

Charter Township of Oscoda

Planning Commission Meeting

AGENDA

December 5, 2022 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 November 7, 2022
 - 6. Agenda – Additions, Corrections, & Approval**
 - 7. Public Comment – (Non-Scheduled and Scheduled Agenda Items)**
 - 8. Public Hearing– N/A**
 - 9. New Business –**
 - i. Site Plan Review- Case #103-2022
 - 10. Old Business – N/A**
 - 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

November 7, 2022 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. Schenk, Mr. Palmer, Mr. Schulz, Mr. Tasior, Ms. Hopcroft, Mr. Davis, Mr. Linderman
Absent – N/A
Quorum – Mr. Linderman determined a quorum present.
- 5) **APPROVAL of Meeting Minutes-**
 - i. **Planning Commission Regular Meeting Minutes October 3, 2022-** After much discussion about the 10/3/22 meeting minutes and whether to take out Mr. Tasior's comments, Mr. Davis made a motion to approve the minutes with corrections but keep Mr. Tasior's comments. Supported by Mr. Palmer. Yays: Mr. Schenk, Mr. Palmer, Mr. Schulz, Ms. Hopcroft, Mr. Davis, Mr. Linderman. Nays: Mr. Tasior
- 6) **AGENDA – Additions, Corrections & Approval –**
 - i. Mr. Linderman made a motion to approve the agenda addition of Training Updates under New Business, #2. Supported by Mr. Schulz. Roll call vote. All in favor.
- 7) **PUBLIC COMMENT –**
 - i. Pam Loveless, Oscoda, wanted to let the Board know that Mary Ed Teuton would be speaking for her at board meetings. There will be a grand opening at her Lake St location December 16th, 2022.
- 8) **PUBLIC HEARING –**
 - i. Ordinance 2021-270 Commercial Marihuana Facilities Ordinance Amendments
 - a. Mr. Palmer made a motion to open the Public Hearing for Ordinance 2021-270 Commercial Marihuana Facilities Ordinance Amendments. Supported by Mr. Schulz. Roll call vote. All in favor.
 - b. Ms. Vallette stated that all the revisions made were made by the Attorney. Corridor Business District was added as an allowed Zoning District for Recreational Marihuana Retail Facilities.
 - c. Ms. Vallette stated that the Zoning Director is allowed to approve minor changes without asking the Planning Commission. Any minor changes will be communicated to the Planning Commission.
 - d. Location transfers will remain with the Planning Commission approving or denying them.
 - e. There was no public input.
 - f. Mr. Davis made a motion to close the Public Hearing and move into deliberations. Supported by Mr. Palmer.
 - g. Mr. Palmer stated that he felt the changes the attorney made were appropriate. Ms. Hopcroft agreed with him.

- h. Section 1.3A was clarified. It was decided to take out where it states “no minimum number”.
- i. Under the Marihuana Processor definition, it should state package form and not package from.
- j. Mr. Palmer made a motion to close deliberations. Supported by Ms. Hopcroft. Roll call vote. All in favor.
- k. Mr. Davis made a motion to approve Ordinance 2021-270 Commercial Marihuana Facilities Ordinance Amendments with the noted changes. Supported by Mr. Schulz. Roll call vote. All in favor.

9) NEW BUSINESS –

- i. First read- Wurtsmith District Rezoning to Form Based Code-
 - a. Ms. Vallette stated that the Ordinance Revision Sub-Committee met on October 25th. John Iacoangeli was in attendance to review the first phase of Wurtsmith District Rezoning. Setback requirements and many other items will be added in the next phases. There are a few permitted uses and SLUP that will be added to the different districts.
 - b. Ms. Hopcroft went over all the items she felt needed corrected. Corrections will be made and additions and deletions will happen at the Ordinance Revision Sub-Committee.
 - c. Mr. Davis had a few edits as well. It was decided that to remain consistent, adding all departments that are to review plans would be a good idea.
 - d. Mr. Schulz stated that Multi-Family should be allowed in the Residential District. It will be added in as a permitted use.
 - e. Mr. Tasior explained the land use chart, how the different allowed uses already exist in our Ordinance and explained what an Industrial Home is.
- ii. Training Update-
 - a. Mr. Linderman stated that four members of the Planning Commission went to the recent October MAP Conference. Mr. Linderman wanted to let the public know that as a board, we are moving toward better training and enhanced training to use in their roles as Planning Commission members. Mr. Tasior, Mr. Linderman and Ms. Hopcroft went to the Citizen Planner Course.
 - b. Mr. Tasior mentioned that he had the opportunity to moderate one of the sessions at the MAP Conference
 - c. Ms. Hopcroft stated that she was also planning on taking her Master Citizen Planner Test as well. She also spoke about the Coastal Resilience Academy she had been attending. The plan is to put on an educational session for the Residents.

10) OLD BUSINESS- N/A

11) Report of the Zoning Board of Appeals Representative

- i. Mr. Schulz stated the ZBA reviewed their By-Laws and Variance Application at the October Meeting.

12) Report of the Township Board Representative

- i. The Townships new assessor has started. They will not be in office; they are a remote assessing company.
- ii. The Skeel Rd Property and Ms. Loveless' purchase agreements were approved by the Board.
- iii. A proclamation was made for Sue Allor for her work regarding the Township receiving \$9.6 Million for water main extensions.
- iv. The Board got a request to put Window Clings on Vacant Buildings. The discussion was that they need to be in compliance with the Vacant Building Registry before the Township spends money to make their building look nicer.

13) Report of the Planning Commission Sub-Committees

- i. Ms. Hopcroft stated that the Master Plan Sub-Committee was waiting for the Villages Board Meeting to have further information on the 8000 Block on Base.
- ii. Ms. Hopcroft also stated that a few members were taking Coastal Leadership Academy Training with the idea of being able to educate the residents with what we learn.
- iii. Ms. Hopcroft looks forward to getting all the details for planning a new township facility and community center.

14) Report of the Economic Improvement Committee

- i. Mr. Tasior stated that the EIC is reviewing a new façade grant and are working on a CIA.
- ii. Mr. Tasior stated that the MEDC awarded the Township a couple of technical assistance grants and was also awarded RRC Optimize Main Street Grant.
- iii. Mr. Tasior stated that discussions are happening with MEDC about holding a housing summit. More than likely it will be a 2 day summit in the April time frame.
- iv. Ms. Hopcroft stated that the Arts & Place Making Committee embraced the photography opening at the Artisan Hall. She also stated that they are committed to working with the Township

15) Comments of Planning Commission members

- i. Mr. Tasior, Mr. Palmer and Ms. Hopcroft all wished Pam Loveless well wishes and quick healing.
- ii. Mr. Davis clarified that there was a resolution setting per diem fees for Commission members. He also asked the status of Holiday Inn Express. We do not have an official timeline.
- iii. Mr. Palmer talked about the Bike Path Extension.

16) Report of the Zoning Administrator

- i. Ms. Vallette stated that the week before there was a Planning & Zoning Workshop, about 30 people attended. She also stated that issuing land use permits has slowed down.

Declaring no further business, Mr. Linderman adjourned the meeting at 7:38 PM.

Jeff Linderman - Chair

Date

Nichole Vallette – Planning & Zoning Director

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

Case# 03-2022

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

Property owner information:

Name: EPICURE PRODUCE LLC (Amber & Paul)
Address: 781 W 104th Leaning Rd.
Phone: 517-844-9059

Applicant information:

Name: Tom Hebertson
Address: 176 Marshall St, Oscoda, MI 48750
Phone: 517-617-8484

Property information:

Address: 5018 W US 23
Zoning District: OSD - US 23 Zoning
Parcel#: 063-034-400-014-00
Phone: 517-617-8484
Parcel Size: 2/10 Acre
Site Plan/Operational Information Submitted (2 complete copies; max. scale 1"=50', 1"=100' over 3 acres)

Engineer - Architect-Surveyor - and/or other consultant

Name: Ron Ireland (Ireland's)
Address: 450 Zappa Rd. P.O. Box 2752
Phone: 517-847-5161
E-Mail: RON@IRELANDSARCHITECTS.COM

Project Title and Brief Description:

Family Dinner & Dinner Trees (Linda Street)

Project Completion Schedule/Phasing:

10-31-2023

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.

Paul Hebertson
Applicant Signature

11-21-22
Date

5018 N US-23 OSCODA, MI 48750 (Property Address)

Parcel Number: 063-034-400-014-00 Account Number: 005-00750-00

Property Owner: FIPENROC PROPERTIES, LLC**Summary Information**

- > Commercial/Industrial Building Summary
 - Yr Built: 1987
 - # of Buildings: 1
 - Total Sq.Ft.: 2,711
- > Property Tax Information found
- > Assessed Value: \$134,100 | Taxable Value: \$134,100
- > Utility Billing Information found

Item 1 of 3 1 Image / 2 Sketches

Owner and Taxpayer Information

Owner	FIPENROC PROPERTIES, LLC 784 W LAKE LANSING RD EAST LANSING, MI 48823	Taxpayer	SEE OWNER INFORMATION
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General Information for Tax Year 2022

Property Class	201 COMMERCIAL-IMPROVED	Unit	06 OSCODA CHARTER TWP
School District	OSCODA AREA SCHOOLS	Assessed Value	\$134,100
APPRAISAL ROUTE	TOWN AREA	Taxable Value	\$134,100
USER #1	Not Available	State Equalized Value	\$134,100
SPECIAL ASMT	Not Available	Date of Last Name Change	04/10/2013
TRSF & PRE	Not Available	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
ASSR NOTES	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information**Homestead Date** No Data to Display

Principal Residence Exemption	June 1st	Final
2022	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2021	\$130,200	\$130,200	\$130,200
2020	\$133,700	\$133,700	\$130,839
2019	\$128,400	\$128,400	\$128,400

Land Information

Zoning Code	B2	Total Acres	0.785
Land Value	\$133,800	Land Improvements	\$45,804
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	92200 COMMERCIAL B2	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

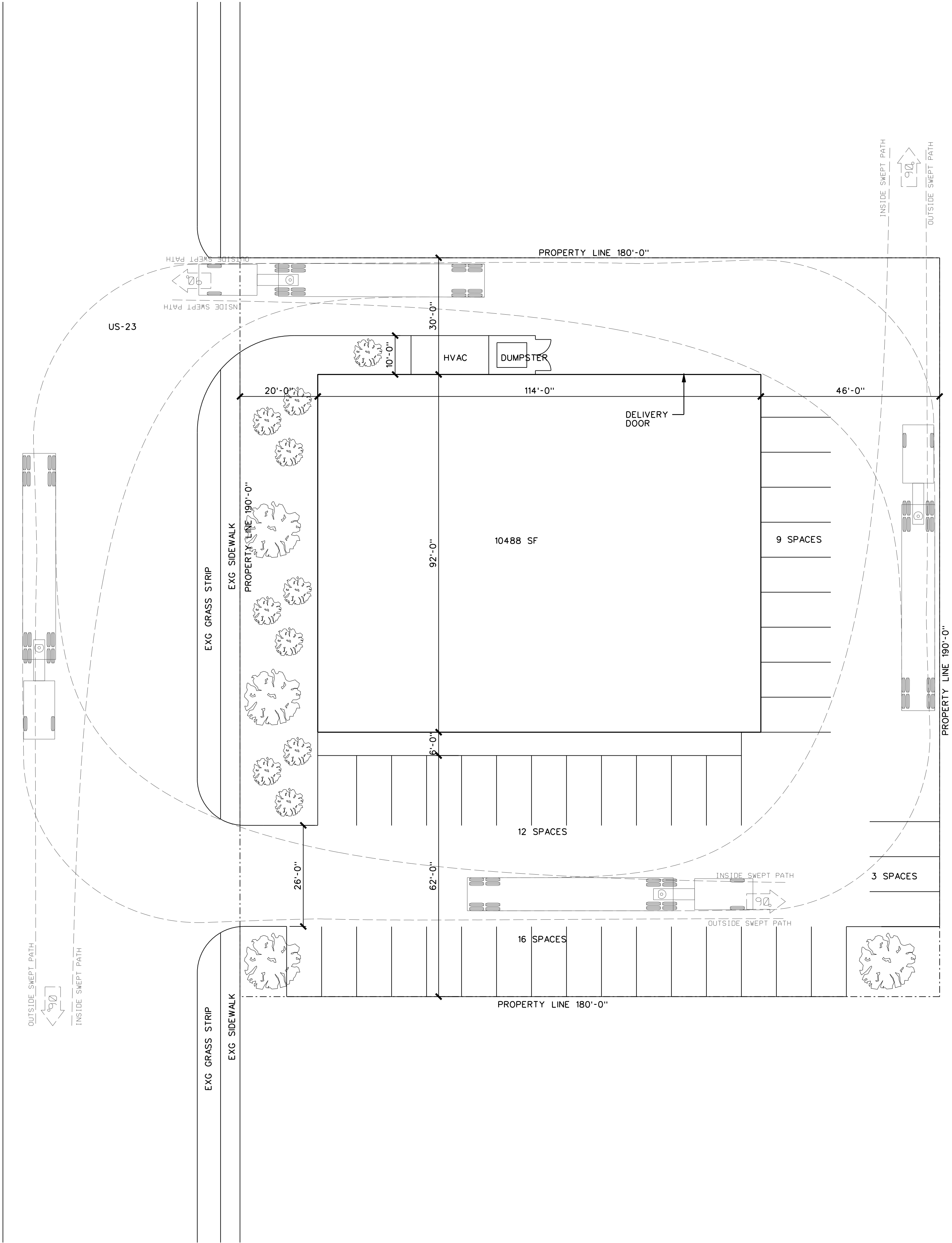
Lot(s)	Frontage	Depth
Lot 1	190.00 ft	180.00 ft
Total Frontage: 190.00 ft		Average Depth: 180.00 ft

Legal Description

34414 T24N R9E SEC 34 W 180 FT OF N 190 FT OF S 616 FT OF GOVT LOT 2 LYING E OF STATE ST

Land Division Act Information

Date of Last Split/Combine	No Data to Display	Number of Splits Left	Not Available
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New Dollar Tree / Family Dollar
5018 North US Highway 23
Oscoda, Michigan

IRELAND
ARCHITECTS
450 Zapata
Venice, FL 34285
phone: (517) 227-9061

Date
8/31/22
10/27/22

Issued for
REVIEW
REVIEW

Sheet
C1.1

**CHARTER TOWNSHIP OF
OSCODA**

Zoning Department

Memo

To: Planning Commission Members

From: Nichole Vallette, Planning & Zoning Director

Date: November 30, 2022

Re: Case #103-2022

Nature of Case #103-2022:

Case #103-2022, John Hedstrom, has submitted a Site Plan Application for a proposed new business, a general retail store, which is permitted by right in that Zoning District. The parcel has an existing building that would be demolished, and a new building will be constructed.

Existing Property Conditions:

The parcel, 5018 N US 23, is in the Corridor Business District US-23 Zone. The property is 190'x180' or 0.785 acre. The parcel number is 063-034-400-014-00.

Communications Received:

No mailing is required for a Site Plan Review.

Planning & Zoning Director Recommendations/Comments:

All of the items required for a site plan review are not included. This is a preliminary site plan review and if approval is received, the applicant will come back for a final review and approval.

The Ordinance requires a Maximum of 3 Parking Spots per 1,000 GSF of building size, I recommend 9-10 Parking Spots need to be removed. The building placement is where the Ordinance requires. We are not reviewing what the building would look like (building material, façade, etc) until the next site plan review they submit.

The list of the following, Section 7.3 Site Plan Review, Article X Land Use Permit Application and Site Plan Review Procedures and Corridor Business District US-23 Zone, must be met for Site Plan Approval.

Section 7.3 Site Plan Review:

Section 7.3.1 Intent and Purpose

This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. Site plans for permitted uses and special uses shall be approved by the Planning Commission. Site plans for planned unit developments shall receive a recommendation from the Planning Commission and a final decision by the Township Board.

(Amd. of 1-27-2022)

Section 7.3.2 General Requirements

1. **Site Plan Required:** Site plans are required for the following uses:
 - A. Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as, a single family site condominium or similar project where a single parcel is developed to include two (2) or more sites for detached single family dwellings, excluding accessory dwelling units.
 - B. Development of any commercial use and residential use with two (2) or more dwelling units.
 - C. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a residential use.
 - D. Any use or construction for which submission of a site plan is required by any provision of this Ordinance.
 - E. Establishment, expansion, or enlargement of any regulated use unless expressly exempted in this Article.
2. **Site Plan Not Required:** Site plan approval is not required for the following activities, however, payment of any or all applicable bonds is required for issuance of a land use permit.
 - A. Construction, moving, relocating or structurally altering a principal residential structure including any customarily incidental accessory structures.
 - B. Excavating, filling, or otherwise removing soil, provided that such activity is normally and customarily incidental to single family uses described in this subsection for which site plan approval is not required.
 - C. A change in the ownership of land or a structure.
 - D. A change in the use of a structure to a use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of this Ordinance and that the site maintains full and continuing compliance with these regulations.

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- E. Permitted home occupations.
(Amd. of 1-27-2022)

Section 7.3.3 Standards for Site Plan Approval

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

1. **Adequacy of Information:** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
2. **Site Design Characteristics:** All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
3. **Site Appearance:** Landscaping, earth berms, fencing, signs, walls, structures and other site features shall be designed and located on the site so that the proposed development is maintaining a community ambiance and harmonious with nearby existing or future developments.
4. **Compliance with District Requirements:** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in Section 4.28 of the Zoning Ordinance, unless otherwise provided in these regulations.
5. **Privacy:** The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.
6. **Emergency Vehicle Access:** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
7. **Circulation:** Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.
8. **Parking:** The parking provided for an intended use shall meet the standards of Section 6.7 of this Ordinance.
9. **Drainage:** Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the Township Engineer.
10. **Soil Erosion and Sedimentation:** The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Iosco County soil erosion control standards.

11. **Exterior Lighting:** Exterior lighting shall be designed so that it is deflected away from adjoining properties, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.
12. **Public Services:** Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
13. **Screening:** Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height. All walls must be solid and constructed of masonry and shall be subject to the approval of the code official and cannot be located in required setbacks without written authorization from the code official.
14. **Danger from Fire and Hazards:** The level of vulnerability to injury or loss from incidents involving fire and hazardous materials or processes shall not exceed the capability of the Township to respond to such incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township. Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.
15. **Health and Safety Concerns:** Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.
16. **Phases:** All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

(Amd. of 1-27-2022)

Section 7.3.4 Site Plan Application Requirements

An application for site plan review shall be submitted on a form provided by the Township with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table.

SITE PLAN APPLICATION REQUIREMENTS			
Item	Description	Site Plan	Narrative
1.	The date, north arrow, and scale. Scale shall be as follows: < 3 acres: One (1) inch = fifty (50) feet > 3 acres: One (1) inch = one hundred (100) feet	✓	
2.	The boundary lines of the property, to include all dimensions, gross and net acreage, and legal description.	✓	
3.	The location and width of all abutting rights-of-way.	✓	
4.	The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.	✓	
5.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the	✓	

	dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.		
6.	The location and identification of all existing structures within a two hundred (200) foot radius of the site.	✓	
7.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, shorelands, and wildlife habitat.	✓	
8.	A landscaping plan with all existing and proposed landscaping, walls and/or fences.	✓	
9.	A grading plan showing the topography of the existing and finished site, including ground floor elevations, shown by contours or spot elevations. Contours shall be shown at height intervals of two (2) feet or less.	✓	
10.	Location, type and size of all above and below grade utilities.	✓	
11.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	✓	
12.	Location of any cross access management easements, if required.	✓	
13.	Location of pedestrian and non-motorized facilities, if required.	✓	
14.	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.	✓	✓
15.	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	✓	
16.	Elevations for all building facades.	✓	
17.	Phasing of the project, including ultimate development proposals.	✓	✓
18.	Sealed/stamped drawings from a licensed architect, engineer, or landscape architect.	✓	
19.	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	✓	✓
20.	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	✓	✓
21.	Plans to control soil erosion and sedimentation, including during construction.	✓	✓
22.	The name and address of the property owner.	✓	✓
23.	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	✓	✓
24.	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site.		✓
25.	Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.		✓
26.	Descriptions of all existing and proposed structures referenced in item 5.		✓
27.	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		✓
28.	General description of deed restrictions and/or cross access management easements, if any or required.		✓
29.	The method to be used to serve the development with water.		✓
30.	The method to be used for sewage treatment.		✓
31.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		✓

32.	Site photos from the road		✓
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- A. Upon recommendation by the Zoning Director, the Planning Commission may waive any of the above required items based upon a finding that it is not applicable.
- B. The Planning Commission, Zoning Director, or other party authorized by the Township may request any additional information it deems necessary in the review of a submitted site plan. This additional information shall be requested through the Zoning Director.
- C. Evidence the plan has been submitted for review to all affected jurisdictions, including but not limited to Iosco County Road Commission, District Health Department No. 2, Oscoda Township Volunteer Fire Department, Michigan Department of Transportation (MDOT), and Michigan Department of Environment, Great Lakes, and Energy (EGLE), and Michigan Department of Natural Resources (MDNR). If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.
- D. All professionally drawn site plan drawings shall be submitted on three (3) sets of twenty four (24) inch by thirty six (36) inch sheets, ten (10) sets of eleven (11) inch by seventeen (17) inch sets, and in digital PDF format.

(Amd. of 1-27-2022)

Section 7.3.5 Site Plan Review Application Submission Procedures

1. **Pre-Application Conference:** An applicant can request a pre-application conference with the Zoning Director and/ or Planner to discuss in general the substantive requirements for the application prior to submittal.
2. **Conceptual Review:** After a pre-application conference, an applicant may submit an application for conceptual review before the Planning Commission prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements of the Planning Commission. Feedback provided by the Planning Commission under a conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A conceptual review does not include a completeness or technical review by the Zoning Director.
3. **Completeness Review:** All required application materials shall be presented to the Zoning Director's office by the property owner or their designated agent at least twenty-one (21) days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Director shall review the application for completeness in order to determine if the application has been properly submitted and the applicant has corrected all deficiencies. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance.
4. **Technical Review:** An application determined to be complete will undergo a technical review by the Zoning Director or Township designee to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any issues the plans might present and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the next regularly scheduled Planning Commission meeting agenda.

(Amd. of 1-27-2022)

Section 7.3.6 Site Plan Application Review

Site plan review applications shall be reviewed by the Planning Commission or Development Review Committee as determined by the criteria below.

1. **Development Review Committee:** The Development Review Committee may review and make a decision on a qualifying site plan review application. The Development Review Committee shall consist of the Zoning Director, Planning Commission Chair, a Planning Commissioner and the Economic Improvement Director, and shall perform the duties of the Planning Commission prescribed in this Article when conducting an development review. No part of this subsection shall prohibit the Zoning Director, Development Review Committee or Applicant from requesting the site plan be submitted to the Planning Commission for review and approval. A site plan review application qualifying for development review shall meet all of items A.—D., or item E.
 - A. The proposed use is permitted by right in the established zoning district;
 - B. The proposed use will result in less than three thousand (3,000) square feet of new development or construction;
 - C. The proposed use will be located at least five hundred (500) feet from AuSable River and Van Etten Lake.
 - D. The proposed use will generate less than five hundred (500) additional trip ends per day as determined by the proposed land use activity based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers;
 - E. The proposed use is a shoreline stabilization structure along Lake Huron.
2. **Planning Commission Review:** All other uses requiring a site plan shall be reviewed and decided upon by the Planning Commission.

(Amd. of 1-27-2022)

Section 7.3.7 Site Plan Application Determinations

Upon review of a site plan review application, the Planning Commission or Development Review Committee shall make a determination to approve the application, require any conditions it may find necessary, or deny the application.

1. **Approval:** The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
2. **Conditional Approval:** The Planning Commission may approve a site plan, subject to any conditions to address necessary modifications, obtain variances, or approvals from other agencies. Conditions imposed shall meet each of the following objectives:
 - A. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
 - B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;
 - C. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

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3. **Denial:** If the Planning Commission determines that a proposed site plan does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Township, it shall deny the application by a written decision which clearly sets forth the reason for such denial.

(Amd. of 1-27-2022)

Section 7.3.8 Record of Actions

The Township shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

1. **Minutes:** All minutes from any meeting where the site plan was considered.
2. **Finding of Fact:** The decision on a site plan review shall be incorporated in a finding of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.
3. **Final Site Plans:** The final site plan shall consist of an electronic pdf version and one (1) full size print set (twenty-four (24) inches by thirty-six (36) inches) of the final site plans stamped by a licensed architect, landscape architect, or civil engineer.
 - A. Approved site plans shall include any required revisions and the date of the revisions. The print set shall be marked "Approved" and signed and dated by the Applicant and Planning Commission Chair.
 - B. Denied site plans shall be marked "Denied" and signed and dated by Planning Commission Chair.
4. **Development Agreement:** An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed by the applicant and Planning Commission Chair.
5. **Occupancy:** No occupancy or operation of a use and/or structure allowable under an approved site plan review shall be permitted to occur prior to receiving an occupancy permit from the Zoning Director.

(Amd. of 1-27-2022)

Section 7.3.9 Expiration, Revocation and Reapplication

1. **Expiration:** A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a land use permit to the Township for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Planning Commission before the expiration date. The Planning Commission may grant one (1) extension for a period of up to one (1) year.
2. **Revocation:** If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Director shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within fifteen (15) days of such notification. If said violation is not corrected within fifteen (15) days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared a violation of this Ordinance, subject to all the remedies and penalties provided for within this Ordinance.

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3. **Reapplication:** An application that has been denied wholly or in part by the Planning Commission or Development Review Committee may reapply after all bills for the review have been paid in full. Reapplication shall constitute a new application and shall require resubmission of all required materials, payment of all applicable fees, and the establishment of a new escrow account.

(Amd. of 1-27-2022)

Section 7.3.10 Amendments and Modifications

A previously approved site plan may be modified according to the following procedures:

1. **Insignificant Deviations:** The Zoning Director may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed. A deviation is insignificant if the Zoning Director determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.
2. **Minor Amendments:** The Planning Commission may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability to hazards. The Planning Commission may make a decision on minor amendments upon receipt of an application. Minor amendments are those modifications the Zoning Director determines will have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, but exceed the extent to which can be approved as an insignificant deviation.
3. **Major Amendments:** All other requests for amendments to an approved site plan shall be processed in the same manner as a new application. The Planning Commission may impose new conditions on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing site plan approval.

(Amd. of 1-27-2022)

Section 7.3.11 Fees and Performance Guarantees

Fees and performance guarantees associated with the review and approval of a site plan review application shall be consistent with the requirements in Section 10.8.

(Amd. of 1-27-2022)

Section 7.4 Permits Required:

The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the applicable local Building Code, Housing Law, or this Ordinance. The above may require either a special use permit or a site plan approval, except for minor repairs or changes not involving any of the aforesaid features.

No open land shall be used, or an existing use of land be changed to a use of a different class or type unless a land use permit is first obtained.

Land Use Permits issued shall remain valid for one year from the date of issue and unless construction is started within that year, the permit expires. In the event a permit expires, a new permit must be obtained prior to commencing work.

All actions described on a Land Use Permit application shall be completed within twelve (12) months of the permit's approval date. If said actions are not completed within twelve (12) months, a new permit that only allows for a six-month extension must be obtained from the Zoning Administrator. When a Land Use Permit is allowed to expire or there is not active construction in progress, then the construction site building is subject to the condition requirements of the Township's Property Maintenance Ordinance (Ordinance No. 205 as amended).³

Building in violation of the permit, or failure to obtain a permit will result in the structure being in violation of the Ordinance, and the Township shall be allowed to seek whatever remedy it deems appropriate as allowed by this Ordinance, or other Township Ordinances, or generally by law (see Article XII).⁽¹⁷⁾

Section 7.4.1 Land Use Permits Not to be Issued⁽¹⁷⁾

No Land Use permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.

Section 7.4.2 Permits for New Use of Land

Iosco County Building and Housing permits may be required. Please contact the Iosco County Building Department for further information.⁽¹⁷⁾

Section 7.4.3 Permits for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained from the Iosco County Building Department.

Section 7.4.4 Permits for Wrecking Buildings

Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connections within the building such as water, electric, gas, sewer, and other connections. A permit to wreck a building shall not be issued unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the public utility companies concerned, that said wrecking operations may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of such public utility installations.

Before a permit is issued for the wrecking of any building, such application for permit shall be referred to the Iosco County Building Department for examination of the premises to determine whether or not rodent extermination procedures are necessary.

Blasting and use of explosives shall be done only by a person licensed by the Fire Department to perform such work.

The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen. The Planning Commission may impose additional safeguards to satisfy the intent of this Section. All abandoned basements or cellars and holes shall be filled to grade, and all excess

materials, rubbish, and debris shall not be permitted to remain on the premises above grade. The Fire Department shall be notified before removing standpipes, sprinklers, or fire protection water supplies. When demolition of the Principal Structure is proposed within a Residential District and accessory structures are to be left standing, a new principal structure must be constructed within one (1) year of the demolition. If after one (1) year a new principal structure is not constructed, removal of all Accessory Structures must be completed within thirty (30) days.³

Wrecking actions will be completed within thirty (30) days of issuance of a permit. This requirement includes the removal of all demolished materials and completion of lot restoration.³

Section 7.5 Certificates:

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use by the Iosco County Building Department.

Section 7.6 Fees:

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Treasurer in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

Section 7.7 Violations:¹⁰

Nuisance Per Se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.¹⁰

Violation. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal.

Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute.

Section 7.7.1 Enforcement and Penalties¹⁰

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable for the fines, penalties, and provisions of the Charter Township of Oscoda Code, Section 1-10.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Oscoda Township has incurred in connection with the municipal civil infraction.

Section 7.7.2 Each Day a Separate Offense

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 7.7.3 Rights and Remedies are Cumulative

Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.¹⁰

Section 7.8 Amendments:¹⁰

The Township Board may, upon recommendation from the Township Planning Commission, amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and in accordance with the Michigan Zoning Enabling Act, as amended. Amendments or supplements to the regulations or the district boundaries of this Ordinance may be initiated by the Township Board or the Planning Commission. A resident or property owner of the Township may petition to amend the regulations of this Ordinance or to change the zoning district boundary for one (1) or more adjacent parcels. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition. The petitioner shall submit a petition for an amendment to the Township Clerk and shall deposit the sum established by resolution of the Township Board with the Township Treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs for the review of and action on said change. There shall be a twelve-month minimum waiting period between a Township Board denial for a Zoning Ordinance amendment and a new request.¹³

All proposed amendments to this Ordinance initiated by the Township Board or by a petitioner shall first be referred to the Planning Commission for review and recommendation. Petitions to amend the text of the ordinance shall also be reviewed by the Zoning Administrator to ensure that the language and formatting of the amendment is consistent with the Ordinance. Except, an amendment to conform a provision of the Ordinance to a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this Ordinance.¹³

Before submitting its recommendations for a proposed zoning ordinance amendment to the Township Board, the Planning Commission shall hold at least one (1) public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under section 7.9 of this Ordinance. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing. The notices required under this section shall include the places and times at which the proposed text and any maps of the Zoning Ordinance may be examined.

Following the hearing required in Section 7.9, the Township Planning Commission shall submit the proposed zoning ordinance amendment, including any zoning maps, to the County Planning Commission for review and recommendations.¹³

The County Planning Commission will have waived its right for review and recommendations of an ordinance if the recommendation of the County Planning Commission has not been received by the Township Planning Commission within thirty (30) days from the date the proposed ordinance is received by the County Planning Commission.

Following the required public hearing under Section 7.9, the Planning Commission shall transmit a summary of comments received at the hearing and its proposed zoning ordinance, including any zoning maps and recommendations, to the Township Board.

After receiving a zoning ordinance or an amendment, the Township Board may hold a public hearing if it considers it necessary or as may otherwise be required. Notice of the hearing shall be given in the same manner as

required under Section 7.9. The Township Board shall grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the clerk of the township board.¹³

The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.

After the public hearing held as allowed under this section, the Township Board shall consider and vote upon the adoption of a zoning ordinance, with or without amendments. A zoning ordinance and any amendments shall be approved by a majority vote of the members of the Township Board.

A zoning ordinance shall take effect upon the expiration of seven (7) days after publication as required by this section or at such later date after publication as may be specified by the Township Board. Following adoption of a zoning ordinance or any subsequent amendments by the Township Board, the zoning ordinance or subsequent amendments shall be filed with the Clerk of the Township Board, and a notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. A copy of the notice shall be mailed to the airport manager of an airport entitled to notice under this section. The notice of ordinance adoption shall include:¹³

- A. In the case of an amendment to an existing zoning ordinance, either a summary of the regulator effect of the amendment, including the geographic area affected, or the text of the amendment.
- B. The effective date of the ordinance or amendment.
- C. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.

Following the enactment of the zoning ordinance, the planning Commission shall at least once per year prepare for the Township Board a report on the administration and enforcement of the Zoning Ordinance and recommendations for amendments or supplements to the Ordinance.

A zoning ordinance shall take effect upon the expiration of seven (7) days after publication as required by this section or at such later date after publication as may be specified by Township Board. Except, within seven (7) days after publication of a zoning ordinance, a registered elector residing in the zoning jurisdiction of the Charter Township of Oscoda may file with the Township Clerk a notice of intent to file a petition.¹³

If a notice of intent is filed, the petitioner shall have thirty (30) days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the zoning jurisdiction equal to not less than fifteen (15) percent of the total vote cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, with the Township Clerk, requesting the submission of a zoning ordinance or part of a zoning ordinance, to the electors residing in the Charter Township of Oscoda for their approval.

Upon filing of a notice of intent, the zoning ordinance or part of the zoning ordinance adopted by the legislative body shall not take effect until one (1) of the flowing occurs:

- A. The expiration of thirty (30) days after publication of the ordinance, if a petition is not filed with that time.
- B. If a petition is filed with thirty (30) days after publication of the ordinance, the Township Clerk determines that the petition is inadequate.
- C. If a petition is filed with thirty (30) days after publication of the ordinance, the Township Clerk determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the Charter Township of Oscoda voting on the petition at the next regular election or at any special election called for that purpose. The Township Board shall provide the manner of submitting the zoning ordinance or part of the zoning ordinance to the electors for their approval or rejection and determining the result of the election.

Petition and an election under this section are subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

Section 7.9 Public Notice:¹⁰

All zoning activities or applications development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and other provision of this Section with regard to public notification.

1. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be delivered and / or published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Charter Township of Oscoda and mailed or delivered as provided in this Section.
2. **Public Hearing and Notification:** Pursuant public notice requirements of the Michigan Zoning Enabling Act, as amended, or within this Ordinance, whenever the Township is required to provide notice of public hearing, the Township shall publish notice of such Public Hearing in a newspaper of general circulation for the Charter Township of Oscoda. Newspaper notices for public hearings shall:
 - a. **Describe the nature of request:** Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - b. **Location:** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need addresses if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property.
 - c. **Date, Time and Location of Hearing:** State when and where the request will be considered.
 - d. **Written Comments:** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear and be heard in person or by representing Counsel, at the public hearing.
 - e. **Handicap Access:** Information concerning how to secure assistance in the event that handicap access or other special needs requirements are to be satisfied.
3. **Personal Delivery and Mailed Notices:**
 - a. When the zoning activity involves fewer than ten (10) properties, notice(s) shall be sent by mail or personal delivery to all persons to whom real property is assessed and to those who occupy properties within three hundred (300) feet of the boundary of the property subject to the activity, regardless of whether the property or occupant is located within the boundaries of the Charter Township of Oscoda. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - c. Notification need not be given to more than one (1) occupant of a structure unless a structure contains more than one (1) dwelling unit, business, or organization that occupy individual units or distinct spatial areas that are owned or leased by different individuals or parties.
 - d. When a single structure includes more than four (4) dwelling units or other distinct spatial areas that are owned or occupied by different individual parties, notice may be given to the owner or manager of the structure with instructions to post the notice at the primary entrance to the structure.
 - e. If eleven (11) or more adjacent properties are proposed for zoning activity, notice of the proposed activity shall be delivered in the same manner as above, except that notices shall not include a listing of all existing street addresses within the property and the notices need not be sent to:
 - (1) Property owners for which approval is being considered;
 - (2) Persons with real property assessed within three hundred (300) feet;
 - (3) Occupants of all structures within three hundred (300) feet.

- f. **Other Governmental Units or Infrastructure Agencies:** When the boundaries of a zoning activity are within three hundred (300) feet of the jurisdictional boundary of a neighboring governmental agency, a notice shall be delivered to that neighboring governmental agency.
- 4. **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator so as to receive written notices pursuant to this Section. Fees, as established by the Township Board, may be assessed for the provision of these types of general notices. Registrants must first provide the Zoning Administrator with a written request that includes delivery information, including the name and address of the registrant. Registrations shall remain valid for six (6) months. Thereafter the Zoning Administrator will not continue to send hearing notifications, pursuant to this Section, unless the person, organization, public utility company, or railroad re-registers.
- 5. **Timing of Notices:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance, notice of public hearings shall be provided not less than fifteen (15) days before the date in which the hearing will be conducted. Notices must be published in a newspaper of general circulation and all personal notices that are required to be sent by mail or otherwise delivered will be done not less than fifteen (15) days before the hearing.¹³
- 6. **Notice by Mail & Affidavit:** Notice shall be deemed mailed by its deposit during normal business hours in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator may prepare an Affidavit of Mailing that lists those to whom notices were mailed as well as anyone to whom personal notice was delivered.¹³

ARTICLE X

LAND USE PERMIT APPLICATION AND SITE PLAN REVIEW PROCEDURES¹⁰

Section 10.1 Application:

1. Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any structure in any zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the requirements of this Article.

An application for site plan review shall be made to the Zoning Administrator. The required fee must be submitted with application materials in order for the Zoning Administrator to proceed in scheduling a site plan review. When the applicant has filed a completed application form, submitted all required data, exhibits and information, and submitted the required fee, the Zoning Administrator shall schedule the site plan review for a regular or special Planning Commission meeting and shall forward copies of the application and accompanying information to members of the Planning Commission prior to the scheduled meeting.^{3, 13}

- A. Except for the single-family detached and their accessory structures, Planning Commission site plan reviews are required for all permitted principal uses and structures in all zoning districts and special land uses in all zoning districts.
- B. When proposed new construction or remodeling constitutes an addition to an existing building or use, site plan review procedures may be modified, at the discretion of the Zoning Administrator, to provide for an administrative review by the Zoning Administrator in lieu of a formal review by the Planning Commission. The Zoning Administrator may conduct an administrative review provided both of the following are true:
 - (1) No variances to the Ordinance are required.
 - (2) The proposed new construction will not increase the total existing building area by more than twenty-five (25) percent or one thousand (1,000) square feet, whichever is less.
- C. For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the Zoning Administrator, to provide for an administrative review by the Zoning Administrator in lieu of a formal review by the Planning Commission. The Zoning Administrator may conduct an administrative review provided all of the following are true:
 - (1) No variances to the ordinance are required.
 - (2) Such use is conducted within a completely enclosed building.
 - (3) Reoccupancy does not create additional parking demands beyond ten (10) percent of that which exists.
 - (4) Reoccupancy will not substantially alter the character of the site.
- D. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or

development standard. The Zoning Administrator shall notify the Planning Commission of all site plans in the process or scheduled for administrative review.

- E. At the Zoning Administrator's discretion a site plan may be referred to the Planning Commission for review and approval/disapproval procedures.

Section 10.2 Required Data:

1. No building or structure other than single-family dwellings shall be erected, moved, enlarged, or substantially altered, nor shall any work be started on such structures or buildings until a site plan review application and site plan have been submitted to and approved by the Planning Commission except as specified in section 10.1.
2. Each submittal for site plan review shall be accompanied by two (2) copies each of an application and site plan. The application shall at a minimum include the following information:
 - A. The applicant's name, address, and phone number in full.
 - B. Proof of property ownership, and whether there are any options on the property, or any liens against it.
 - C. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
 - D. The name and address of the owner(s) or record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
 - E. The address and/or parcel number of the property.
 - F. Project title.
 - G. Project description, including the total number of structures, units, bedrooms, offices, square feet, parking spaces, employees, amount of recreation and open space, and related information as pertinent or otherwise required by the ordinance.
 - H. Name and address of the developer (if different from the applicant).
 - I. Name and address of the engineer, architect and/or land surveyor.
 - J. A vicinity map drawn at a scale of one (1) inch equals two thousand (2,000) feet with north point indicated.
 - K. The gross and net acreage of all parcels in the project.
 - L. Land use, zoning classification and existing structures on the subject parcel and adjoining parcels.
 - M. Project completion schedule/development phases.
3. In lieu of the site plan data requirements enumerated above, the following information is required for those site plans receiving administrative review solely as a result of building re-occupancy or minor improvement (see Sec. 3.2.2.A, Sign Permits).
 - A. An accurate description of the subject property.
 - B. A description of the proposed use including number of employees, nature of the proposed use, floor plan sketch, and other general information describing the use.
 - C. A description of existing and proposed parking serving the site, including parking area improvements (paving, landscaping, etc.) existing and contemplated.
 - D. A description of existing and proposed landscaping, sidewalks, and other site amenities.

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- E. A description of buffering (i.e., berm, walls, greenbelt) between the use and adjacent residential properties both existing and proposed.
 - F. A description of site ingress and egress both existing and proposed.
 - G. Any other information as required by the Zoning Administrator which will assist in evaluating the new use.

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.

Section 10.4 Revocation of Site Plan Approval:

1. Any site plan approval shall be revoked when construction of said development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of site plan approval revocation at least ten (10) days prior to review of the violation by the Planning Commission and the Zoning Administrator shall issue a stop work order. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Planning Commission feels that a violation in fact exists and has not been remedied prior to such hearing.
2. The approval by the Planning Commission of any site plan under the provisions of this Ordinance shall expire and be considered automatically expired one (1) year after the date of such approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If such construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of said land shall be subject to review and approval of a new site plan for said property in conformance with the regulations specified by this Ordinance, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve-month extensions.

Section 10.5 Site Plan Approval for Special Land Uses:

All approvals for site plans reviewed in conjunction with a special land use application shall be conditioned upon the approval of the special land use by the Planning Commission.²

Section 10.6 Review and Approval of Condominium Conversions:³

Prior to the conversion of any existing development to the condominium form of ownership a site plan shall be submitted and approved by the Township Planning Commission in accordance with all standards and requirements of this Ordinance.

1. **Initial Information:** Concurrently with notice required to be given, the Charter Township of Oscoda, pursuant to Section 71 of the Condominium Act, Act 59 of the Public Acts of 1978, as amended, a person, firm, or corporation intending to convert existing development into the condominium form of ownership shall provide the Township Zoning Administrator with the following information:
 - A. The name, address, and telephone number of:
 - (1) All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - (2) All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the Condominium Conversion.
 - (3) The developer or proprietor of the condominium conversion.
 - B. The legal description of the land on which the condominium conversion will include together with any proposed expansion plans and appropriate tax identification numbers.
 - C. The acreage of the land on which the condominium conversion currently occupies.
 - D. Proposed project land use(s) (for example, private use residential, commercial, time sharing, industrial, etc.) and the number units, parcels or acres of each type of land used being proposed.
 - E. Approximate number of condominium units to be developed on the subject parcel.

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- F. Description of the water supply systems that includes a diagram of the service connections to each unit.
 - G. Description sanitary waste disposal system that includes a diagram of the service connections to each unit.
2. **Certification of Safe Occupancy:** Transient use buildings, such as motels, hotels, and resort cottages that are being converted to condominium form of ownership will require that a Certificate of Safe Occupancy be issued by the Iosco County Building Department. A copy of said certificate shall be submitted to the Township Zoning Administrator prior to the Planning Commission's hearing for the proposed conversion project.
3. **Site Plan Requirements for Condominium Conversion:**
- A. A Condominium Conversion constitutes a change in use. Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium conversion shall undergo site plan review and approval pursuant to this article¹¹, Site Plan Review Procedures. In addition, the Township shall require appropriate safe occupancy inspections and corrective engineering plans prior to the issuance of any zoning land use permit.
 - B. **Lot, Building and Yard Requirements:**
 - (1) Each residential unit shall be provided with a minimum of six thousand (6,000) square feet of lot area that is dedicated as yard for that unit or in the case of common property ownership a minimum of six thousand (6,000) square feet multiplied by the total number of units is required for the site.
 - (2) Each residential unit shall contain a minimum of five hundred (500) square feet of floor area⁸.
 - (3) Site coverage for all structures, including all principal use and Accessory Structures, shall not exceed thirty-five (35) percent.
 - (4) Non-residential condominiums shall be subject to the requirements that are established by the Township Planning Commission during site plan review procedures.
 - C. **Parking and Recreational Vehicle Storage Requirements:** Transient use buildings, such as motels, hotels and resort cottages that are being converted to condominium form of ownership will most likely require more parking area as compared to the often single vehicle arriving for the short stay transient use. Without hindering sufficient emergency vehicle ingress/egress routes, condominium conversion properties shall be required to provide for vehicle parking and recreational vehicle storage as follows:
 - (1) Two (2) spaces for each residential unit, plus one (1) visitor parking space for every three (3) residential units.
 - (2) When deeded restrictive covenants do not prohibit recreational vehicles from entering the property, three hundred (300) square feet of recreational vehicle storage parking will be required for each residential unit.
 - (3) Parking requirements for non-residential condominium conversion properties shall be defined by the Planning Commission during the site plan review procedures.
4. **Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished:** The condominium conversion developer or proprietor shall furnish the Zoning Administrator with the following:
- A. One (1) copy of the recorded Master Deed;
 - B. One (1) copy of all restrictive covenants;

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- C. Two (2) copies of an "as built" survey. The "as built" survey shall be reviewed by the Zoning Administrator for compliance with Township Ordinances. Fees for review and hearing processes shall be established by resolution of the Township Board.

Section 10.7 Review and Approval of Condominium and Site Condominium Projects:

1. Purpose and Scope.

- A. Tracts of Land that are developed and sold as site condominium developments and condominium developments are not subject to regulation under the Michigan Land Division Act. The Township determines that it is in the best interest of public health, safety, and welfare to regulate site condominium developments and condominium developments to assure that the developments will not adversely affect the occupants thereof, or other properties in the Township.
- B. This chapter covers both site condominiums and condominiums, whether for residential use or non-residential use. The references herein to site condominiums shall also include condominiums; accordingly, the requirements of this chapter for submission of condominium plans and for Township consideration and approval thereof shall apply to condominium developments as well as to site condominium developments.

2. Definitions: Unless otherwise defined by this Section, words shall have the meanings as set forth in the Condominium Act, Act 59 of the Public Acts of 1978, as amended.

3. Preliminary Standards of Approval: Concurrently with notice required to be given, the Charter Township of Oscoda, pursuant to Section 71 of the Condominium Act, Act 59 of the Public Acts of 1978, as amended, a person, firm, or corporation intending to develop a condominium project in the Township shall provide the following information:

- A. The name, address, and telephone number of:
 - (1) All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - (2) All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the project.
 - (3) The developer or proprietor of the condominium project.
- B. The legal description of the land on which the condominium development will be developed together with any proposed expansion plans and appropriate tax identification numbers.
- C. The acreage of the land on which the condominium development will be developed.
- D. Proposed project land use(s) (for example, residential, commercial, industrial, etc.) and the number of acres of each type of land use proposed.
- E. Approximate number of condominium units to be developed on the subject parcel.
- F. A utility plan including the descriptions of water, sanitary sewer, electric, and gas.
- G. Topographical Maps.

4. Information to be Kept Current: The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a zoning compliance permit has been issued.

5. Site Plan Requirements:¹¹

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- A. **New Projects:** Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium project shall undergo site plan review and approval pursuant to Article X, Site Plan Review Procedures. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any zoning compliance permit.
- B. **Expandable or Convertible Projects:** Prior to the expansion or conversion of a condominium project to include additional land, the new phase of the project shall undergo site plan review and approval pursuant to this article, Site Plan Review Procedures. The conversion of any development to the condominium form of ownership shall require all standards and requirements of the Ordinance regarding condominiums to be met.
- C. **Lot, Building and Yard Requirements:**
- (1) Each residential unit shall be provided with a minimum of six thousand (6,000) square feet of lot area that is dedicated as yard for that unit or in the case of common property ownership a minimum of six thousand (6,000) square feet multiplied by the total number of units is required for the site.
 - (2) Each residential unit shall contain a minimum of five hundred (500) square feet of floor area.⁸
 - (3) Site coverage for all structures, including all principal use and Accessory Structures, shall not exceed thirty-five (35) percent.
 - (4) Non-residential condominiums shall be subject to the requirements that are established by the Township Planning Commission during site plan review procedures.
- D. **Parking and Recreational Vehicle Storage Requirements:** Transient use buildings, such as motels, hotels and resort cottages that are being converted to condominium form of ownership will most likely require more parking area as compared to the often-single vehicle arriving for the short stay transient use. Without hindering sufficient emergency vehicle ingress/egress routes, condominium conversion properties shall be required to provide for vehicle parking and recreational vehicle storage as follows:
- (1) Two (2) spaces for each residential unit, plus one (1) visitor parking space for every three (3) residential units.
 - (2) When deeded restrictive covenants do not prohibit recreational vehicles from entering the property, three hundred (300) square feet of recreational vehicle storage parking will be required for each residential unit.
6. **Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished:** The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: one (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built" survey. The "as built" survey shall be reviewed by the Zoning Administrator for compliance with Ordinances. Fees for this review shall be established by resolution of the Township Board.
7. **Monuments Required:** All condominium projects, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.
- A. All monuments used shall be made of solid iron or steel bars at least one-half ($\frac{1}{2}$) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 - B. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of roads and alleys and at all

-
- angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a road to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the roads.
- C. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 - D. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
 - E. All required monuments shall be placed flush with the ground where practicable.
 - F. All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (½) inch in diameter, or other approved markers.
 - G. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Treasurer cash or a certified check, or irrevocable bank letter of credit to Oscoda Township, whichever the proprietor selects in an amount to be established by resolution of the Township Board. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- 8. Compliance with Federal, State and County statutes, and Local ordinances, including the State Condominium Act 59.
 - 9. All State, County, and local permits be obtained.
 - 10. **Occupancy of Condominium Project:** The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that cash, a certified check, surety bond or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.
 - 11. **Site Condominiums:**
 - A. A single-family detached condominium project shall be subject to all the requirements and standards of the applicable zoning districts, as provided by this Ordinance.
 - B. A single-family detached condominium project shall be subject to the design layout and engineering design standards of the Charter Township of Oscoda and/or Iosco County applicable to subdivisions platted pursuant to PA 288 of 1967, as amended.
 - 12. **Final Documents to be Provided—Final review by Planning Commission:** The Site Condo Master Deed must be submitted for review before final site plan is approved. The Master Deed must include:
 - A. The Site Condo By-Laws.
 - (1) Defining maintenance and assuring that the private roads are compliant with the Iosco County Road Commission.
 - (2) The usage and maintenance of common elements be defined.
 - B. The utilities plan including ownership of easements and rights for usage.
 - C. The survey plans.
 - D. Any non-exclusive easement(s).

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13. Upon local and County approval, a Land Use permit must be obtained, and the Master Deed shall be registered prior to the commencement of construction.

(Ord. of 10-12-2020)

Section 10.8 Performance Guarantees:

1. To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the Township Treasurer to ensure faithful completion of the improvements and also be subject to the following:
 - A. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity of the project. The Township may not require the deposit of the performance guarantee prior to the time when the County is prepared to issue the permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.
 - B. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
 - C. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage.

Section 10.9 Required Fees:

Fees for the review of site plans shall be established by resolution of the Township Board.

CORRIDOR BUSINESS DISTRICT

Section 4.14

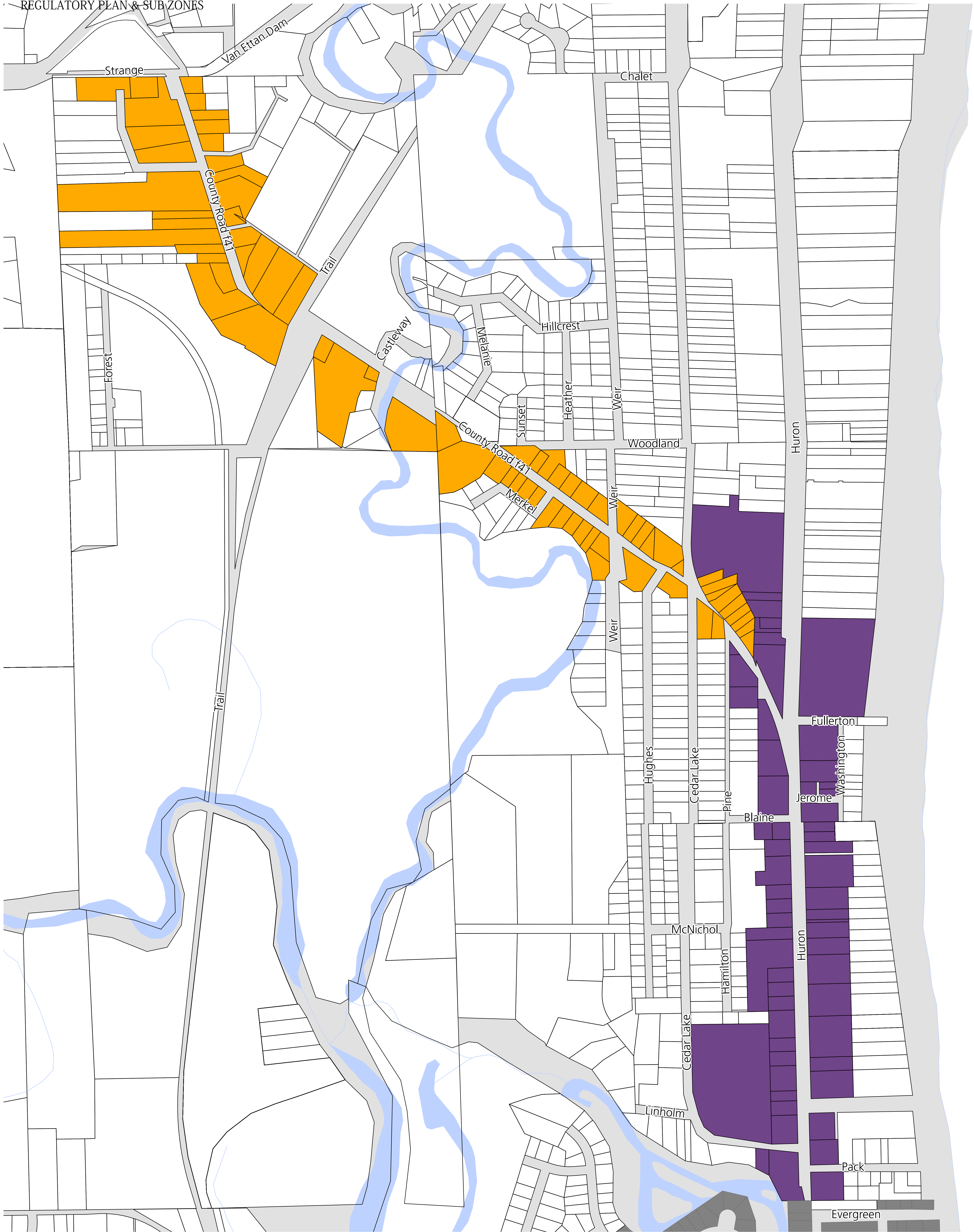
CHARTER TOWNSHIP OF OSCODA CORRIDOR BUSINESS DISTRICT

Section 4.14.1

INTENT

The US-23 and F-41 corridors have been developed as a traditional commercial corridor with an expansive road right-of-way flanked on either side by a mix of commercial buildings. The development pattern has been regulated by a zoning ordinance that permits a variation in the front yard setback depending on the property. As a result, the corridor lacks a cohesive identity.

The intent of the Corridor Business District is to improve the physical appearance, economic vitality, and pedestrian access of the US-23 and F-41 auto-oriented commercial corridors. This is achieved through a combination of public realm and private development design components, including, but not limited to, defined vehicular and pedestrian zones, landscaping, building and parking lot placement, internal shared access, and provisions for mixed-use development.



OSCODA TOWNSHIP

Regulating Plan - Form Based Code

Data Sources: State of Michigan Geographic Data Library

- US-23 Zone
- F41 Zone
- Parcel

Section 4.14.3

PURPOSE, USES, GENERAL STANDARDS, SPECIAL USE PERMIT STANDARDS, & SPLICING

4.14.3.1 Purpose

The purpose of the Corridor Business District is to create an attractive and accessible, auto-oriented commercial and mixed-use district while safely accommodating pedestrian circulation through purposeful design. Specifically, the district address one of the goals in the Oscoda Township Strategic Plan: *Create an environment where residents, development, and businesses can be successful.*

The text and diagrams for the Corridor Business District address the location and extent of land uses that implement the vision articulated by the community through several public sessions focused on strategic planning and corridor revitalization.

4.14.3.2 Uses

Regulated uses are identified for each zone either as a Permitted Use (By Right) or a use requiring a Special Land Use Permit (SLUP). All SLUP uses must address the General Standards listed below. If the SLUP has additional standards over and above the General Standards, the Use-Specific Standards column references that specific section of the Zoning Ordinance. Otherwise, SLUP uses must meet the General Standards below. All uses will require the submission of a site plan pursuant to Article X, and Section 10.5 of the Zoning Ordinance.

4.14.3.3 General Standards for Special Land Use Permits

The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

- a. Be incumbent upon the Planning Commission when considering Special Land Use Permits that the proposed use be in accordance with the general objectives of the current master plan, to the maximum extent possible.
- b. Be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
- c. Not be hazardous or disturbing to existing or future neighboring uses.
- d. Represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
- e. Be served adequately by necessary public services and

utilities, such as highways streets, drainage structures, sanitary sewers, water, police, and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.

- f. Not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
- g. Not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odors.
- h. Be consistent with the intent and purposes of this Ordinance in general, and Article X, basis for approval (for site plans) in particular.

4.14.3.4 Splicing

The Corridor Business District focuses attention on the development and form of public and private properties and spaces within the area designated on the Regulating Plan referenced in Section 4.14.2. Requirements regarding site development standards such as parking, lighting, and encroachments included in this Ordinance will take precedence over the requirements in the Oscoda Township Zoning Ordinance.

The Corridor Business District will replace Section 4.14 General Business District (B-2) of the Oscoda Township Zoning Ordinance.

All other provisions of the Oscoda Township Zoning Ordinance remain intact and valid.

4.14.3.5 Properties Currently Developed and Occupied

- a. Occupied and vacant buildings that exist at the time of ordinance adoption do not need to comply with this Section until such time they are renovated.
- b. Occupied or vacant buildings that exist at the time of ordinance adoption that undergo renovation exceeding 100% of the taxable valuation in the year of the renovation, shall comply with all provisions of the ordinance except Section 4.14.4.2 and 4.14.4.4.
- c. Buildings that are demolished and newly constructed shall comply with all provisions of this Section.



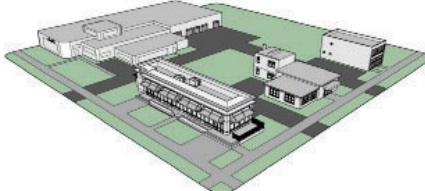
Section 4.14.4

REGULATED USES & DIMENSIONAL REQUIREMENTS

4.14.4.1 US-23 Regulated Uses

REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING	LOADING
Residential				
<i>Gross Square Feet = gsf</i>				
Apartments	SLUP	---	1.5 / dwelling unit	
Townhomes	SLUP	---	2 / dwelling unit	
Live / Work Unit	SLUP	---	2 / dwelling unit	
Upper Story Residential	By Right	---	1 / dwelling unit	
Commercial				
Hotels and Motels	SLUP	§9.12.30	1 / guest room	§6.7.6
Fraternal Organizations & Clubs	SLUP	§9.12.18	1 / 3 occupancy	
Outside Sales & Displays	SLUP	§9.12.32	1 / 1,000 gsf	
Vehicle Dealerships	SLUP	---		§6.7.6
Microbreweries	By Right	---	1 / occupancy	
Personal Care Services (Salons, Barber, etc)	By Right	---	4 / 1,000 gsf	§6.7.6
Professional Services	By Right	---	3 / 1,000 gsf	
Technical Services	By Right		3 / 1,000 gsf	
Recreational Facilities	By Right	---	1 / 3 occupancy	
Retail Sales Establishment – General	By Right	---	3 / 1,000 gsf	§6.7.6
Retail Sales Establishment – Department	By Right	---	4 / 1,000 gsf	§6.7.6
Retail Sales Establishment – Food & Beverage	By Right	---	3 / 1,000 gsf	§6.7.6
Retail Sales Establishment – Products Produced On-site	By Right	---	3 / 1,000 gsf of sales area	§6.7.6
Restaurants (Dining In Only)	By Right	---	1 / 3 occupancy	§6.7.6
Restaurants (Drive-Thru and Dine In)	SLUP	§9.12.14	1 / 3 occupancy	§6.7.6
Small Distilleries	By Right	---	1 / 3 occupancy	§6.7.6
Small Wineries	By Right	---	1 / 3 occupancy	§6.7.6
Tasting Rooms	By Right	---	1 / 3 occupancy	§6.7.6
Theaters	SLUP	§9.12.42	0.25 / 1 occupancy	
Veterinary Clinics	By Right	---	2.5 / employee	
Transportation & Utility Uses				
Off-site Public or Private Parking	By Right	---	---	
Small Cell Wireless Facilities	By Right	§6.25	---	
Other Uses				
Vehicle Wash Establishments	SLUP	§9.12.47	4 / 1,000 gsf	
Recreation Vehicle Sales & Services	SLUP	§9.12.36	4 / 1,000 gsf	§6.7.6
Places of Worship	SLUP	§9.12.8	1 / employee	
Attached Leaseable Buildings	SLUP	---	3 / 1,000 gsf	§6.7.6
Used Motor Vehicle Sales	SLUP	§9.12.49	1.5 / 1,000 gsf	§6.7.6
Mini-Warehouses & Storage Units	SLUP	§9.12.29	2 / 1,000 gsf of office	



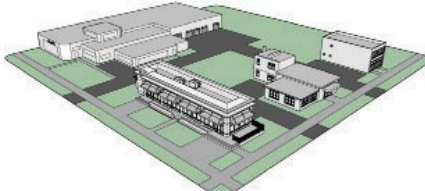
4.14.4.2 US-23 Dimensional Standards & Building Form

DIMENSIONAL STANDARDS & BUILDING FORM		
Lot Occupation		
Minimum Lot Width	50 feet	
Minimum Lot Area	5,000 square feet	
Base Density	16 dwelling units / acre	
Maximum Lot Coverage (% covered by buildings)	70%	
Maximum Impervious Coverage (% covered by impervious surfaces)	85%	
Principal Structures		
Built-to-Line	20 feet from ROW	
Side Setback	20 feet	
Corner Lot Side Setback	10 feet	
Rear Setback	10 feet	
Maximum Height	4 stories / 50 feet	
Minimum 1 st Floor Ceiling Height	15 feet	
Minimum Upper Story Ceiling Height	9 feet (floor elevation to ceiling)	
Minimum 1 st Floor Elevation	---	
Maximum 1 st Floor Elevation	1 foot above grade	
Minimum Ground Floor Area	---	
Minimum Floor Area / Unit	---	
Uses Allowed On 1 st Floor	Non-Residential	
Uses Allowed On Upper Floors	Non-Residential & Residential	
Base Density for Residential Developments	18 units / acre	
Principal Building Forms		
Apartment Building	Mixed Use Building	Commercial Building
		
Accessory Structures		
Permitted Locations	Rear yard only	
Front Setback	---	
Side Setback	---	
Corner Lot Side Setback	---	
Rear Setback	10 feet	
Maximum Height	2 stories / 25 feet	
Maximum Ground Floor Elevation	6 inches	
Maximum Number	---	
Maximum Ground Floor Area (cumulative)	≤ 15% of principal building	

4.14.4.3 F-41 Regulated Uses

REGULATED USES	APPROVAL TYPE	USE-SPECIFIC STANDARDS	MAXIMUM PARKING	LOADING
Residential			<i>Gross Square Feet = gsf</i>	
Single Family (Existing at Time of Ordinance Adoption)	By Right	---	2 / dwelling unit	
Two-Family (Existing at Time of Ordinance Adoption)	By Right		1.5 / dwelling unit	
Apartments	SLUP	---	1.5 / dwelling unit	
Townhomes	SLUP	---	2 / dwelling unit	
Live / Work Unit	SLUP	---	2 / dwelling unit	
Upper Story Residential	By Right	---	1 / dwelling unit	
Commercial				
Fraternal Organizations & Clubs	SLUP	§9.12.18	1 / 3 occupancy	
Outside Sales & Displays	SLUP	§9.12.32	1 / 1,000 gsf	
Microbreweries	By Right	---	1 / occupancy	
Personal Care Services	By Right	---	4 / 1,000 gsf	§6.7.6
Professional Services	By Right	---	3 / 1,000 gsf	
Technical Services	By Right		3 / 1,000 gsf	
Retail Sales Establishment – General	By Right	---	3 / 1,000 gsf	§6.7.6
Retail Sales Establishment – Food & Beverage	By Right	---	3 / 1,000 gsf	§6.7.6
Retail Sales Establishment – Products Produced On-site	By Right	---	3 / 1,000 gsf of sales area	§6.7.6
Restaurants (Dining In Only)	By Right	---	1 / 3 occupancy	§6.7.6
Restaurants (Drive-Thru and Dine In)	SLUP	§9.12.14	1 / 3 occupancy	§6.7.6
Veterinary Clinics	By Right	---	2.5 / employee	
Transportation & Utility Uses				
Off-site Public or Private Parking	By Right	---	---	
Small Cell Wireless Facilities	By Right	§6.25	---	
Other Uses				
Attached Leaseable Buildings	SLUP	---	3 / 1,000 gsf	§6.7.6
Mini-Warehouses & Storage Units	SLUP	§9.12.29	2 / 1,000 gsf of office	

4.14.4.4 F-41 Dimensional Standards & Building Form

DIMENSIONAL STANDARDS & BUILDING FORM		
Lot Occupation		
Minimum Lot Width	50 feet	
Minimum Lot Area	5,000 square feet	
Base Density	16 dwelling units / acre	
Maximum Lot Coverage (% covered by buildings)	70%	
Maximum Impervious Coverage (% covered by impervious surfaces)	85%	
Principal Structures		
Built-to-Line	15 feet from ROW	
Side Setback	15 feet	
Corner Lot Side Setback	15 feet	
Rear Setback	10 feet	
Maximum Height	2 stories / 35 feet	
Minimum 1 st Floor Ceiling Height	15 feet	
Minimum Upper Story Ceiling Height	9 feet (floor elevation to ceiling)	
Minimum 1 st Floor Elevation	---	
Maximum 1 st Floor Elevation	1 foot above grade	
Minimum Ground Floor Area	---	
Minimum Floor Area / Unit	---	
Uses Allowed On 1 st Floor	Non-Residential	
Uses Allowed On Upper Floors	Non-Residential & Residential	
Principal Building Forms		
Apartment Building	Mixed Use Building	Commercial Building
		
Accessory Structures		
Permitted Locations	Rear yard only	
Front Setback	---	
Side Setback	---	
Corner Lot Side Setback	---	
Rear Setback	10 feet	
Maximum Height	2 stories / 25 feet	
Maximum Ground Floor Elevation	6 inches	
Maximum Number	---	
Maximum Ground Floor Area (cumulative)	≤ 15% of principal building	

Section 4.14.5
GENERAL CORRIDOR STANDARDS

4.14.5.1 Intent

This section provides a general description of how buildings and parking lots should be placed along the US-23 and F-41 corridors. The former B-2 district requirements did not require a uniform standard for the front yard setback. As a result, there is no continuity along the corridor. Some properties have large parking lots along the frontage with the building setback from the highway, others have the building close to the right-of-way with parking perpendicular to the highway. The expanse of open space between opposing sides of the highway detracts from the business district and inherently increases vehicular speeds.

The US-23 corridor just north of Evergreen expands from 66 feet to 100 feet. Figure 1 illustrates how that 100 foot right-of-way is used.

4.14.5.2 Corridor Zones

Economically vibrant commercial corridors balance vehicular and pedestrian circulation, array of land uses, and aesthetics and appearance. Figure 2 illustrates the corridor zones for the B-2 Corridor Business District. These zones accommodate different elements that frame the functionality, appearance, and form of the corridor. Zone A and B are within the public right-of-way and zone C and D are located on private property.

Figure 1: US-23 Corridor Right-of-Way Existing Configuration

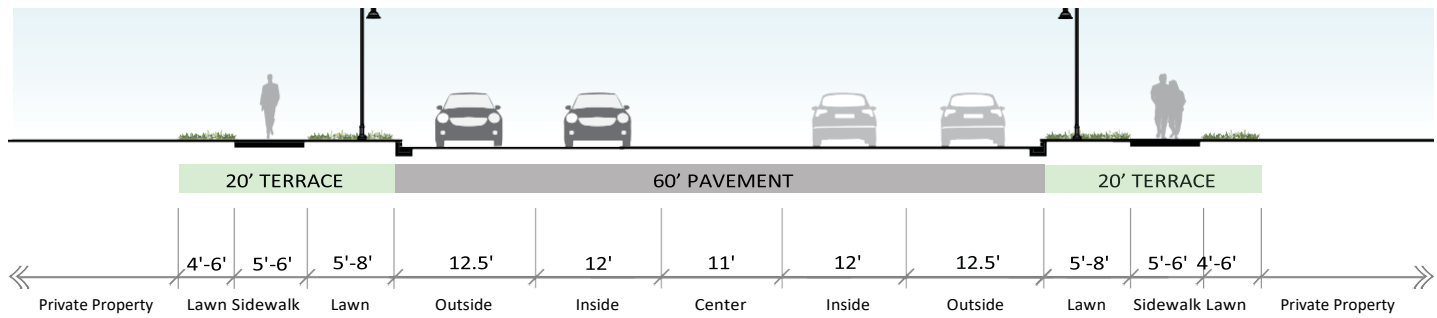
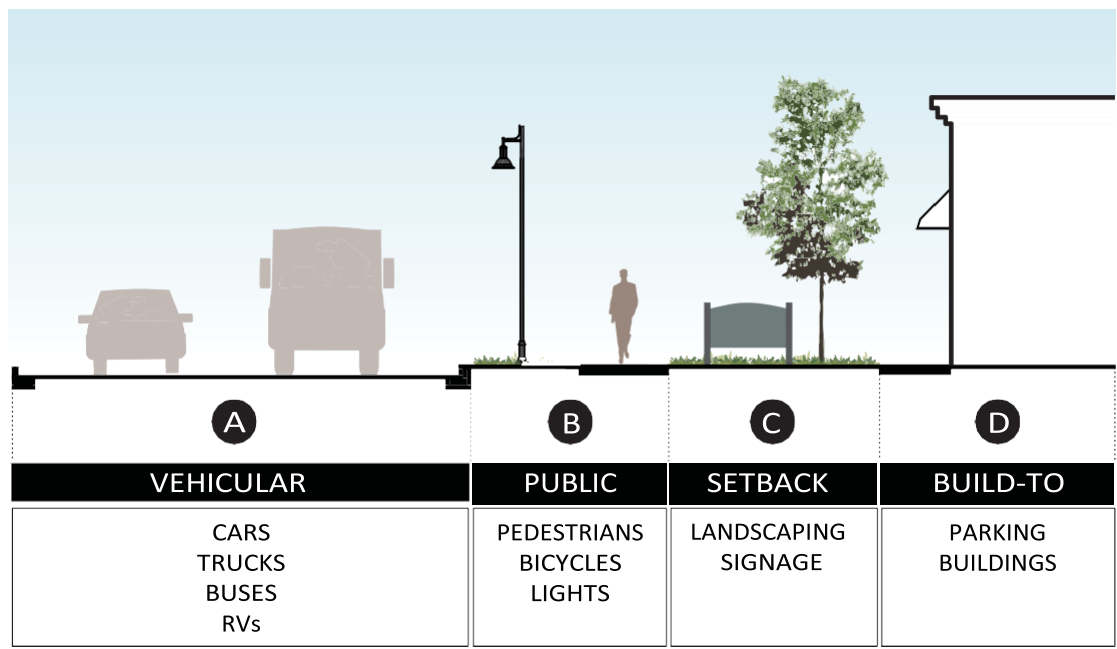


Figure 2: US-23 Corridor Zones



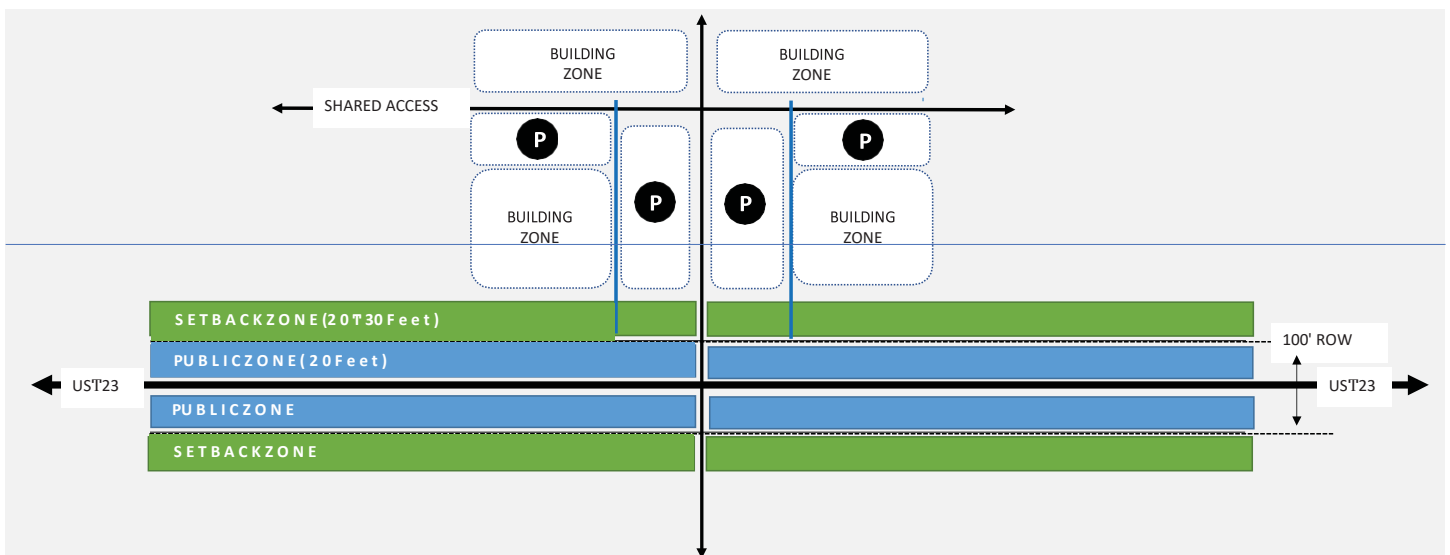
4.14.5.3 Building and Parking Lot Placement Standards for US-23

The illustration (Figure 3) below graphically depicts the placement of new buildings constructed along the corridor. This arrangement accomplishes several important design components. First, it brings the structure closer to the highway, and secondly parking is subordinate to the principal structure.

Placement of the structure closer to the road, in conjunction with the frontage landscape zone, softens the harshness of the five lane highway. This combination of building placement and landscape area enhances the visual perception of the corridor. The placement of the building and parking lots shall conform to the following standards:

- New buildings shall be placed along the build-to-line which extends 20 feet from the right-of-way line.
- The building primary entrance shall face onto the parking lot. Secondary entrances shall be permitted on additional facades.
- The portion of the building facade that fronts upon the landscape zone shall meet the window transparency standards outlined in Section 4.14.6.8..
- A sidewalk shall be extended from the pedestrian zone sidewalk to the building entrance and shall extend along the parking lot frontage of the building. The sidewalk shall have a minimum width of 6 feet. If addition building(s) are placed on the subject property the sidewalk shall extend to those buildings, as well.
- The landscape zone shall be planted with a combination of trees (TABLE 1), shrubs (TABLE 2) and ground cover (TABLE 3) per Section 4.14.6.18.
- When parking lots from adjoining properties abut each other a shared internal access drive shall be provided per Section 4.14.6.2.
- Mixed uses on the same property are encouraged. The placement of these uses will require approval from the Planning Commission as part of the site plan approval process outlined in Section 7.3. On mixed-use properties non-residential uses are encouraged adjacent to US-23 with residential uses located in the rear of the parcel. If a property is entirely developed as residential the landscape zone shall be increased by extending the built-to-line to 30 feet from the right-of-way to provide an adequate buffer from traffic noise.
- Parking lots shall be screened with landscaping that provides year-round screening or a masonry wall at least 42 inches in height, or combination of both.

Figure 3: Building and Parking Placement US-23



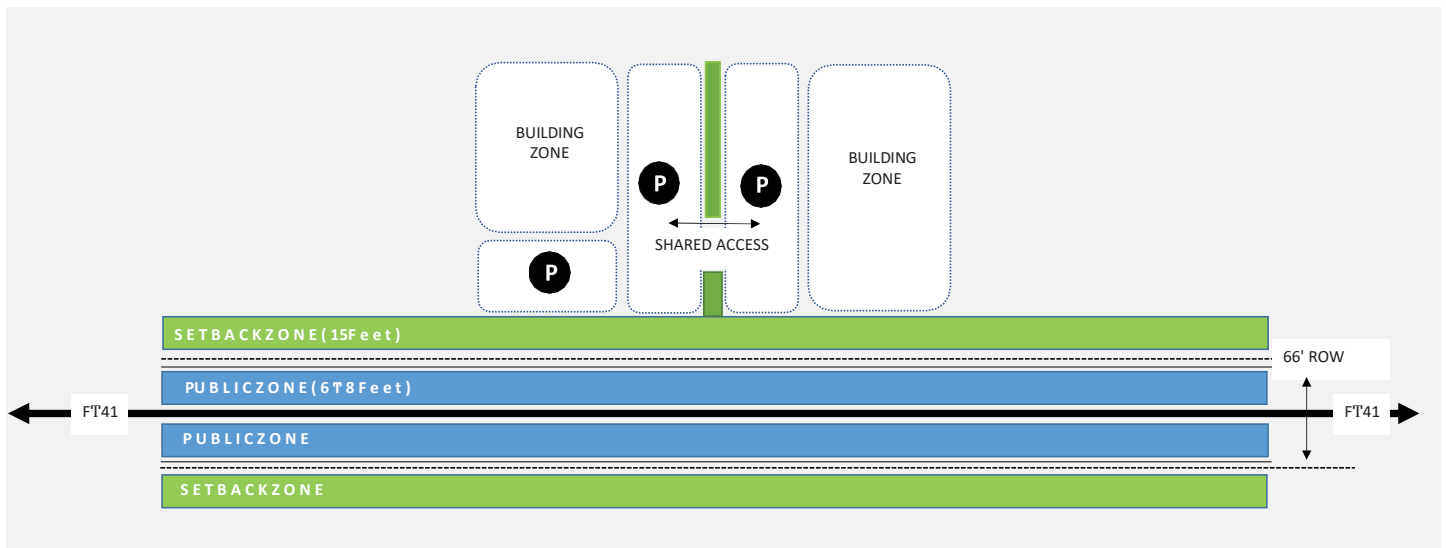
4.14.5.4 Building and Parking Lot Placement Standards for F-41

The illustration (Figure 4) below graphically depicts the placement of new buildings constructed along the corridor reflecting existing development patterns and accounting for the width and depth of properties along this corridor. The F-41 corridor, unlike the US-23 corridor, is comprised of small parcels many on individual parcels.

The placement of the building and parking lots shall conform to the following standards:

- a. New buildings can be placed along the build-to-line which extends fifteen feet (15') from the right-of-way line or behind front yard parking spaces.
- b. Off-street parking can be provided in the front yard along the build-to-line and perpendicular to the building depending on the lot configuration.
- c. The building primary entrance shall face onto the parking lot.
- d. The portion of the building facade that fronts upon the public zone shall meet the window transparency standards outlined in Section 4.14.6.8.
- e. A sidewalk shall be extended from the pedestrian zone sidewalk to the building and shall extend along the parking lot frontage of the building. The sidewalk shall have a minimum width of six feet (6'). If additional building(s) are placed on the subject property the sidewalk shall extend to those buildings, as well.
- f. The landscape zone shall be planted with a combination of trees (TABLE 1), shrubs (TABLE 2) and ground cover (TABLE 3) per Section 4.14.6.18.
- g. When parking lots from adjoining properties abut each other a shared internal access drive shall be provided per Section 4.14.6.2.
- h. Parking lots shall be screen with landscaping or a masonry wall at least 42 inches in height, or combination when they abut the setback zone.

Figure 4: Building and Parking Placement F-41



Section 4.14.6

SITE STANDARDS

4.14.6.1 Access Management

- a. Access for an individual parcel, lot, or building site or for contiguous parcels, lots or building sites under the same ownership shall consist of either a single two-way driveway or a paired system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.
- b. For a parcel, lot, or building site with frontage exceeding 600 feet, or where a parcel, lot, or building site has frontage on at least two streets, an additional driveway may be allowed, provided that a traffic impact study is submitted by the applicant showing that conditions warrant an additional driveway and that all driveways are at least 245 feet apart.
- c. Certain developments generate enough traffic to warrant consideration of an additional driveway to reduce delays for exiting motorists. Where possible, these second access points should be located on a side street or service drive, or shared with adjacent uses, or designed for right-turn-in, right-turn-out only movements and shall be spaced 245 feet apart. In order to be considered for a second driveway on US-23 or F-41 combined approach volumes (entering and exiting) of a proposed development shall exceed 100 directional trips during the peak hour of traffic and a traffic impact study shall be performed.

4.14.6.2 Internal Access Drives

Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

4.14.6.3 Driveways and Drive-Thrus

Access drives into parking areas should be strategically placed so that they do not create vehicular conflicts with turns nor create disruptions and conflicts with pedestrian access.

Shared parking is encouraged to minimize the number of unnecessary drives. In addition, drive-thrus should be compactly and efficiently designed to allow for proper circulation around drive-thru areas and reduce conflicts with vehicular traffic and other driveways.

4.14.6.4 Shared Parking

Shared parking for multiple uses on the same parcel or between adjacent properties is encouraged whenever feasible. Establishing a shared parking lot shall include an easement agreement legally describing the parking area for shared use, and a maintenance agreement between the property owners of the parcels served by the shared parking lot. The agreements shall be recorded at the Iosco County Register of Deeds and may be required by the Township prior to issuance of a land use permit.

4.14.6.5 Site Lighting

- a. Streetlights shall be a general type specified by the Township.
- b. Wall pack lighting shall only be used on the rear or side of the building to illuminate exits and loading facilities.
- c. Front facade illumination lighting may be used but will require the approval of the Planning Commission.
- d. Parking lot lighting pole height (including luminaire) shall not exceed the height of the building or 22 feet whichever is less. Lighting levels shall not exceed 2 footcandles. Parking lot lights shall have full cut-off shields.
- e. Building entries and high volume pedestrian areas can provide up to a maximum of 4 footcandles.
- f. All lighting fixtures shall comply with International Dark-Sky Association (IDA) standards.
- g. Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.

4.14.6.6 Signs

Signs shall conform to Section 3.3.2 with the exception that freestanding signs shall not exceed six feet (6') in height.

4.14.6.7 Water Quality and Storm Water

All projects shall incorporate low impact development (LID) water quality technologies. Low impact development water quality technologies shall include, but are not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures.

4.14.6.8 Facade Components

- a. Ground Floor Windows and Transparency. A minimum of 50% of the ground floor story front facade between 2 feet and 8 feet above the sidewalk must be comprised of transparent, non-reflective windows into the nonresidential space. Tinted windows shall be prohibited.
- b. Upper Story Windows and Transparency. A minimum of 30% of the upper story front facade measured floor to floor shall have transparent, non-reflective, vertically oriented windows. Windows may use a maximum tint of 80% (blocking only 20% of light).

4.14.6.9 Facade Massing - Buildings Less Than 50,000 Sq.Ft.

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet.

4.14.6.10 Facade Massing - Buildings Over 50,000 Sq.Ft.

Individual retail uses with at least 50,000 square feet of floor area and/or façades greater than 150 feet in width shall comply with the following:

- a. Prominent entry. The storefront shall integrate a prominent entry feature combining substantial roofline modulation with vertical building modulation and a distinctive change in materials and/or colors.
- b. Roofline modulation. The minimum vertical dimension of roofline modulation (required above) is the greater of 6 feet or 0.3 multiplied by the wall height (finish grade to top of the wall).
- c. Façades wider than 300 feet shall incorporate at least two entry / articulation features (if there is only one entry, the second feature may be less prominent).

4.14.6.11 Roofs / Rooftops

- a. When flat roofs are used, parapet walls with three-dimensional cornice treatments shall be used to conceal the roof.
- b. Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings as an alternative to flat roofs.
- c. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with

a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact as seen from public street, existing single family uses, and land zoned for residential and agricultural uses.

- d. Outdoor rooftop dining and lounges are allowed subject to meeting applicable building and fire codes.

4.14.6.12 Customer Entrances

Each side of a building facing a public street or internal parking lot shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets.

4.14.6.13 Off-Street Parking

Off-street parking is required. The orientation of the parking lot shall be perpendicular to the highway. The Planning Commission may waive this requirement if the configuration of the property can not accommodate this provision.

If a property has more than one use, shared parking between the uses is encouraged, and the Planning Commission can determine the amount of shared parking based on the type of uses.

4.14.6.14 Site Amenities

Bicycle parking and loops/racks must be provided on site based on a ratio of 1 bicycle stall per 20 vehicular parking spaces.

4.14.6.15 Building Materials

- a. Metal Siding. Masonry, concrete, or other durable material must be incorporated between metal siding and the ground plane (at least 2 feet above grade)
- b. Concrete Block. When used for the primary façade (containing the primary pedestrian entrance), buildings are encouraged to incorporate a combination of textures and/or colors. For example, combining split or rock-façade units with smooth blocks can create distinctive patterns. Specifically a singular style and texture of concrete block may comprise no more than 50 percent of a façade facing a street or open space.
- c. Stucco.
 1. Trim. Stucco and similar troweled finishes (including Exterior Insulation and Finish system or "EIFS") must be sheltered from extreme weather and are limited to no more than 50 percent of façades containing a customer or resident entry
 2. Ground Level. Stucco, EIFS, and similar surfaces shall not be used within 15 feet of the ground

plane. Concrete, masonry, or other durable material must be used in the first 15 feet above grade.

4.14.6.16 Service Elements

Service elements include trash receptacles and enclosures, recycling areas, and temporary rear outdoor storage and delivery areas.

- a. Service Element Location. Service areas shall be located to minimize the negative visual, noise, odor, and physical impacts to the street environment, adjacent (on and off-site) residents or other uses, and pedestrian areas.
- b. Service Element Paving. The designated spot for service elements shall be paved with concrete.
- c. Service Element Enclosures. Trash, waste and recycled oil receptacles shall be enclosed by a masonry/brick enclosure with steel gates. The surface within the enclosure shall be constructed with deep-strength, reinforced concrete, as well as the approach apron to the enclosure.

4.14.6.17 Utility Meters

These elements shall be located and/or designed to minimize their visibility to the public. Preferred locations are off alleys, service drives, within or under buildings or other locations away from the street. If such elements are mounted in a location visible from the street, pedestrian pathway, common open space, or parking areas, they shall be screened with vegetation or by architectural features.

4.14.6.18 Landscaping

- a. Plantings. All required plantings shall use a variety of species to introduce diversity and create resiliency against disease and infection.
- b. Street Frontage. The landscape zone along US-31 and F-41 shall be landscaped with street tree planting with a spacing of 35 feet per tree and a tree size of 3 inch caliper, measured 4 feet above grade. Tree species shall be selected from Table 1.
- c. Parking Lots. A minimum of 10% of the parking area (inclusive of drive aisles) should be landscaped. Parking areas should also be screened via landscaping and/or walls or fences from adjacent to US-23 and F-41 or adjacent residential uses. Landscaping shall consist of plant materials from Table 1, Table 2, and Table 3.
- d. Tree Islands. Off-street parking areas with more than twenty parking spaces shall contain treed islands, which shall meet the following requirements:
 1. Dimension. Islands shall be 180 square feet

TABLE 1

NATIVE TREES
Trembling Aspen - <i>Populus tremuloides</i>
White ash - <i>Fraxinus americana</i>
Beech - <i>Fagus grandifolia</i>
Black cherry - <i>Prunus serotina</i>
Ironwood Sugar maple - <i>Acer saccharum</i>
Bur oak - <i>Quercus macrocarpa</i>
Red oak - <i>Quercus rubra</i>
White oak - <i>Quercus alba</i>
Red pine - <i>Pinus resinosa</i>
Eastern Hemlock - <i>Tsuga canadensis</i>
Sugar maple - <i>Acer saccharum</i>
White birch - <i>Betula papyrifera</i>
White spruce - <i>Picea glauca</i>
American beech - <i>Fagus grandifolia</i>
Eastern white pine - <i>Pinus strobus</i>

TABLE 2

NATIVE SHRUBS
Maple leaf viburnum - <i>Viburnum acerifolium</i>
Chokecherry - <i>Prunus virginiana</i>
Gray dogwood - <i>Cornus foemina</i>
New Jersey tea - <i>Ceanothus americanus</i>
Serviceberry - <i>Amelanchier arborea</i>
Fragrant sumac - <i>Rhus aromatica</i>
Yew - <i>Taxus canadensis</i>
Ground juniper - <i>Juniperus communis</i>
Round-leaved dogwood - <i>Cornus rugosa</i>
Arrow-wood viburnum - <i>Virburnum dentatum</i>
Carolina rose - <i>Rosa Carolina</i>

TABLE 3

NATIVE GROUND COVERS
Bearberry - <i>Arctostaphylos uva-ursi</i>
Canada mayflower - <i>Maianthemum canadense</i>
Bracken fern - <i>Pteridium aquilinum</i>
Bunchberry - <i>Cornus canadensis</i>
Large-leafed aster - <i>Aster macrophyllus</i>
Creeping wintergreen - <i>Gaultheria procumbens</i>
Wild ginger - <i>Asarum canadense</i>
Trout lily - <i>Erythronium americanum</i>
Canada anemone - <i>Anemone canadensis</i>
Foamflower - <i>Tiarella cordifolia</i>
Common Blue Violet - <i>Viola sororia</i>

with a minimum dimension of nine feet in any direction. Islands shall be surrounded with a 6 inch high concrete barrier curb.

2. Snow storage. Islands shall not be used for snow storage.
3. Stormwater Management. Tree islands may be used for the collection and management of stormwater runoff. Appropriate plant species for this type of application shall be used.
4. Plant materials. Plant materials used in the tree islands shall consist for plants specified in Table 2, Table 3, and Table 4. Trees shall only be of deciduous or canopy variety. Small shrubs, flowers, ground cover or turf grass shall be planted in the islands. Wood and/or stone mulch are also permitted but shall not be used as the sole surface cover.
5. Installation. Plant materials other than ground cover and turf grass in the islands shall be set back a minimum of 3 feet from the curb to avoid damage from overhanging car bumpers and doors.
6. Specifications. Plant materials other than canopy trees shall be limited to a mature height of no more than 2 feet within ten feet of any curb at a point of ingress or egress from the off-street parking area.
7. Island-End of Parking Bay. In addition to those required by the above, treed islands shall also be provided at the ends of each row of parking aisles. These islands shall be a minimum of 7 feet in width and extend the full length of the parking stalls. They shall be planted with 2 canopy trees each shall otherwise meet the requirements listed above.