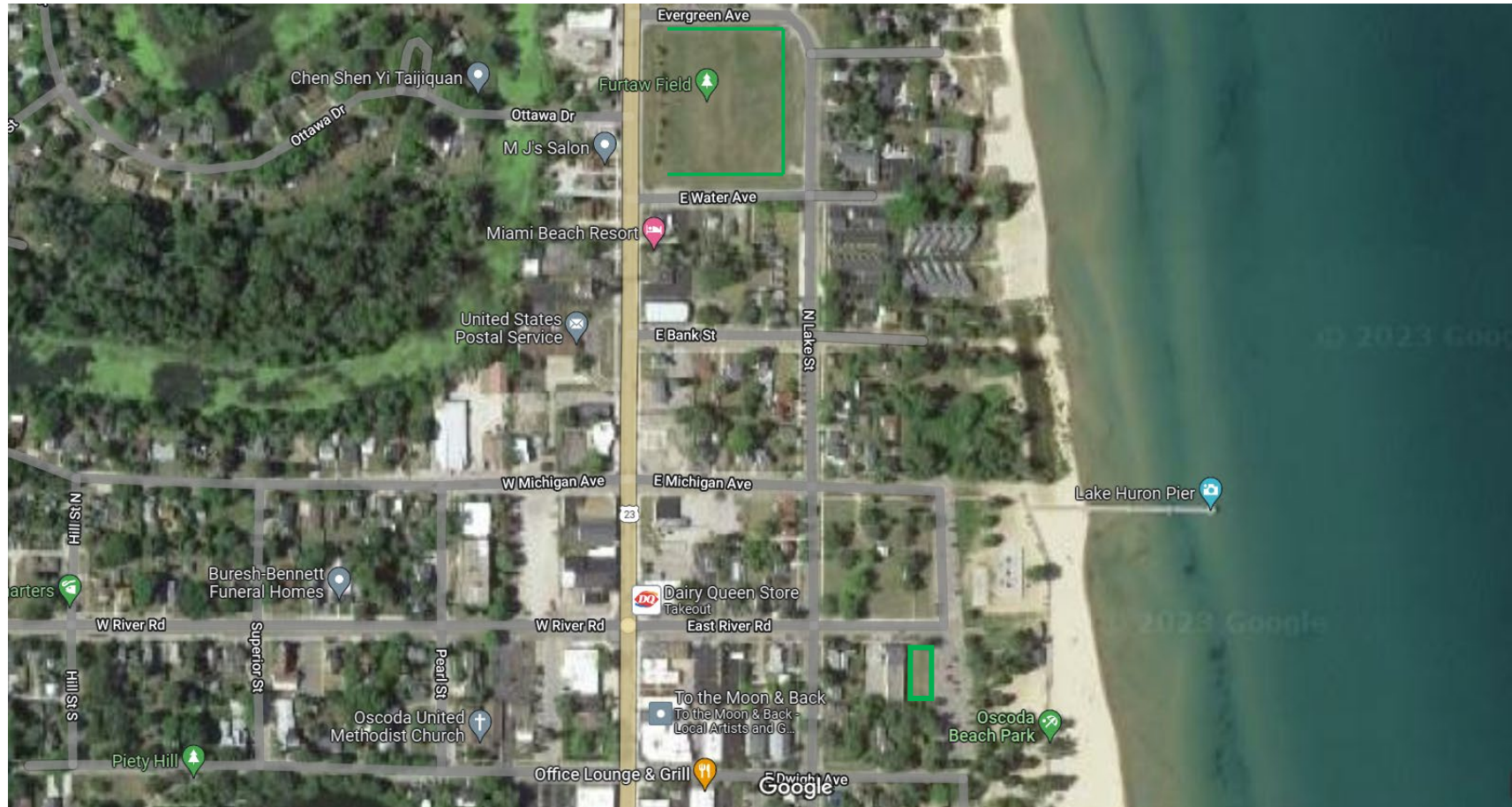
- A. If a written complaint is filed with the Oscoda Township's Zoning Administrator's Office alleging a food vendor has violated the provisions of this article section, the Zoning Administrator's Office shall promptly send a copy of the written complaint to the vendor together with a notice that an 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
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complaint and present evidence and respond to evidence produced by the investigation. If the Zoning Administrator's office Director, 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 section 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 Director 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 Food Vending Units

OSCODA HURON SUNRISE PARK



— Township Owned Property for Food Trucks & Mobile Food Vending Units

VETERAN'S MEMORIAL PARK



— Township Owned Property for Food Trucks & Mobile Food Vending Units

KEN RATLIFF MEMORIAL PARK



— Township Owned Property for Food Trucks & Mobile Food Vending Units

FOOTE SITE PARK



Township leased property for Food Trucks & Mobile Food Vending Units

OSCODA TOWNSHIP SPORTS COMPLEX



— Township Owned Property for Food Trucks & Mobile Food 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.~~

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.
- (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.

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- (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 shall 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-Michigan 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 participation within this article section, 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:

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- (1) Surface drainage;
 - (2) On-site construction
 - (3) Vehicular traffic; or
 - (4) 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 of an 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 incurred by the Township including those resulting from liability to other. 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 A violation of this article section shall have such violations punishable by way of be deemed a civil infraction, in accordance penalties for which are delineated in the 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 section, the Township shall may 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)