

Charter Township of Oscoda

Planning Commission **AGENDA**

June 6, 2022 6:00PM

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 May 2, 2022
 6. **Agenda – Additions, Corrections, & Approval**
 7. **Public Comment – (Non-Scheduled and Scheduled Agenda Items)**
 8. **Public Hearing– N/A**
 9. **Old Business –**
 - i. Case 106-2021 Final Site Plan Review Holiday Inn Express
 10. **New Business –**
 - i. First Read- New Planned Development (PD) Ordinance
 - ii. Michigan Association of Planning Community Planning Principals Discussion
 - iii. Yearly selection of officers- Chairperson, Vice Chairperson and Secretary
 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 Planning & Zoning Director**
 17. **Adjournment**

Charter Township of Oscoda

Planning Commission

Meeting Minutes

May 2, 2022 6PM

Robert J. Parks Public Library
6010 Skeel Ave
Oscoda, MI 48750

1) CALL TO ORDER

Ed Davis, Chair, called the meeting to order at 6:00 PM.

2) Pledge of Allegiance

3) WELCOME GUEST – Mr. Davis welcomed guests to the meeting. Bryan Hutchinson introduced himself.

4) ROLL CALL

Present – Mr. Schenk, Mr. Palmer, Mr. Schulz, Mr. Tasior, Ms. Hopcroft, Mr. Davis

Absent – Mr. Linderman,

Quorum –Mr. Davis determined a quorum present.

5) APPROVAL of Meeting Minutes-

- i. Regular Planning Commission Meeting April 4, 2022 Minutes- Mr. Palmer made a motion to approve the minutes with corrections. Supported by Mr. Tasior. Roll call vote. All in favor.

6) AGENDA – Ms. Hopcroft made a motion to approve the agenda as written for the May 2, 2022 meeting. Supported by Mr. Schulz. Roll call vote. All in favor.

7) PUBLIC COMMENT – N/A

8) OLD BUSINESS – N/A

9) NEW BUSINESS –

- i. Site Plan Review- Case #101-2022
 - a) Mr. Davis asked the applicant to explain their request. Bryan Hutchinson stated they bought a property in town and they would like to sell sheds, barns and cabins off of it.
 - b) Ms. Vallette gave background on the case, reviewing the parcel size along with the zoning (SSBN, CMU) CMU allows for General Retail but there is no definition in the Ordinance. Ms. Vallette stated that she did email Section 7.3 to the applicants along with the application.
 - c) Ms. Vallette did not receive any correspondence on the case. All the Commissioners did receive an email from a business owner, to be read later.
 - d) Jack Martin, Oscoda Resident, spoke in opposition to the Site Plan proposal. Mr. Martin stated that this type of business in the

downtown will be a huge black eye for the community and does not belong downtown.

- e) David Iler, Oscoda, read a portion of the SSBN Ordinance, pointing out the purpose of the Ordinance and stated he didn't see how this proposal would fit into the SSBN as proposed.
- f) Mr. Palmer clarified the owner, wondering if Mr. Hutchinson had permission to use the property. Mr. Hutchinson was at the meeting to represent Ellis, the owner. Mr. Palmer stated that typically during a Site Plan Review, the commission would be approving something that is being built, while this just looks like someone applying for a permit to sell something temporarily.
- g) Mr. Tasior stated that this Site Plan is not even close to the Intent and Zoning of the SSBN. A lot of time and money were spent formulating a Strategic Plan and a Master Plan and a new FBC was written to follow a vision for that area. For this type of development to take place, it would need to follow the form in the Ordinance, such as no temporary structures, a wall would need to be by the build to line, and went over what is required per Section 7.3 Site Plan Review. Mr. Tasior also stated that we would need results of an environmental study to see if the contamination was remediated on site.
- h) Ms. Hopcroft thanked the applicant for their interest in Oscoda Township. She asked if he or his Principal had the opportunity to review SSBN, he stated he didn't think so. She suggested that they look at it so they know what is required for an application. Ms. Hopcroft stated that there was a lot more to it than what they put on their application.
- i) Mr. Tasior read the email that the commission received in opposition to the case from Teresa Landino, Local Business Owner.
- j) Mr. Tasior made a motion to deny Site Plan Review Case #101-2022. Supported by Ms. Hopcroft. Roll call vote. All in favor.

ii. First read- Floodplain Ordinance 2011-246, Amendments

- a) Ms. Vallette gave background on this Ordinance. The Building Official for the County will still administer Floodplain Management. There were minimal updates to the Ordinance. Only the Flood Insurance Study Number and Panel Numbers needed updated.
- b) Ms. Hopcroft stated that in 16-2 after Public Acts of 1972, MCL 125.1501 et. Seq., should be added.
- c) No other changes were noted. May 19th is the Public Hearing for this Ordinance.

iii. First read- Accessory Dwelling Unit (ADU) Ordinance

- a) Mr. Davis asked if there were any edits. Ms. Hopcroft stated that in the first line it should say 165, not 156.
- b) Mr. Davis reviewed the square footage requirements.
- c) Mr. Tasior stated that he didn't like the definition of Accessory Dwelling Unit in the Ordinance. The language will be changed.
- d) The Public Hearing date is to be determined.
- e) Mr. Tasior recommended that we add pictures to the Ordinance, to look more like Form Based Code. Ms. Vallette will add pictures before the Public Hearing.

iv. First read- Micro Housing Ordinance

- a) Mr. Palmer questioned some wording on the Ordinance. Ms. Vallette looked it up and it is a word that fits.

- b) Mr. Tasior stated that in Section 5.15 #2, Minimum Lot Size states it must be a minimum of 5 Acres. Due to changing the PUD, we should eliminate that 5 Acre requirement.
 - c) Mr. Palmer with deleting the 5 Acre requirement. Mr. Palmer questioned #3 under Section 4, whether it should be 500 Square Feet as written or 400 Square Feet as the definition states. It will be changed to 400 Square Feet.
 - v. Annual By-Laws Review
 - a) Ms. Vallette stated that she put some paperwork on everyone's desk before the meeting with suggested changes to the Alternate Language and Ex Parte Communication portion of the By Laws. The Alternate section was not very clear on the intent of having an alternate, and Ex Parte Communication needed defined in the By Laws. There were a few other edits such as changing Zoning Administrator to Planning & Zoning Director and adding "Scheduled Agenda Items" at the Public Comment portion of the agenda.
 - b) Mr. Palmer added a few edits he found.
 - vi. Master Plan Sub-Committee Request for Cedar Lake Rd Infrastructure Feasibility Study
 - a) Ms. Vallette stated that the nature of this request was to see the possibility of getting Sewer, Electric, etc up Cedar Lake Rd to make the area more desirable for developers. Ms. Hopcroft stated this could add to our information base for developers to know. Ms. Kline stated that there is Water up that way and the Sewer ends by AuSable Valley Community Mental Health on Cedar Lake Rd. Mr. Freeman will be asked to get a cost together for the initial study.

10) PUBLIC HEARING – N/A

11) REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE – Mr. Schulz stated that there was a Variance Request at the last ZBA meeting. The Variance was denied.

12) REPORT OF THE TOWNSHIP BOARD REPRESENTATIVE-

- i. The board approved the new Ethics Ordinance.
- ii. The Clerk needs Election Workers.
- iii. The board approved the Proposal from John, Beckett & Raeder, to be the Professional Planner for the Township.

13) REPORT OF THE ECONOMIC IMPROVEMENT COMMITTEE –

- i. Mr. Tasior asked Mr. Dickerson to update the Planning Commission. The Arts Committee is beautifying the Downtown with Art. The Social District has been approved and the Restaurants are working on their licenses. The Attorney is working on some information for a Corridor Improvement Authority. Oscoda Township is now RRC Certified.
- ii. Mr. Tasior stated that there was a training session coming up. Planning & Zoning Essentials will be held at Warrior Pavilion and surrounding Municipalities have been invited.

14) REPORT OF THE PLANNING COMMISSION SUB-COMMITTEES –

- i. Mr. Tasior stated that the Ordinance Revision Sub-Committee hasn't met since the 6 Ordinance Revisions were done. They will be meeting again soon.
- ii. Ms. Hopcroft stated that the Master Plan Sub-Committee finds that everything is under way. That does not mean that the Sub-Committee will sit back, they will keep ensuring all Action Items are being worked on in some manner.

15) COMMENTS OF PLANNING COMMISSION MEMBERS – N/A

16) REPORT OF THE ZONING DIRECTOR – Ms. Vallette stated that the first Internal Review Process Quarterly Meeting was being held the next day, 5/3/2022 to review the process. Ms. Vallette went over the details on the 6/22/22 Training Workshop.

Declaring no further business, Mr. Davis adjourned the meeting at 7:20 PM.

Ed Davis - Chair

Date

Nichole Vallette – Planning & Zoning Director

Oscoda Charter Township
110 S. State Street Oscoda, MI 48750

11-4-2021
Case# 106-2021
\$360.⁰⁰
CK #1024

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

Property owner Information:

Name: _____

Address: _____

Phone: _____

Applicant Information:

Name: Oscoda Hotels LLC

Address: 2369 Franklin Rd. Bloomfield Hills, MI 48302

Phone: 248-601-2500

Property Information:

Address: 114 N. Lake St

Zoning District: C-L

Parcel#: See Attached

Phone: 248-601-2500

Parcel Size: 1.8 acres

Engineer - Architect- Surveyor -
other consultant

Name: Rich VanDever- Engineer

Address: 1063 S. State St., Suite 9

Davison, Michigan 48423

Phone: 810-845-6991

E-Mail: dls.richv@gmail.com

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

Project Title and Brief Description:

Construct a 90 Room Holiday Inn Express & Suites Hotels

Project Completion Schedule/Phasing:

TBD

18-24 months

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.

Phil Jackson
Applicant Signature

8/23/2021
Date

064-V10-005-001-00
 OSCODA CHARTER TOWNSHIP
 201 E RIVER RD
 OSCODA MI 48750

MAP OF THE VILLAGE OF OSCODA LOTS 1, 2,
 3, 6 & THEN 74 FT OF THE E 35 FT OF LOT 7,
 BLK 5

064-V10-005-005-00
 OSCODA CHARTER TOWNSHIP
 220 E MICHIGAN AVE
 OSCODA MI 48750

MAP OF THE VILLAGE OF OSCODA LOT 5
 BLK 5

064-V10-005-004-00
 OSCODA CHARTER TOWNSHIP
 227 E RIVER RD
 OSCODA MI 48750

MAP OF THE VILLAGE OF OSCODA W 1/2 OF
 LOT 4 BLK 5

064-V10-005-007-00
 OSCODA CHARTER TOWNSHIP
 110 N LAKE ST
 OSCODA MI 48750

MAP OF THE VILLAGE OF OSCODA LOT 7
 EXC PARCEL OF LAND BEG @ NE COR TH S
 74 FT TH W 35 FT TH N 74 FT TH E 35 FT
 THEREOF & ENTIRE LOT 8 BLK 5

LAKE ST DEVELOPMENT
 = 1.8 AC

064-V10-005-004-50
 OSCODA CHARTER TOWNSHIP
 229 E RIVER RD
 OSCODA MI 48750

MAP OF THE VILLAGE OF OSCODA E 1/2 OF
 LOT 4 BLK 5 AND W 2 FT OF S 1/2 OF BLK 5
 LYING BEY & ADJ TO SD LOT 4 OF BLK 5

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

Application Submitted: 11/4/2021 Complete Application Accepted: 11/4/2021 By: NV

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

Non-Compliance(s): _____

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

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

Water-Sewer Dept. Approval: _____ Date: 11-4-2021

Administrative Review: In accordance with (circle one) Section 10.1(B) 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: 11-18-2021 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: Phil Harrison Date: 12/23/2021

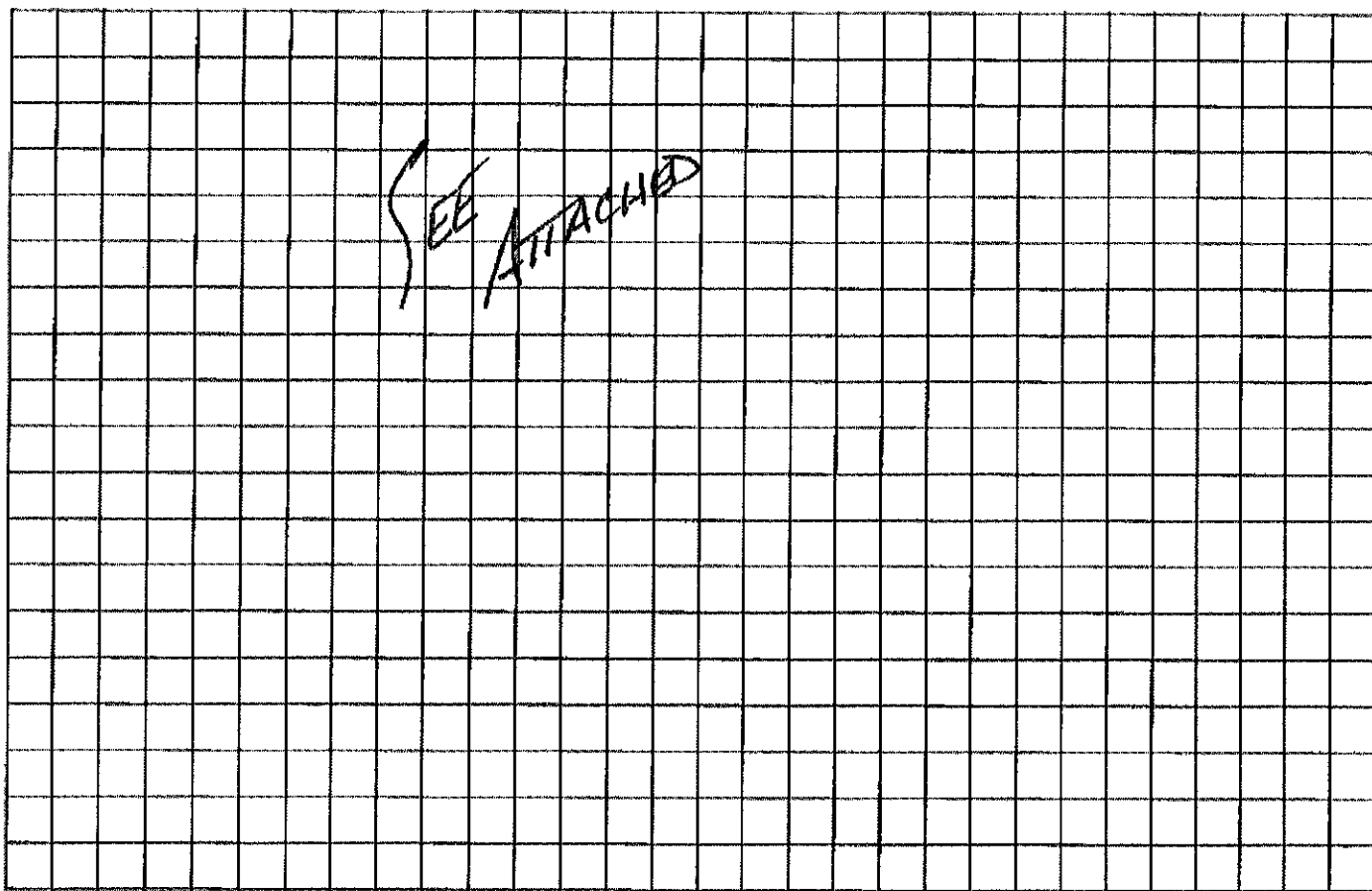
Oscoda Township Land Use Permit
SITE PLAN DRAWING

Page 03 of 03

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

- 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.

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.

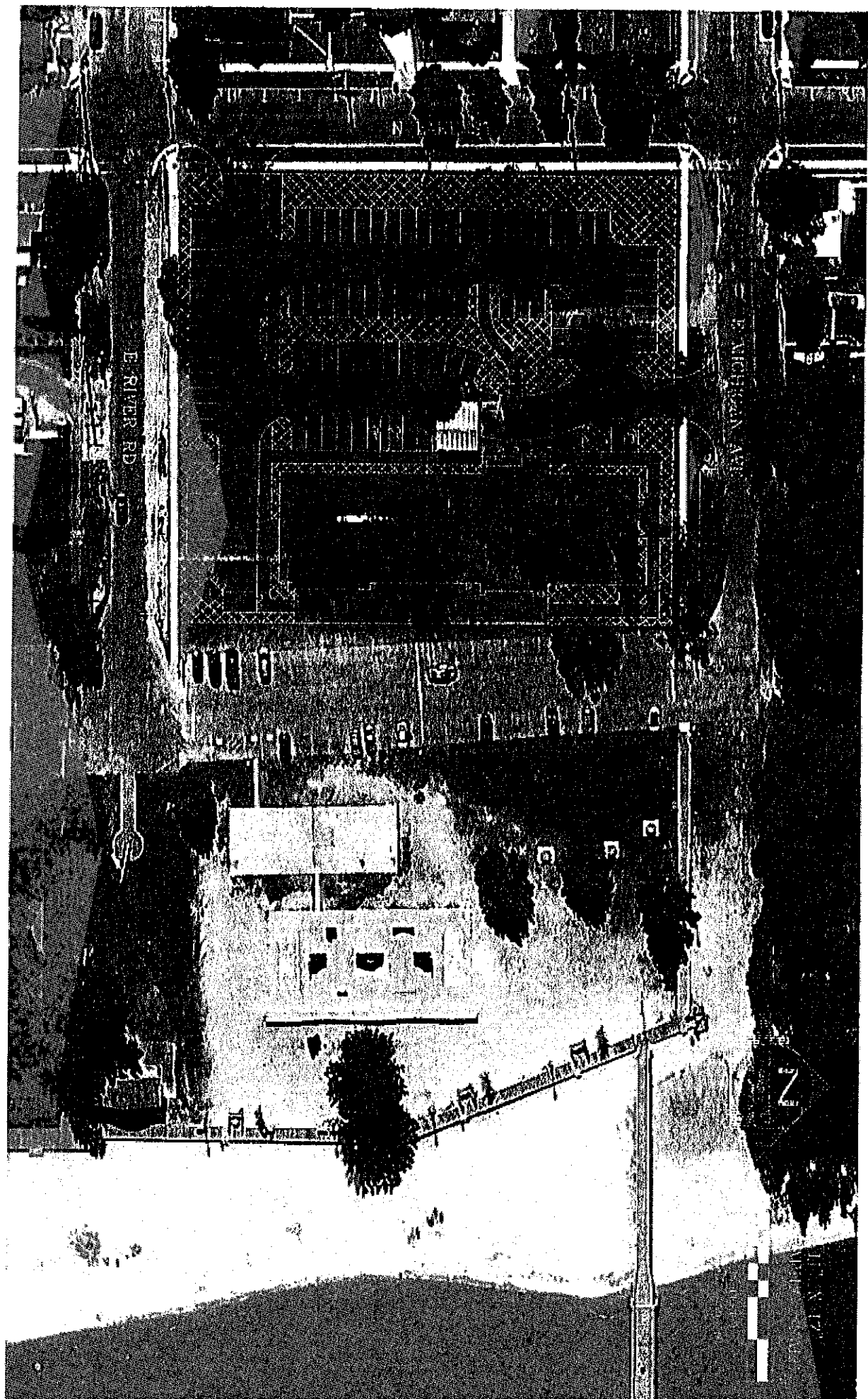


APPLICANT CERTIFICATION

"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."

Phil Fishman
Signature (Applicant)

8/23/21
(Date)



Case 106-2021 Preliminary Site Plan approval for Holiday Inn Express and Suites, approved with the following contingencies:

- 1.) Brick and stone façade were submitted as part of the site plan, that is the material to be used.
- 2.) The final site plan conforms to all local, state and federal codes and ordinances
- 3.) That all the key components such as the bicycle rack, ADA compliant ramps, Handicap parking, the water, sanitary sewer, storm draining and fire suppression plans which are all to be part of the final plan that will be accepted by Rowe Engineering if all requirements are met.
- 4.) Ms. Hopcroft amended the motion to add that the façade conform with our ordinance meaning there is the required variation/offset every 40 feet.

Mimi McDonald

Mimi McDonald, Chair

11/18/21

Date

OSCODA TOWNSHIP – ZONING ORDINANCE
ORDINANCE XX OF 2022

AN ORDINANCE TO AMEND ARTICLE V OF THE CHARTER TOWNSHIP OF OSCODA ZONING ORDINANCE.

The Charter Township of Oscoda Ordains:

Section 1: Amendment.

Article V shall be amended to change the phrase “Planned Unit Development” to “Planned Development,” and the acronym “PUD” to “PD.”

Article V shall be amended as follows:

**Article V
Planned Developments (PD)**

Section 5.1- INTENT AND PURPOSE

- A. The provisions of this Article establish the authority and standards for the submission, review, and approval of applications for Planned Development (PD). It is the intent of this Article to authorize the creation of PDs as a Special Land Use in all zoning districts, except R-1 (Low Density Residential), P (Parking District), NR (Natural River District), WA (Wurtsmith Airport Overlay District), and A-1 (Airport Protection Zone 1 & 2), for the purposes of:
1. Encouraging the use of land in accordance with its character and adaptability.
 2. Conserving natural resources, natural features, and energy, and improving water quality
 3. Encouraging innovation in land use planning by providing walkable neighborhoods and zoning districts and increasing vehicular and pedestrian connectivity between properties and land uses.
 4. Encouraging enhanced housing, employment, shopping, and recreational/open space opportunities for the people of Oscoda Township.
 5. Bringing about a greater compatibility of design and use between neighboring properties.
 6. Encouraging quality design and construction of building and site amenities.
 7. Permitting mixed uses within the same building, or on the same parcel.
 8. Facilitating the implementation of the Oscoda Township Master Plan and adopted subarea plans.
- B. The provisions of the PD are designed to permit a degree of flexibility not available through conventional underlying zoning districts that results in a development that fully utilizes the assets

of the subject property, meets and exceeds the objectives of the Oscoda Township Master Plan and adopted subarea plans, and integrates successfully and harmoniously with surrounding properties and neighborhoods.

Section 5.2- APPLICATION AND REVIEW PROCEDURES

- A. **Special Land Use – Planning Commission Review.** A Planned Development (PD) shall constitute a Special Land Use and a PD application shall be reviewed by the Planning Commission. The Planning Commission shall make the final determination regarding the PD application.
- B. The PD process is divided into three components:
 - 1. Pre-Application Conference.
 - 2. Planned Development.
 - 3. Site Plan Review.
- C. **Pre-application Conference.** Prior to submitting an application for a PD, the applicant shall meet with the Township Planner and Zoning Administrator and any staff and/or consultants that the Township deems appropriate. The purpose of a pre-application conference is to discuss the eligibility of a project for consideration as a PD, to discuss application procedures, and for Township representatives to obtain such information as is needed for their recommendation regarding the amount of funds to be placed in escrow.
- D. **Escrow Fund Requirements.** The Applicant shall deposit funds in an escrow fund with the Township which will be used to process and review the application. An applicant's failure to make escrow payments shall render the PD application incomplete and ineligible for further consideration by the Planning Commission. The Township shall approve or deny expenditures from the escrow fund.
- E. **Planned Development (PD) Plan.** Following the pre-application conference, the applicant shall submit a completed PD application form, an application fee, and printed copies (with the number and format of copies to be determined by the Zoning Administrator), and one (1) digital Adobe® PDF of the materials and information described under this heading. These materials and information are also collectively called the PD Plan. It is the responsibility of the Applicant to provide pertinent and useful information to the Planning Commission upon which to base their decision. If the PD Plan is to be developed in phases, the PD Plan shall show all phases. The PD Plan shall contain, or include with it:
 - 1. A narrative statement, together with supporting charts, maps, and documents describing the project. Information shall include, but is not limited, to the following:
 - a. The total number of acres in the project.
 - b. The number of acres to be occupied by each type of use.
 - c. The number of residential units.
 - d. A residential density calculation indicating the total number of dwelling units divided by gross site area, and a more detailed residential density calculation that divides the number of a specific unit type by the gross site area associated with that specific unit type.
 - e. The number and/or square feet and type of nonresidential uses.
 - f. The number of acres to be preserved as common open or recreational space.
 - g. The relationship of the proposed PD to the Township Master Plan.

- h. The implementation phases of the PD, the approximate time frame to complete each phase, and a specific schedule of the intended development and construction schedule details, including anticipated construction start and completion dates.
 - i. Proposed utility services and how they are to be provided, including, but not limited to, water, sanitary sewer, telecommunications, and storm water management. Where applicable, the Applicant shall use low impact development storm water best management practices.
 - j. Proposed deed restrictions, covenants, or similar legal instruments to be applied within the PD.
 - k. Variations from ordinance regulations that are being sought, and the reasons to support the requested variations.
 - l. Areas of the site containing significant natural features, including a breakdown of the approximate square feet/acres by type of significant natural feature. Significant natural features shall include: wetlands, flood plains, water bodies, woods, slopes in excess of eighteen (18) percent, active agricultural land, or any other unique natural features as determined by a local, state, or federal department or agency authorized by law to designate or classify a unique natural feature.
 - m. Signatures of all parties having an interest in the property with a statement of the nature of their interest and their intention to see the development of the property completed in accordance with the approval, if granted.
 - n. Written recommendations from the Losco County Road Commission as to access and road improvement needs and/or contributions toward necessary upgrades, if any.
2. PD Plans shall be drawn at a conventional scale that is appropriate to the size of the property and the proposed planned development. The PD Plan shall contain the following:
- a. The name of the PD, the applicant's name, the name and address of the firm or individual who prepared the preliminary development plan, date, scale, and north arrow.
 - b. Property lines, dimensions in feet of all property lines, and size of the PD (and individual phases) in acres.
 - c. Existing zoning and land uses of all abutting properties.
 - d. Significant natural features on the site as defined in Section 5.2[E.1.I.] above.
 - e. Existing buildings and structures on the site and those located on abutting land within fifty (50) feet of a common property line.
 - f. Proposed uses, buildings, and their locations.
 - g. Rights-of-way and pavement edges or curb lines of existing streets abutting the PD.
 - h. Locations of proposed access drives, parking lots, and streets within the PD.
 - i. Proposed walkways or pedestrian paths.
 - j. Proposed methods of providing water, sanitary sewer, and storm water drainage facilities.
 - k. Layout and typical dimensions of proposed lots.
 - l. The general improvements that constitute a part of the development, including, but not limited to, lights, signs, service areas, dumpsters, mechanisms designed to reduce noise, utilities, and visual screening features.

- m. Specifications for exterior building materials for structures proposed in the project.
 - n. Elevations for proposed buildings or building types.
 - o. Photometric plans for the project area.
- 3. The Planning Commission may require additional information reasonably necessary to determine compliance with the review standards and other requirements applicable to a PD, or to determine the impact of the proposed development. Such information may include, for example, soil reports, hydrological tests, traffic studies, wetland determinations, or a market analysis. At any time during the PD Plan review process, the Planning Commission shall have the right to hire such experts as may be needed to provide independent studies regarding issues related to the PD approval standards or to review documents or consultant reports provided by the applicant or others. Fees and expenses related to any such experts shall be paid from the monies that have been paid to the Township in escrow.
- F. **PD Public Hearing.** Upon determining that the application and all required information are complete, the Planning Commission shall conduct a public hearing. Notice of the hearing shall be in accordance with the notification procedures for Special Land Use as described in the Michigan Zoning Enabling Act or a successor statute.
- G. **Final Decision by the Planning Commission.**
 - 1. The Planning Commission shall make its decision at any regular or special meeting.
 - 2. At the meeting when a decision is reached, the Planning Commission shall review the record compiled at the public hearing(s) and the reports of any experts or consultants.
 - 3. Based on the record compiled at the public hearings and any regular or special meeting(s) held, the Planning Commission shall determine whether the PD Plan complies with the standards of Section 5.3[A] If it does comply, then the Planning Commission shall approve it, or approve it with conditions. However, if it does not comply, then it shall be denied. In any case, a decision by the Planning Commission shall be in writing and shall contain findings of fact or reasons regarding why the application complies or fails to comply with applicable provisions of this zoning ordinance. The findings of fact shall address the following:
 - a. The application submitted by the Applicant was complete, and information required by the Planning Commission was provided and is part of the public record.
 - b. The PD fulfills the objectives of the Oscoda Township Master Plan or adopted subarea plans and the land use policies of the Township, and presents an innovative and creative approach to the development of the subject property.
 - c. The proposed land uses fulfill a need or demand for such land uses within the Township.
 - d. The property is suitable for the proposed purposes and land uses.
 - 4. The Planning Commission's decision shall be final after the meeting minutes at which the decision was adopted are approved, or after the decision is certified in writing. Once the decision is final, judicial review may be sought as authorized by law.

5. Approval of the PD Plan does not constitute approval to modify the subject property in any form or fashion until a Site Plan is submitted and approved by the Planning Commission for the entire development, or for each phase as approved in the PD Plan. The site plan review and its contents shall comply with the requirements of Article X: Site Plan Review. The Site Plan approval process is separate from the PD review and approval process. As a result, approval of the Planned Development (PD) Plan does not constitute approval of the PD site plan.
6. The PD Plan site plan review process commences once the PD Plan is approved by the Planning Commission. The Applicant, at their discretion, can concurrently submit for review the PD Plan and Site Plan.

Section 5.3- STANDARDS AND REQUIREMENTS FOR APPROVAL

- A. When the Planning Commission makes a decision regarding a PD Plan, they shall make it based on compliance with the following standards:
 1. Land uses shall be consistent with the intent the underlying zoning district and the Oscoda Township Master Plan and adopted subarea plans.
 2. The PD shall meet the minimum land area requirements specified for the underlying zoning district.
 3. A PD shall comply with all dimensional and use regulations of the underlying zoning district, unless variations are otherwise approved by the Planning Commission. Such proposals shall be accompanied by supporting material demonstrating that the variations would provide equal or greater protection to adjacent or nearby properties.
 4. The lands comprising a PD must be subject to unified ownership or control so that the person or legal entity applying for PD approval has proprietary responsibility for the completion of the development, if approved. If multiple persons or legal entities have ownership interests in the land, all such persons or entities shall sign the PD application. If the application is signed by a prospective purchaser or person who has optioned the land, written consent by all owners of the land must be submitted with the application.
 5. As provided for in this paragraph, except for on-site septic systems and wells, water supply and sanitary sewage disposal in and for a PD shall only be accomplished by public or community water supply and sanitary sewer systems. These must be approved by the District Health Department 2 (DHD2) and other agencies having jurisdiction and be in compliance with applicable Township ordinances. If approved by the District Health Department 2 (DHD2), on-site septic systems and wells may be permitted for individual residential lots containing a single-family dwelling.
 6. The PD Plan must be consistent with the intent of this Article, as described in Section 5.1, and it must also represent a development opportunity for the community that could not be achieved through conventional zoning.

7. The PD Plan and its proposed uses must be compatible with the type, character, and density of land uses on adjacent and nearby lands based on the future land use map in the Iosco Township Master Plan or adopted subarea plan.
8. The proposed PD must be compatible with the capacities of public services and facilities affected by the development.
9. The proposed PD must preserve significant natural features, if any.
10. If a proposed PD lies partially outside the jurisdictional boundary of the township, then the minimum parcel size shall be based on the total size of the project and not just that portion located within the township.
11. The proposed PD must provide for useable open space which meets the following standards:
 - a. At least 10% of the parcel(s) acreage or square footage.
 - b. Acreage or square footage provided shall be for active or passive recreation use and shall be accessible to the occupants or users of the PD.
 - c. No area which exceeds 18% grade shall be allocated or designated as useable open space.
 - d. At least 40% of the total area required as useable open or recreation space shall be landscaped and maintained.
 - e. Any useable open space which is not planted shall be developed to encourage outdoor active or passive recreational use and shall include such elements as decks, sports courts, outdoor seating, decorative paved areas, and walkways which do not serve as entrance walkways.
 - f. No area designated for off-street parking and loading areas, service areas, driveways, required walkways, or portions thereof, or any features that are used for required access to dwelling units, shall be counted as satisfying any useable open or recreation space area requirement.
12. Landscaping must be provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property meeting the minimum standards of Section 6.15, as applicable.
13. Motor vehicle access to the uses within a PD shall be from interior roads only unless approved otherwise by the Planning Commission or the Iosco County Road Commission. Safe, convenient and well-defined vehicular and pedestrian circulation within, and access to, the development must be provided.
14. Important historical and architectural features, if any, within the development are to be preserved.

Section 5.4- CONDITIONS

- A. To the extent authorized by law, reasonable conditions may be required with the approval of a PD Plan. Conditions may include, but are not limited to, those necessary to:
 - 1. Ensure that public services and facilities will be sufficient to serve the proposed land use(s).
 - 2. Protect the natural environment.
 - 3. Promote the use of land in a socially and economically desirable manner. Meet the purpose and intent of the zoning ordinance.
 - 4. Ensure compatibility with other uses of land adjacent to the subject property.
- B. Imposed conditions shall be designed to protect public health, safety, and welfare, be reasonably related to the purposes affected by the PD, be necessary to meet the intent and purpose of this ordinance, and be related to ensuring compliance with the standards of this ordinance. All conditions shall be made a part of the record of the approved PD.
- C. When conflicts arise between other provisions of the Zoning Ordinance and this Article, the provisions of this Article shall take precedence unless determined otherwise appropriate by the Planning Commission.

Section 5.5- PD PLAN APPROVAL AND LAND USE PERMIT ISSUANCE

PD Plan approval does not constitute approval of a land use permit (also sometimes called a zoning permit). For those aspects of an approved PD Plan that are controlled by the Township, no construction shall commence until a Site Plan (Article X) has been approved by the Planning Commission and a land use permit has been issued by the Zoning Administrator. The Township Planning and Zoning Administrator shall issue a land use permit once all conditions have been met and the performance guarantee, in a form as referenced in Section 10.8, has been provided to the Township Clerk.

Section 5.6- CHANGES AND AMENDMENTS TO AN APPROVED PD PLAN

Changes to an approved PD Plan shall be permitted only under the following circumstances:

- A. All holders of an approved PD Plan shall notify the Planning and Zoning Administrator, in writing, of any desired change to the approved PD Plan.
- B. Minor changes may be approved by the Planning and Zoning Administrator after determining that the proposed revision(s) will not alter the basic design and character of the PD Plan, nor any specified conditions imposed as part of the original PD Plan approval. Minor changes shall include the following:
 - 1. Change in any building size up to ten (10) percent in gross floor area.
 - 2. Movement of buildings or other structures by no more than ten (10) feet measured horizontally.
 - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - 4. Changes in building materials to a comparable or higher quality.
 - 5. Changes in floor plans which do not alter the character of the use.
 - 6. Relocation of dumpster(s) or signs.

7. Modification of parking areas allowing up to a ten (10) percent change in their location as noted on the PD Plan, provided there is no change in the approved driveway location(s).
 8. Changes necessary to conform to other laws or regulations as required or requested by the Township, the Iosco County Road Commission, or other County, State, or Federal regulatory agency.
 9. Change of phases or sequence of phases only if all phases of the PD Plan have received final approval, and if the change does not alter any conditions of approval.
- C. A proposed change that is determined by the Planning and Zoning Administrator not to be minor shall be considered an amendment to the PD Plan and shall be processed in the same way as the original PD Plan application.

Section 5.7- RECORDING OF PD DEVELOPMENT AGREEMENT

Upon receipt of the report and recommendation of the planning commission, and after a public hearing, the township board shall review all findings. If the Board shall determine to grant the application, it shall instruct the township attorney to prepare a development agreement setting forth the conditions upon which such approval is based, which agreement, after approval by resolution of the Board, shall be executed by the township and the applicant. Approval shall be granted only upon the board determining that all provisions of this **article** have been met and that the proposed development will not adversely affect the public health, welfare, and safety.

- A. The development agreement shall include, at a minimum:
1. A legal description and survey of the total site(s) proposed for development.
 2. Names and addresses of all owners and persons with legal or equity interest in the property proposed for development.
 3. A development schedule, including any individual stages or phases, and the anticipated beginning and completion dates.
 4. An affirmative representation that the proposed use(s) will not exceed the performance criteria of the ordinance.
 5. Modifications to standard zoning requirements which will be requested, if any
 6. All conditions and stipulations as set forth by the Township Board.
 7. Provisions satisfactory to the Township attorney, planning consultant or engineer dealing with maintenance of the property, as well as maintenance, repair, and replacement of any common facilities servicing any portion of the property.
 8. Any provisions deemed necessary by the Township attorney, planning consultant or engineer regarding on-site and off-site easements required to service the property.
 9. A statement incorporating by reference in the agreement all representations, warranties and information provided in any submission by the applicant and confirming the Township's reliance on those representations, warranties, and information.
 10. Enforcement provisions satisfactory to the Township Attorney.
 11. A statement allowing recording of the agreement or a notice of the existence of an agreement at the office of Iosco County Register of Deeds.
 12. Any other provisions deemed necessary by the Township attorney, engineer or planning consultant to meet the intent and purposes of planned development.
 13. Any other information deemed necessary by the Township for consideration of the development.

Section 5.8- PHASING

- A. Phasing. When phased construction of a PD project is proposed, each phase, upon completion, shall be capable of standing on its own in terms of the presence of services, facilities, and open or recreational space. Each phase shall also contain the necessary components to ensure protection of natural resources and public health, safety, and welfare.
- B. For PDs with both residential and nonresidential uses, each phase shall contain a mix of land uses achieving that facilitates the land use mix proposed for the entire PD.

Section 5.9- COMMENCING CONSTRUCTION AND EXTENSIONS

- A. Construction of improvements in the planned development (PD) shall begin within 12 months from the date of approval of the Site Plan by the Planning Commission. An extension of time for beginning construction may be requested in writing by the applicant.
- B. The Planning Commission may grant two (2) extensions for up to an additional one (1) year period for each extension, provided that the applicant applies for such an extension prior to the date of the expiration of the PD Plan and provided that:
 - 1. The applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant.
 - 2. The PD requirements and standards, including those of this ordinance and the Oscoda Township Master Plan or adopted subarea plan that are reasonably related to the development, have not changed.

Section 5.10- RESCISSION OF APPROVAL

- A. Rescission of Approval
The PD Plan and/or site plan which is part of an approved PD Plan may be rescinded by the Oscoda Township Planning Commission under the following circumstances.
 - 1. The property owner / developer of an approved PD Plan has not submitted a site plan required by the PD Plan within one (1) year from the date of approval or;
 - 2. The property owner / developer of an approved site plan, which is part of the PD Plan, has not commenced construction within one (1) from the date of approval.

- B. Process to Rescind an Approved PD Plan

The PD Plan approval shall be rescinded based on the following process.

- 1. The Planning Commission shall notify the PD applicant in writing of its intent to rescind PD Plan approval, site plan approval, and any land use permit that has been issued as a result of that approval.
- 2. The notice of intent shall state the basis for the proposed rescission, and shall state the time, date and location of a public hearing at which the PD applicant may be heard regarding the accuracy of the proposed basis for rescission.

3. The notice of intent shall be sent by first class mail to the applicant's last known address, based on the PD application, or it may be personally served to the applicant or a representative of the applicant.
4. The notice of intent shall be mailed or delivered in person at least thirty (30) days before the public hearing at which the rescission will be considered. All public hearing requirements of the Michigan Zoning Enabling Act shall be met. The rescission notice of intent shall:
 - a. Be made in writing.
 - b. Be mailed to the applicant by first class mail.
 - c. State when the rescission becomes effective.
 - d. State the basis for the rescission.
 - e. Be recorded with the Iosco County Register of Deeds, if rescinded.
5. Unless granted an extension, a Planned Development (PD) project that has been rescinded by the Planning Commission cannot reapply for a PD until one (1) year after the date that the PD was rescinded.
6. Once a Planned Development (PD) has been rescinded by the Planning Commission, or the PD has been withdrawn by the property owner / developed, the zoning for the subject property and/or properties shall revert back to their prior zoning classifications.

C. Process to Rescind an Approved Site Plan

1. The process to rescind a site plan shall follow the requirements of Section 10.4.

Section 5.11- FINAL AS-BUILT DRAWINGS

A. Submission of Final Drawings

The Applicant shall provide the Township with a complete set of "as-built" drawings for the PD and/or each completed phase in Adobe® PDF and the most recent release of AutoCAD®.

Section 5.12- ZONING BOARD OF APPEALS JURISDICTION

The Zoning Board of Appeals is without jurisdiction to accept appeals regarding an approved PD Plan.

Section 2: Severability.

If any sections, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3: Effective Date.

This Ordinance shall become effective eight (8) days after publication.

CHARTER TOWNSHIP OF OSCODA

Date: _____ By: _____
Ann Richards, Supervisor

Date: _____ By: _____
Joshua Sutton, Clerk

Published Date: _____

Effective Date: _____



MAP COMMUNITY PLANNING PRINCIPLES

The Michigan Association of Planning exists to promote quality community planning through education, information and advocacy, statewide. With this as its mission, the Society offers the following planning principles for consideration to all cities, villages, townships, counties and regions in Michigan. The principles define what constitutes quality community planning.

GENERAL STATEMENTS

- 1. The community planning decision-making process should, first and foremost, be concerned with the long-term sustainability of our communities, environment, and economy.**
- 2. The community planning process should involve a broad-based citizenry, including public and private sector leaders, community interest groups and multi-disciplinary professionals.** A positive relationship between development and the making of community should be established through a citizen-based participatory planning and design process.
- 3. Public policy and development practices should support development of communities that are:**
 - diverse in land use, population and character;
 - designed for pedestrians and non-motorized transit as well as for motorized transit;
 - shaped and physically defined by parks, open space and other natural resource areas;
 - structured by physically defined, accessible public space and community institutions and
 - based on local history, climate, ecology, and
 - building practices.
- 4. Physical solutions by themselves will not solve all problems.** A coherent and supportive physical framework should be established to provide economic vitality, community stability, and environmental health.
- 5. Common challenges that should be addressed by community planning are:**
 - increasing opportunities for reinvestment in established urban centers;
 - encouraging appropriate intensity and location of new development served by adequate public facilities;
 - minimizing the spread of low density, non-contiguous development;
 - encouraging a wide range of housing opportunities which serve all segments of our diverse population;
 - recognizing the value and encouraging the preservation of agricultural lands and natural resources;
 - encouraging the preservation and/or restoration of our natural and built heritage environments;
 - encouraging development in accordance with the adopted community master plan; and
 - recognizing that land use decisions may have impacts beyond community boundaries.
- 6. The quality of life for the citizens of Michigan can be enhanced by developments that:**
 - support and restore existing community centers;
 - reconfigure existing low density, centerless communities into communities of diverse neighborhoods and districts;
 - preserve and protect natural environments;
 - maintain and build a positive social and strong economic climate and
 - improve the physical design and condition of our region, cities, villages, townships, neighborhoods, districts, corridors, parks, streets, blocks and homes.

PRINCIPLES COMMUNITY

1. Development should be encouraged in existing city, village and township centers.
2. Historic city, village and township centers should be preserved.
3. New development or redevelopment in existing communities should respect local historical patterns, precedents and boundaries.
4. Viability in established or developing downtowns and community or village centers is strengthened by street-level retail, on-street parking, downtown residential, the maintenance of an appropriate street pattern, street-level activity, the retention of historically significant buildings, and the provision of parking structures.
5. Civic buildings and public gathering places are important and require prominent accessible sites.
6. The scale and configuration of streets and open spaces (parks, greens, squares should be attractive and comfortable to pedestrians.
7. The design of streets and buildings should result in safety and security, as well as be accessible and open to the public.
8. Architecture, building placement and landscaping should result in the physical definition of streets and other public spaces.
9. Neighborhoods should include a variety of public spaces (tot-lots, village greens, ballfields, community gardens, etc.) that are strategically distributed and physically well defined.
10. New investment along highway corridors should complement investment in existing community business centers.
11. New development should be seamlessly woven into the physical fabric of its surroundings, regardless of differences in size or architectural style.

12. Design is important and should contribute to the community's safety, security and attractiveness.
13. Complete communities have defining edges with an identifiable center. A center should consist of a full and balanced mix of residential, commercial, office, recreational, cultural and civic uses.
14. Complete communities should contain housing alternatives available to people of all incomes.
15. Complete communities should provide convenient access to public transportation as well as non-motorized options.
16. Community planning should recognize that regions are composed of urban areas, suburban areas, farmlands, water features and natural open spaces, all contributing to their diverse character.
17. Community planning should involve balances between physical, environmental, economic, social, and cultural conditions within the region.
18. Strategies encouraging development and redevelopment of communities should include previously developed sites (brownfields), infill development and reuse of existing facilities rather than continuing outward expansion.
19. Community planning should create an efficient and cost effective system of public services, transportation, recreation, cultural institutions and housing to achieve a viable, sustainable region.
20. Intergovernmental cooperation is necessary for achieving a viable, sustainable region.

ENVIRONMENT

1. Community planning should recognize that natural resources are system-dependent, not limited to jurisdictional boundaries.
2. Lands with unique or sensitive resources should be preserved in their natural state.
3. The health and quality of the natural resource base are directly related to public health, welfare and economic growth.
4. Natural resource areas, farmlands and open space characterize the rural landscape. They are important and useful in shaping development and maintaining and establishing a rural community character.
5. To preserve rural community character, site design should encourage clustering of development and preservation of open space.
6. To preserve rural community character, site design should include desirable views and vistas across water features and farmlands.
7. Natural resources are limited in their ability to accommodate development without incurring damage. Development within our natural environments should occur in a balanced and sustainable manner.
8. Sensitive and fragile lands should be protected from degradation.
9. Wildlife habitat corridors should be interwoven with development to achieve environmental balance and maintain biodiversity.

INFRASTRUCTURE

1. Development should be directed to areas serviced by adequate roads, water, sewers, and utilities.
2. Expansion and upgrading of public roads, water and sewer services should be planned to strategically direct growth.
3. Public transportation should connect homes to jobs, community center and cultural, recreational, educational and institutional facilities.
4. A comprehensive transportation plan should support a unified, long-term vision of how the land is to be used.
5. New and expanded public transportation systems should be located to attract urban reinvestment.
6. Non-motorized transportation should be accommodated in new road corridors and strategically retrofitted into existing transit corridors and greenway linkages.
7. The number and frequency of automobile access driveways along road corridors should be minimized.

PLANS and IMPLEMENTATION

1. A broad-based citizenry should be involved during the development of local comprehensive master plans, including representation from neighboring and impacted jurisdictions. Local plans should consider and address the impacts of neighboring communities land uses, planned uses, goals and objectives.
2. Local planning decisions which affect neighboring communities should consider multi-jurisdictional impacts.
3. Local comprehensive master plans should be reviewed periodically and updated as necessary to remain viable documents.
4. Local zoning ordinances should be reviewed periodically and updated as necessary to ensure they are consistent with the comprehensive master plan.
5. Local zoning ordinances should be consistent with the comprehensive master plan.
6. Local zoning decisions should be consistent with current local comprehensive master plans.
7. Local comprehensive master plans should be accompanied by an action strategy that specifies individual tasks, timing, and responsibilities for implementation.
8. Comprehensive master plans and zoning ordinances should include interpretive graphics conveying standards and design guidelines.
9. All communities should prepare realistic Capital Improvement Programs as a means of making municipal improvements consistent with their comprehensive master plan.
10. Communities should have an administrative structure that provides clear direction throughout the development process. This structure, including information on the status of projects, should be equally accessible to citizens, developers and local officials.