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BOYNE CITY, CHARLEVOIX, EAST JORDAN, ELLSWORTH AND SURROUNDING AREAS **JULY 30, 2020**

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## AUG. 4 STATEWIDE PRIMARY ELECTION:

### Voters can vote safely from home or in person

Voters can safely cast their ballots in Michigan's statewide primary election on Aug. 4 to determine candidates at the local, state and federal levels for the general election on Nov. 3.

The Aug. 4 primary election has a partisan section and voters should only vote in one party section. Voters must choose whether to vote for candidates in either the Democratic Primary or Republican Primary (or neither). If a voter crosses over and votes for candidates in both primary sections, none of those votes will count. Every voter can vote in the nonpartisan and proposal section of the primary ballot.

The Secretary of State encourages voters who already have a ballot at home to fill it out and sign the back of the envelope. Then, with the election a week away, voters should put it in the mail immediately or, to avoid possible U.S. Postal Service delays, deliver it to their local clerk's secure ballot drop box if they have one, or to the clerk's office if possible.

In-person voting will be available in every jurisdiction for voters who choose to do so and will be provided in accordance with social distancing and safety protocols to ensure the safety of voters and election workers. Wearing a mask is strongly encouraged.

Voting from home is a right all Michigan voters have and is a safe way to vote and protect your health, and the process is secure. To obtain an absent voter ballot, voters must submit a request to their local clerk in one of the following ways:

- Voters with a Michigan driver's license or ID may apply online for an absent voter ballot at Michigan.gov/Vote.
- Voters may download and complete an absent



WIKIPEDIA IMAGE

voter ballot application at Michigan.gov/Vote, print it and sign it, OR write out a request for an absent voter ballot and sign it.

Signed applications/requests may be mailed to the clerk OR scanned or photographed and emailed to your clerk. Make sure the entire application, including your signature, is readable in the picture.

You can find your clerk's contact information at Michigan.gov/Vote or by calling your city or township office.

Accessible absent voter ballot applications are available at Michigan.gov/Vote. Voters with qualifying disabilities may apply for an accessible electronic ballot that can be marked remotely, printed and returned to the clerk.

Requests to have an absent voter ballot mailed to you must be received by your clerk no later than 5 p.m. the Friday before the

Election Day, voters have the option of voting early in their clerk's office until 4 p.m. on the day before the election.

Polling places will be open in every jurisdiction on Election Day for voters who want to vote in person and will follow distancing, hygiene and safety protocols. Voters are encouraged to wear masks and maintain social distance while at the polls.

Each polling location will have at least one voting station adapted to allow a person to vote while seated. In addition, all voters, including voters with disabilities, have access to a Voter Assist Terminal in all polling places. The Voter Assist Terminal helps the voter mark a ballot. It will mark the ballot with the voter's choices but does not tally the votes. Once the ballot is marked, it is counted in exactly the same fashion as all other ballots.

You can register to vote through Election Day. Citizens who are not yet registered to vote but who wish to do so in the Aug. 4 election may do so at the office of their local clerk up until 8 p.m. on Election Day. You can find your clerk's information at Michigan.gov/Vote.

Proof of residency must be provided if registering within two weeks of an election. Acceptable documents include a driver's license, state ID card, current utility bill, bank statement, paycheck, government check or other government document. Documents must have name and current address. Digital copies are acceptable.

**SEE LOCAL CANDIDATE LIST ON PAGE 2**

### 57th Annual Portside Arts Fair is August 1-2

The 57th Annual Portside Arts Fair will be held Saturday, August 1st, 10:00 AM to 5:00 PM and Sunday, August 2nd, 10:00 AM to 4:00 PM at the beautiful Elm Pointe Estate on the shores of the South Arm of Lake Charlevoix in East Jordan.

This family-friendly event features artists displaying their original works of art. Live music, historical museum open on site. Plenty of parking. Local food booth featuring homemade pies. Swimming and picnic areas.

Admission and parking are free however all donations made at the entry gate will benefit the local historical society, 01656 S. M-66 Hwy. Just 1.5 miles north of East Jordan. For more information contact 231-675-4841 or the East Jordan Area Chamber of Commerce or Portsideartsfair@gmail.com or www.portsideartsfair.org

### 2020 Evenings at the Gazebo Concert Series cancelled

The Boyne Area Chamber of Commerce Evenings at the Gazebo 2020 Concert Series has been cancelled for the season due to concerns for the health and safety of the community. Evenings at the Gazebo typically takes place each Wednesday evening mid-June through mid-August in Old City Park. The start of the event series was postponed until mid-July earlier this summer, but a full cancellation is now taking place.

The Boyne Area Chamber Board of Directors has had to make many difficult decisions regarding events this season. Cancellations are not something we want to do however, our first priority is always the welfare of our businesses, community members, and visitors. We look forward to seeing you in 2021!

A Special Thank You to the Sponsors for our 2020 Evenings at the Gazebo Concerts.

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**WHOLE SEEDLESS WATERMELONS**  
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**HONEY BUNCHES OF OATS CEREAL 13.5 - 14.5OZ., ASST. VARIETIES**  
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## weather forecast

| THURSDAY            | FRIDAY              | SATURDAY            | SUNDAY              | MONDAY              | TUESDAY             |
|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
|                     |                     |                     |                     |                     |                     |
| HIGH: 76<br>LOW: 54 | HIGH: 79<br>LOW: 57 | HIGH: 82<br>LOW: 60 | HIGH: 75<br>LOW: 55 | HIGH: 74<br>LOW: 52 | HIGH: 75<br>LOW: 53 |

### record temps

| DAY    | AVG    | LOW    | AVG    | HIGH   | RECORD LOW | RECORD HIGH |
|--------|--------|--------|--------|--------|------------|-------------|
| JUL 30 | ...55° | ...82° | ...40° | (1965) | ..97°      | (2006)      |
| JUL 31 | ...55° | ...82° | ...39° | (1962) | ..99°      | (1955)      |
| AUG 1  | ...55° | ...82° | ...43° | (1968) | ..99°      | (2006)      |
| AUG 2  | ...55° | ...81° | ...36° | (1959) | ..99°      | (2006)      |
| AUG 3  | ...55° | ...81° | ...33° | (1965) | ..98°      | (1988)      |
| AUG 4  | ...55° | ...81° | ...35° | (1971) | ..93°      | (1955)      |
| AUG 5  | ...54° | ...81° | ...39° | (1967) | ..96°      | (1988)      |
| AUG 6  | ...54° | ...81° | ...37° | (1975) | ..92°      | (1965)      |
| AUG 7  | ...54° | ...81° | ...39° | (1976) | ..93°      | (2001)      |
| AUG 8  | ...54° | ...81° | ...38° | (1989) | ..94°      | (1949)      |

### OBITUARIES

#### Shannon Michael Rake, 45

(DEC. 10, 1974 - JULY 13, 2020)

Shannon Michael Rake passed away unexpectedly on July 13, 2020 in East Jordan.

He was born December 10, 1974 in Jackson Michigan to the late Mark Rake and the late Sheila Imel.

He is survived by his son Damien Blackburn of Illinois. His siblings Dawn Jackson of Auburn Hills, Mi, Faith (The late Michael) Walsh of Lansing Mi, JoAnna (Richard) McCoy of Gaylord Mi, Melinda (Michael) Ennik of East Jordan and Brenton (Rebecca) Rake of Grand Rapids Mi, his grandmother Nancy Imel of Midland Mi, and many nieces and nephews, aunts and uncles. He is preceded in death by his parents, his grandparents Eugene and Teresa (Hoogveen) Rake, Marjorie(Nixon) Imel and John Imel.

The larger part of Shannon's life was a constant struggle. His faith in the Lord never wavered. He could recite many scripture by memory. Although faced with many challenges Shannon "Mike" received his GED and followed with his high school diploma. Then he went on to receive many certificates in multiple trades. Shannon's favorite pastimes include art, music, and technology. He loved tinkering making electronic gadgets with random parts

from anything. As well as working on vehicles. He was an amazing artist in many forms. He enjoyed drawing eyes because he was fascinated by them. Most importantly he loved his mom unconditionally and was not afraid to say he was a mama's boy. Shannon will be missed.

A memorial service will be held on Saturday, August 1, 2020 at 3PM at the Harvest Barn Church, East Jordan, Michigan.

#### Terry Michael Kupovits, 73

(FEB. 21, 1947 - JULY 27, 2020)

Terry Michael Kupovits died on Monday, July 27, 2020, at his home in Ellsworth surrounded by his family.

Due to Covid-19, a memorial mass will be held at a later date.

The family was served by the Penzien Funeral Homes, Inc. in East Jordan.

#### David J. Bartholomew, 77

(JAN. 24, 1943 - JULY 26, 2020)

David J. Bartholomew of East Jordan passed away Sunday, July 26, 2020 at Munson Medical Center.

A full obituary will be updated.

Please share your memories and personal messages with the family at [www.gaylordfuneralhome.com](http://www.gaylordfuneralhome.com)

## Take precautions to protect yourself from COVID-19

If you are planning to attend one of northern Michigan's many outdoor events and gatherings this summer, the Michigan State Police (MSP) wants to remind you to bring and wear your face covering.

Executive Order 2020-153 requires individuals to wear a face covering whenever they are in an indoor public space or a crowded outdoor space. This order also re-

quires any business that is open to the public to refuse entry or service to people who refuse to wear a face covering, with limited exceptions.

The MSP strongly encourages people to voluntarily comply with the requirement to wear a face covering, as it is an effective means for preventing the spread of COVID-19 and there are penalties for non-compliance. A willful vi-

olation of EO 2020-153 is a misdemeanor subject to a \$500 criminal penalty. Businesses can also face licensing sanctions for non-compliance.

"There are still many areas in our region that have events and outdoor gatherings scheduled and while education remains a key component, when education does not suffice, we will work with local prosecutors, the

Michigan Attorney General's Office and the Michigan Department of Licensing and Regulatory Affairs to investigate violations," stated Lt. Derrick Carroll, MSP Seventh District Public Information Officer. "We want everyone to enjoy all the things northern Michigan has to offer, but to also stay safe and wear your face mask when required. Let's do it for each other."



# PREVIEW OF AUGUST 4TH ELECTION BALLOT

COMPILED BY JIM AKANS

On Tuesday, August 4, voters in Charlevoix County will face decisions on a variety of millage proposals. Following is a preview of many of the contested race candidates. For additional information and to view your ballot, visit the Michigan Voter Information Center <https://mivic.sos.state.mi.us/PublicBallot>.

## Candidates COUNTYWIDE

### US SENATOR

John James – Republican  
Gary Peters – Democrat

### REPRESENTATIVE IN CONGRESS - 1ST DISTRICT

Dana Ferguson - Democratic  
Linda O'Dell – Democrat  
Jack Bergman – Republican

### REPRESENTATIVE IN STATE LEGISLATURE - 105TH DISTRICT

Ken Borton - Republican  
Tony Cutler - Republican  
Jimmy Schmidt – Republican  
Jonathan Burke – Democrat

### COUNTYWIDE (cont.)

### DRAIN COMMISSIONER

Diane M. Gustin- Republican  
Dennis Jason - Republican

### TOWNSHIPS

BAY, HAYES, MELROSE

### COUNTY COMMISSIONER - 1ST DISTRICT

Kathleen T. Donahue - Republican  
Robert J. Jess – Republican

CHARLEVOIX CITY, CHARLEVOIX TWP

### COUNTY COMMISSIONER

6TH DISTRICT  
Richard C. Spring - Democratic  
Shirley Roloff – Republican

EVELINE, MARION, NORWOOD, PEAINE, ST JAMES

### COUNTY COMMISSIONER - 5TH DISTRICT

Nancy Ferguson - Republican  
Scott Hankins - Republican

CHARLEVOIX TWP

### TOWNSHIP SUPERVISOR

Charles D. Center – Republican  
Timothy Kochanny – Republican

### CLERK

Richard Bogart – Republican  
Sandra Witherspoon - Democratic

## Charlevoix County News

VOLUME 12 ISSUE 6

E-Mail News Releases and Announcements to [Office@CharlevoixCountyNews.com](mailto:Office@CharlevoixCountyNews.com)

### MICHIGAN MEDIA INC.

PO BOX 1914, GAYLORD, MI 49734-5914  
PHONE 989-732-8160 • FAX:888-854-7441

The Charlevoix County News is published weekly on Thursdays.  
Published by Michigan Media, Inc., PO Box 1914, Gaylord, Michigan 49734.

POSTMASTER: Send address changes to Charlevoix County News,  
PO BOX 1914, GAYLORD, MI 49734-5914

Distributed to Boyne City, East Jordan, Charlevoix,  
Boyne Falls, Walloon Lake, Ellsworth and Atwood.

Available on News Stands: 75 cents a copy.

### Subscriptions:

Local Home Delivery of the News: \$55.00/year.  
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**THE CONSERVATIVE VOICE**



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## GETTING RESULTS

Tony Cutler has spent his entire life working to build a better community to call home. He will be your voice in Lansing who knows what it takes to ensure our way of life is preserved.

*“Michigan is unique in every way. Our leadership should reflect the values of Northern Michigan that makes this a special places to call home.”*



*“My promise to you is that my time in the legislature will be devoted to serving you. Any legislation I introduce or vote on will always have one primary goal: How will this better serve the people I represent?”*





# Clean Forest program seeks student helpers

Volunteer hours help a student's resume stand out from the crowd and show a commitment to community. Even though it's been a challenge to earn those hours this year due to COVID-19 event cancellations, there is a way to enjoy Michigan's outdoors and build those hours. The DNR's Adopt-a-Forest program has an ambitious goal of cleaning up 100 trash sites in 100 days

(June 15 through Sept. 22) and is making steady progress with about 20% of the challenge completed. There are hundreds of forest sites in need of help. Some are small, with just a few tires or old pop cans, while others are more expansive and contain appliances or construction debris. "This challenge is a great way to give back and care for the places we love," said

program coordinator Conor Haenni. "During a time when many events have been canceled, it's an opportunity for Scouts, honor society members and students working to boost their college applications to enjoy the outdoors and get some volunteer hours." Minors should have a responsible adult present when working on a cleanup and wear sturdy, closed-toe shoes and gloves. In order

to help slow the spread of COVID-19, everyone should follow the guidance of health experts and practice proper social distancing of at least 6 feet and wear face coverings. How to join in: • Visit CleanForests.org to find a forest that needs help, learn about cleanup safety and sign the volunteer waiver. • Gather your crew, get started and do some good!

• When you're done, report the site as clean and spread the word on social media with #trashtag and #100in100 forest cleanup challenge to inspire others. Each cleanup gets us closer to our goal of cleaner, more beautiful forests. Contact Conor Haenni at 989-429-5542 with questions and for assistance in organizing a cleanup.



Student volunteers lend a hand through the state's Adopt-a-Forest program, cleaning up illegal dump sites. (courtesy of DNR)

## Chambers host Virtual Candidate Forum

Voters in Emmet and Charlevoix Counties can meet candidates and learn their stances on key issues in a new way. The Petoskey Regional Chamber of Commerce and the Charlevoix Area Chamber of Commerce are proud to bring a virtual candidate forum and meet and greet as part of their mission to inform and educate businesses and the community about the candidates running in the August 2020 Primary Election. Organizers invited all Candidates for the 105th State House race, the 107th State House race, as well as the 1st Congressional District race to participate in a virtual event in place of an in-person forum to stay within Executive Order guidelines. Like an in-person event, the virtual forum is intended to be non-partisan and unbiased in nature with the purpose of giving the voters a fair understanding of the candidates' views on issues.

The forum was hosted by the Petoskey Regional Chamber of Commerce and Charlevoix Area Chamber of Commerce with support of North Central Michigan College. All candidates were asked to submit a short video for a virtual meet & greet as well as participate in a moderated virtual forum. "All questions were carefully crafted to be fair to all participants," said Nikki Devitt, President of the Petoskey Chamber. "the goal is to give people an unbiased representation of the candidates to help them with their decision-making in the August 4th primary election," Devitt added. The public is encouraged to take the time to view the video submissions and the moderated forums online at <http://www.petoskeychamber.com/candidate-forums>. For more information about The Petoskey Chamber, go to [petoskeychamber.com](http://www.petoskeychamber.com)

## Health Department of Northwest Michigan COVID-19 Update

The Health Department of Northwest Michigan is reporting three new cases today with a primary residence in Charlevoix (1), Emmet (1) and Otsego (1) counties.

This week, COVID-19 testing is available by appointment in Mancelona on Thursday, July 30th from 2 – 4 pm, and in Charlevoix on Friday, July 31st from 10 – 12 pm. Call 1-800-432-4121 to schedule your COVID-19 test. We hope to share a regular schedule of COVID-19 testing in our jurisdiction next week.

Today we are reporting case investigation information for six confirmed COVID-19 cases. All six cases are being reported in our jurisdiction. The information known at this time is below: - Five of the six cases are primary residents - One of the six cases is a non-resident, but is being counted here because: (1) they are staying at a second/summer home in our jurisdiction, (2) a long-term stay in our jurisdiction, or



# HEALTH DEPARTMENT

of Northwest Michigan

(3) in our jurisdiction prior to testing, and while quarantined and recovering  
 Age:  
 - 20-29 years – 1 case  
 - 30-39 years – 1 case  
 - 40-49 years – 1 case  
 - 50-59 years – 1 case  
 - 60-69 years – 2 cases  
 - Symptomatic: 6 cases;  
 Asymptomatic: 0 cases  
 - Four cases linked to travel either into or out of the area as reported during their case investigation  
 - Over 15 total close contacts identified, notified, and instructed to quarantine  
 "There is a risk of coming into contact with COVID-19 every time someone leaves the house, and in public health we are focused on re-

ducing the spread within our community. To achieve this, we are continually working toward increased access and availability to testing in order to quickly identify cases," stated Lisa Peacock, Health Officer. "After being notified of a new case, regardless of residency status, our highest priority is conducting thorough case investigations to identify close contacts who need to quarantine to prevent further spread." As of 4pm July 28, the Health Department of Northwest Michigan is reporting:  
 - Positive COVID-19 cases in the following counties: Antrim – 31, Charlevoix – 38,

Emmet – 48, Otsego – 112  
 - Recovered COVID-19 cases in the following counties: Antrim – 19, Charlevoix – 21, Emmet – 22, Otsego – 93  
 - Confirmed COVID-19 deaths in the following counties: Charlevoix – 2, Emmet – 2, Otsego – 10.  
 The State of Michigan has reported 79,176 cases and 6,170 deaths. Stay up to date on the latest information in the Health Department jurisdiction by liking and following our Facebook page and visiting our COVID-19 Data Dashboard. To locate a testing facility, visit the Michigan COVID-19 Test Finder website.



# ✓ VOTE

# Nancy Ferguson

## County Commissioner

I have lived in Charlevoix County for 45 years. My husband, John Fratrack, and I have been married for 35 years. Two cats, two chickens, one horse and a mule share our lives at the Triple F Ranch.

I have been the 5th District County Commissioner for six years. I am asking for your vote in the primary election on August 4th. I believe my knowledge and experiences have been beneficial in making decisions in a reasoned, civil, and pro-active manner.

### — COORDINATING WITH THE OTHERS, MUCH HAS BEEN ACCOMPLISHED DURING MY SIX YEARS IN OFFICE. —

- \* The Ironton Ferry has been repowered, has new pilings, reworked ramps, lower fares, and starting this year, fares can be paid by App!
- \* An effective County Administrator is in place.
- \* Commission on Aging added a senior residential snow removal program. We hope to get back to other new programs soon.
- \* Expanded the County Recycling Program with additional acceptable items and improved sites.
- \* Enhanced non-motorized trails.
- \* Area roads have been improved for safety and to promote tourism.

### PRIORITIES

- \* It is important that Charlevoix County is prepared to deal with the continuing Covid19 crisis. We need to have sufficient financial resources, adequate PPE and other necessary supplies, and all health agencies coordinating with each other and the public.
- \* Providing appropriate services to the mentally ill so it is not necessary to house them in jails.
- \* Farmland preservation and fostering local production and use of farmers' products
- \* Improved internet service

# 20th Annual Appreciation Day Open House and Fund-Police Poker Run

The Classic Instruments 20th Annual Appreciation Day Open House and Fund-Police Poker Run is Saturday, August 1, from 9am – 3pm.

Bring your hot rod, classic car, motorcycle, or other cool rides to our annual NSRA Appreciation Day open house for a day of entertainment and good company. Classic Instruments will present specialty awards for cars on display, hold raffle

drawings for great prizes, BC Pizza will be available, and entertainment provided by the band Full Circle.

They will also be awarding the Jack McLeod Memorial Award. This year all proceeds will benefit the Boyne City Police Department for needed equipment and training. All are welcome to attend.

The Fund-Police Poker Run, Sponsored by Bowler Performance Transmissions,

will begin at 10am on Saturday August 1. It will follow an approximately 82 mile route with and estimated travel time of just over two hours. The entry fee is \$25.

Stops are:  
- CARD #1 - STATION AVAILABLE 9:45AM-11:00AM

Located at the Clock Tower Lodge at Boyne Mountain. Drive right up via Cliff Dweller Dr. or park in

front of the Mountain Grand Lodge and walk to the clock tower via the enchanting grounds of Boyne Mountain Resort. Congratulations, you received your first card!

Additional Points of Interest: Downtown Boyne City, Veterans Park, Walloon Village General Store

- CARD #2 - STATION AVAILABLE 10:15AM-12:00PM

Located at Brown Motors of Petoskey, long-time

friends of Classic Instruments, on the right hand side of the road. Hooray, you've collected card #2.

Additional Points of Interest: Downtown Petoskey, Cormack's Deli, East Park

- CARD #3 - STATION AVAILABLE 10:45AM-1:00PM

Located near the boat launch and Knot Just a Bar in The Village of Bay Harbor. Take a moment to explore the many shops or get some ice cream, and carry on with card #3.

Additional Points of Interest: Great Lake Center for the Arts, Nine Mile Point, Lake Michigan Shores Roadside Park

- CARD #4 - STATION AVAILABLE 11:00AM-1:30PM

Located at Michigan Beach Park, take a walk out onto the pier to retrieve card #4. Almost there!

Additional Points of Interest: Downtown Charlevoix, Castle Farms, Ironton Ferry

- CARD #5 - STATION AVAILABLE 11:30AM-2:00PM

Located at Sportsmen's Park in East Jordan. Just before crossing your final bridge for the day, hang a right and stop to pick up card #5. Congratulations your hand is complete!

Time to head back to Classic Instruments and see who has the winning hand. If you missed a card, there will be extra cards available at Classic Instruments when you return.

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**Enhanced pavilion in Veterans Park**  
The new pavilion and two new covered shelters on the west side of the building. The redesigned Pavilion now beautifully complements the recently constructed City Hall building immediately to the north. The copy is to the north. The copy is to the north.

**Man Charged With Murder Found Not Competent to Stand Trial**  
The original charges against Paul Henry Crest, 68, was "Terrorism."

**ORDER REQUIRES MASK IN DOOR PUBLIC SPACES**  
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## **ORDINANCE #143Y TO AMEND THE ZONING CODE OF THE CODE OF ORDINANCES FOR THE CITY OF EAST JORDAN**

THE CITY OF EAST JORDAN HEREBY ORDAINS:

THE ZONING CODE FOR THE CITY OF EAST JORDAN IS HEREBY AMENDED AS FOLLOWS:

The following Ordinance was offered up for adoption by Johnson, second by Penzien:

REMOVE:

DIVISION 2. - SITE PLANS

Sec. 46-69. - Purpose.

The purpose of this division is to establish uniform requirements of procedure for all developments in the city so that the provisions of this chapter can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible city officials can be ensured that compliance with this chapter is both possible and correct prior to the issuance of a zoning permit and the starting of construction.

(Code 2009, § 48-69; Ord. No. 142, § 22.01, 2-6-1990)

Sec. 46-70. - Developments requiring site plan approval.

The following land, building and structural uses require site plan approval:

(1)All principal and special uses and their accessory uses in the R-3, PO, WF, C-1, C-2 and I districts.(2)All special uses and their accessory uses in all districts.(3)All planned unit developments (PUDs).(4)All developments located on waterfront parcels.

(Code 2009, § 48-70; Ord. No. 142, § 22.02, 2-6-1990; Ord. No. 1430, 12-5-2016)

Sec. 46-71. - Developments not requiring site plan approval.

Single-family homes and mobile homes located on separate lots or parcels and their accessory uses in the RA, R-1, R-2, R-2A, R-3 and R-4 districts, with the exception of those located on the waterfront, do not require site plan approval.

(Code 2009, § 48-71; Ord. No. 142, § 22.03, 2-6-1990; Ord. No. 1430, 12-5-2016)

Sec. 46-72. - Role of the zoning administrator.

The zoning administrator shall not issue a zoning permit for construction of, or addition to, any use until a final site plan has been approved by the planning commission and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the planning commission and a zoning permit has been issued for it.

(Code 2009, § 48-72; Ord. No. 142, § 22.04, 2-6-1990)

Sec. 46-73. - Site plan approval required prior to starting construction or use of land.

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence until a final site plan is approved and is in effect, except as provided in this division.

(Code 2009, § 48-73; Ord. No. 142, § 22.05, 2-6-1990)

Sec. 46-74. - Preliminary conference on proposed site plan.

An applicant may request a meeting with the planning commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

(Code 2009, § 48-74; Ord. No. 142, § 22.06, 2-6-1990)

Sec. 46-75. - Preliminary site plan requirements.

(a)Application. Any person may file a request for preliminary site plan approval by filing required forms with the city clerk, payment of the review fee, and at least ten copies of a preliminary site plan drawing and other documents. Upon receipt of such application, the clerk shall transmit the preliminary site plan drawing and other documents to the planning commission.(b)Information required for review. Every preliminary site plan submitted under this division shall contain information required by the regulations for site plan review.(c)Planning commission action. The planning commission shall study the plan and shall, within 60 days of the filing date, approve or deny the preliminary site plan. If denied, the planning commission shall prepare a report setting forth the conclusions of its study and the reasons for its denial. The time limit may be extended upon a written request by the applicant and approved by the planning commission, or by mutual written agreement between the planning commission and the applicant.(d)Effect of approval. Approval of a preliminary site plan by the planning commission shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The planning commission may, with appropriate conditions attached, authorize issuance of a grading permit by the zoning administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the city from any liability, if an acceptable plan is not provided, and for furnishing a financial guarantee for restoration of the site if work does not proceed. Site plan approval requires that the applicant meet all of the requirements of the state soil erosion and sedimentation control provisions of part 91 of the natural resources and environmental protection act (MCL 324.9101 et seq.).

(e)Expiration and extension of approvals. Approval of a preliminary site plan shall be valid for a period of six months from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the city clerk within that time period. A six-month extension may be granted upon written request of the applicant and approval of the planning commission. The approval of the preliminary site plan shall also expire and be of no effect one year after approval of a final site plan, unless a zoning permit has been obtained for development shown on the approved final site plan within that time period.

(Code 2009, § 48-75; Ord. No. 142, § 22.07, 2-6-1990; Ord. No. 142G, § 1, 10-15-1996)

Sec. 46-76. - Final site plan requirements.

(a)Application. Following approval of a preliminary site plan, the applicant shall submit ten copies of a final site plan as well as other data and exhibits hereinafter required to the city clerk, the review fee, and a completed application form. The clerk, upon receipt of the application, and special meeting fee, shall promptly transmit the final site plan to the planning commission.

(b)Information required for review. Every final site plan submitted for review under this article shall contain information as required by city regulations for site plan review.

(c)Planning commission action. The planning commission shall study the final site plan and shall within 60 days of the date of the planning commission meeting at which the plan was received, approve or disapprove, or approve with conditions the final site plan. This time limit may be extended upon written request by the applicant and approval by the planning commission, or by mutual written agreement between the planning commission and the applicant. The planning commission may suggest and/or require changes in the plan as are needed to comply with this chapter. Upon planning commission approval of the final site plan, the applicant and owner of record, and the chairperson of the planning commission or his designated replacement, shall sign the approved plan. The planning commission shall transmit one signed copy of the approved final site plan to the zoning administrator, city clerk, and to the applicant. One copy shall be submitted to the planning commission. If the final site plan is disapproved, the planning commission shall notify the applicant and the city clerk, in writing, of such action and reasons.

(d)Effect of approval. Approval of a final site plan authorizes the zoning administrator to issue a zoning permit. Approval shall expire and be of no effect after six months following approval by the planning commission or city commission, whichever approval is specified in specific sections of this chapter, unless a zoning permit is applied for and granted within that time period. Approval shall expire and be of no effect one year following the date of approval unless authorized construction has begun on the property in conformance with the approved final site plan.

(Code 2009, § 48-76; Ord. No. 142, § 22.08, 2-6-1990; Ord. No. 142G, §§ 1, 8, 10-15-1996)

Sec. 46-77. - Criteria for site plan review.

In reviewing a preliminary or final site plan, the planning commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this chapter and shall endeavor to ensure that they conform to the following criteria:

(1)Preservation of natural environment. Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.

(2)Relations of proposed land, building and structural uses to environment. Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.

(3)Drives, parking and circulation. Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not adversely affect the design of proposed land, buildings and structures and adjacent and surrounding development areas.

(4)Surface water drainage. Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or the public storm drainage system. If necessary, stormwater shall be removed from all roofs, canopies and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.

(5)Utility service. Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of water supply, fire hydrants, and sanitary sewage disposal for all buildings shall be indicated. All utility installation shall be carried out in accordance with the standard rules and regulations of current adoption of the state public service commission and water, sewer and fire hydrants in accordance with the city requirements.

(6)Advertising features. The size, location and lighting of all permanent signs and outdoor advertising structures or features, shall be consistent with the requirements of article VIII of this chapter.

(7)Special features. Storage areas, machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

(8)Additional requirements. All other standards and requirements of this article must be met by site plans presented for review.

(Code 2009, § 48-77; Ord. No. 142, § 22.09, 2-6-1990)

Sec. 46-78. - Modification of procedure.

An applicant may, at his discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the planning commission. The planning commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

(Code 2009, § 48-78; Ord. No. 142, § 22.10, 2-6-1990)

Sec. 46-79. - Amendment of an approved site plan.

A site plan may be amended upon application and in accordance with the procedure provided in section 46-75, for a preliminary site plan, and section 46-76, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the planning commission. The planning commission shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

(Code 2009, § 48-79; Ord. No. 142, § 22.11, 2-6-1990)

Sec. 46-80. - Modification during construction.

All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he shall do so at his own risk, without any assurance that the planning commission will approve the changes. It shall be the responsibility of the applicant to notify the zoning administrator and the planning commission in writing of any such changes. The zoning administrator or the planning commission may require the applicant to correct the changes so as to conform to the approved final site plan.

(Code 2009, § 48-80; Ord. No. 142, § 22.12, 2-6-1990)

Sec. 46-81. - Phasing of development.

The applicant may, at his discretion, divide the proposed development into two or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase shall be submitted for approval.

(Code 2009, § 48-81; Ord. No. 142, § 22.13, 2-6-1990)

Sec. 46-82. – Inspection.

All subgrade improvements, such as utilities, subbase and base installations for streets, drives and parking lots, and similar improvements shall be inspected by the zoning administrator or other appropriate official and approved prior to covering. The zoning administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The zoning administrator shall notify the planning commission, in writing, when a development for which a final site plan was approved which does not pass inspection with respect to conformance with the approved final site plan, and shall advise the planning commission of steps taken to achieve compliance. In such case, the zoning administrator shall periodically notify the planning commission of progress towards compliance with the approved final site plan, and when compliance is achieved. The fee schedule established by the city commission shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the city inspections of such projects as required under the provisions of this chapter.

(Code 2009, § 48-82; Ord. No. 142, § 22.14, 2-6-1990; Ord. No. 142G, § 8, 10-15-1996)

Sec. 46-83. - Fees.

Fees for the review of site plans and inspections as required by this division shall be established, and may be amended, by resolution of the city commission, upon the recommendation of the planning commission.

(Code 2009, § 48-83; Ord. No. 142, § 22.15, 2-6-1990; Ord. No. 142G, § 8, 10-15-1996)

Sec. 46-84. - Financial guarantees.

Surety bonds, cash deposits, bank letters of credit, certified checks or other acceptable forms of security may be required of the applicant after a final site plan is approved and prior to is-

**CONTINUED ON NEXT PAGE**



# ORDINANCE #143Y (continued)

suance of a zoning permit for certain site improvements such as, but not limited to, streets or drives, parking lots, grading, landscaping, and buffers. A schedule for such security shall be established by resolution of the city commission upon the recommendation of the planning commission, and shall be administered by the city treasurer and clerk. Such security may be released in proportion to work completed and approved upon inspection as complying with the approved final site plan. In the event that the applicant shall fail to provide improvements according to the approved final site plan, the city commission shall have the authority to have such work completed, and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company.

(Code 2009, § 48-84; Ord. No. 142, § 22.16, 2-6-1990; Ord. No. 142G, § 8, 10-15-1996)

State Law reference— Performance guarantee, MCL 125.3505.

Sec. 46-85. - Violations.

The approved final site plan shall regulate development of the property. Any violation of this division, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this division, and shall be subject to the penalties of this chapter.

(Code 2009, § 48-85; Ord. No. 142, § 22.17, 2-6-1990)

ADD AND REPLACE WITH:

Division 2 Site Plan Review

Sec. 46-69. - Purpose

The purpose of this Article is to establish uniform requirements for the planning and design of developments within the city in order to achieve the following objectives:

- (1) to determine compliance with the provisions of this ordinance;
- (2) to apply provisions of this ordinance equitably and fairly;
- (3) to promote the orderly development of the city;
- (4) to prevent depreciation of land values;
- (5) to ensure a consistent level of quality throughout the community;
- (6) to ensure a harmonious relationship between new development and the existing natural and manmade surroundings;
- (7) to achieve the goals and recommendations of the city master plan; and
- (8) to promote consultation and cooperation between applicants and the city in order that applicants may accomplish their objectives in the utilization of land, consistent with the public purposes of this ordinance and the master plan.

Sec. 46-70. - Applicability

Site plan review shall be required, as applicable, under the following conditions, or under other circumstances required by this ordinance, unless exempted by Section 46-71.

Type of project/Level of site plan

Principle Uses and accessory uses R-3, PO, WF, C-1, C-2, and I districts  
 Special Uses and accessory uses All districts  
 Planned Unit Developments All districts

Sec. 46-71. - Exemptions

Site plan review shall not be required for single family homes and mobile homes located on separate lots or parcels and their accessory uses in any residential (R) district although a Land Use Permit is required from the Zoning Administrator.

Sec. 46-72. – Role of the Zoning Administrator

The zoning administrator shall not issue a zoning permit for construction of, or addition to, any use until a final site plan has been approved by the planning commission and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the planning commission and a zoning permit has been issued.

Sec. 46-73. – Site Plan approval required prior to construction or use of land.

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence until a final site plan is approved and is in effect, except as provided in this Ordinance.

Sec. 46-74. - Pre-Application Conference

East Jordan zoning administrator and/or planner shall have the authority to conduct a pre application meeting with the applicant/developer to assist them in understanding the site plan review process and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

Sec. 46-75. - Site Plan Review Procedures

The process for reviewing the site plan shall be as follows:

- (1) Site Plan and Level "A" reviews shall be performed by the zoning administrator as follows:
  - (a) Three (3) copies of a full-size complete site plan and an electronic version, in a format specified by the city, shall be submitted along with an application for that purpose and a fee, as established by the city council.
  - (b) The zoning administrator shall review the site plan for completeness and shall obtain comments, as deemed necessary, from city departments or consultants.
  - (c) If the site plan is found to be incomplete, the zoning administrator shall return the plot plan or site plan to the applicant with a list of items needed to make the plot plan or site plan complete.
  - (d) Once the site plan is determined to be complete, the zoning administrator shall notify and seek comment from other city departments as applicable. A joint review of all the applicable departments shall be arranged and held within seven (7) days.
  - (e) The zoning administrator shall consider the site plan, any comments received and the applicable standards of this ordinance and shall either approve the site plan, as submitted, if all applicable requirements and the standards of Section 48-76 have been met; approve the plot plan or site plan with conditions; or deny approval of the site plan, if applicable requirements and standards have not been met.
  - (f) The reasons for the zoning administrator's action, along with any conditions that may be attached, shall be stated in writing and provided to the applicant.
  - (g) If approved, two (2) copies of the final site plan shall be signed and dated by the zoning administrator and the applicant. One (1) copy, along with the digital version, shall be kept on file with the city and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan shall be submitted reflecting those conditions and signed by the applicant and zoning administrator prior to the issuance of any permits.
- (2) Site Plan and Level "B" reviews shall be performed by the zoning administrator and planning commission as follows:
  - (a) Three (3) copies of a full size complete plot plan or site plan and an electronic version, in a format specified by the city, shall be submitted along with an application for that purpose and a fee, as established by the city council.
  - (b) The zoning administrator shall review the site plan for completeness and shall obtain comments, as deemed necessary, from city departments or consultants.
  - (c) If the site plan is found to be incomplete, the zoning administrator shall return the site plan to the applicant with a list of items needed to make the site plan complete.
  - (d) Once the zoning administrator determines the site plan is complete, the applicant will submit three (3) revised copies, if applicable, of a full size complete site plan, seven (7) 11' x

17' copies and an electronic version, in a format specified by the city. The zoning administrator shall notify and seek comment from other city departments as applicable. A joint review of all the applicable departments shall be arranged and held within seven (7) days.

(e) The zoning administrator shall transmit the site plan to the planning commission for consideration at its next meeting that meets the noticing requirements. Comments, if any, from the public, city departments and consultants shall be transmitted to the planning commission prior to its review of the plan.

(f) The planning commission shall consider the site plan and shall either recommend approval of the site plan, as submitted, if all applicable requirements and standards have been met; recommend approval of the site plan with conditions; or recommend denial of the site plan if applicable requirements and standards have not been met. The planning commission review shall be based on the requirements of this chapter, comments received from city departments and consultants, and, specifically, the review standards of Section 48-78.

(g) If approved, two (2) copies of the final site plan shall be signed and dated by the Planning Commission Chairman and the applicant. One (1) copy, along with the digital version, shall be kept on file with the city and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan shall be submitted reflecting those conditions and signed by the applicant and Planning Commission Chairman prior to the issuance of any permits.

(h) If required, the zoning administrator shall forward the recommendation to city council for review, including all relevant documentation and planning commission comments as to what the City Council review would be based upon in part. City Council shall consider the site plan and shall either approve the site plan, as submitted, if all applicable requirements and standards have been met; approve the site plan with conditions; or deny approval of the site plan if applicable requirements and standards have not been met. The City Council review shall be based on the requirements of this chapter, comments received from city departments and consultants, and, specifically, the review standards of Section 46-78.

(i) If approved, two (2) copies of the site plan shall be signed and dated by the City Clerk on behalf of the City Council and the applicant. One (1) copy, plus the digital copy, shall be kept on file with the city and one (1) copy shall be returned to the applicant or their designated representative. If the plan is approved with conditions, a revised plan shall be submitted reflecting those conditions and signed by the applicant and the planning commission chairperson, prior to the issuance of any permits.

Sec. 46-76. - Submittal Requirements

(1) Required Content. Each site plan submitted shall contain the information detailed in Table 46-76 as applicable:

**Required for Site Plan – 2 levels**

| Table 46-76: Required Site Plan Content   |           |           |
|---|-----------|-----------|
| Required Information  | Level "A" | Level "B" |
| <b>GENERAL INFORMATION</b>  |           |           |
| Date, north arrow and scale   | X         | X         |
| Name and firm address of the professional individual responsible for preparing the site plan  | X         | X         |
| Name and address of the property owner or petitioner  | X         | X         |
| Location sketch   | X         | X         |
| Legal description of the subject property   | X         | X         |
| Size of subject property in acres or square feet  | X         | X         |
| Boundary survey   | X         | X         |
| Preparer's professional seal  |           | X         |
| Revision block (month, day and year)  | X         | X         |
| <b>EXISTING CONDITIONS</b>  |           |           |
| Existing zoning classification of subject property  | X         | X         |
| Property lines and required setbacks (dimensioned)  | X         | X         |
| Location, width and purpose of all existing easements   | X         | X         |
| Location and dimension of all existing structures on the subject property   | X         | X         |
| Location of all existing driveways, parking areas and total number of existing parking spaces on subject property   | X         | X         |
| Abutting street right-of-way width  | X         | X         |
| Location of all existing structures, driveways and parking areas within 300 feet of the subject property's boundary   |           | X         |
| Existing water bodies (rivers, creeks, wetlands and the like)   | X         | X         |
| Existing landscaping and vegetation on the subject property   | X         | X         |
| Size and location of existing utilities   |           | X         |
| Location of all existing surface water drainage facilities  | X         | X         |
| <b>PROPOSED DEVELOPMENT</b>   |           |           |
| Location and dimensions of all proposed buildings   | X         | X         |
| Location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, walls, fences, signs, exterior lighting, curbing, parking areas (including dimensions of a typical parking space and the total number of spaces to be provided) and unloading areas | X         | X         |
| Setbacks for all buildings and structures   | X         | X         |
| Recreation areas, common use areas, dedicated open space and areas to be conveyed for public use  |           | X         |
| Flood plain areas and basement and finished floor elevations of all buildings   |           | X         |
| Landscape plan (showing location of proposed materials, size and type)  | X         | X         |
| Layout and typical dimensions of proposed parcels and lots  |           | X         |
| Number of proposed dwelling units (by type), including typical floor plans for each type of unit  | X         | X         |
| Number and location (by code, if necessary) of efficiency and 1-, 2- and 3- or more bedroom units   | X         | X         |
| All deed restrictions or covenants  | X         | X         |
| Brief narrative description of the project including proposed use, existing floor area (sq. ft.), size of proposed expansion (sq. ft.) and any change in the number of parking spaces   | X         | X         |
| <b>ENGINEERING</b>  |           |           |
| Proposed method of handling sanitary sewage and providing potable water   | X         | X         |
| Location and size of proposed utilities, including connections to public sewer and water supply systems and/or size and location of on-site systems   | X         | X         |
| Location and spacing of fire hydrants   |           | X         |
| Location and type of all proposed surface water drainage facilities   | X         | X         |
| Grading plan at no more than 2-foot contour intervals   |           | X         |
| Proposed streets (including pavement width, materials and easement or right-of-way dimensions)  |           | X         |
| <b>BUILDING DETAILS</b>   |           |           |
| Typical elevation views of all sides of each building   | X         | X         |
| Gross and usable floor area   | X         | X         |
| Elevation views of building additions   | X         | X         |
| Building height   | X         | X         |

(2) Information Waiver. Specific requirements of either a Level "A" or "B" site plan may be waived by the zoning administrator where it is determined that such information is not applicable to the request. The planning commission and/or the City Council reserves the right to request the waived information for Level B Site Plan reviews in their decision making process.

(3) Additional Reports/Study: The zoning administrator, planning commission or city council may require additional studies, reports or written opinions from qualified consultants to determine compliance with this ordinance or to ensure negative impacts to public health, safety and welfare are avoided or mitigated. These reports/studies may include, but are not

**CONTINUED ON NEXT PAGE**

## ORDINANCE #143Y (continued)

limited to, traffic studies, transportation plans, geotechnical reports, flood hazard evaluations or environmental assessments. The zoning administrator, planning commission, or City Council shall have the authority to choose the individual consultant, firm or company. The costs of additional study shall be paid for by the applicant.

### Sec. 46-77. - Coordination with Other Department and Agencies

(1) The zoning administrator shall forward Level "A" and Level "B" site plans and applications to the following department and agencies where applicable for their information and opportunity to comment:

- (a) City of East Jordan Fire and Rescue Department
- (b) City of East Jordan Public Works Department
- (c) Charlevoix County Road Commission
- (d) Michigan Department of Transportation
- (e) District Health Department
- (f) Charlevoix County Drain Commissioner
- (g) City of East Jordan Police Department
- (h) City of East Jordan Downtown Development Authority
- (i) Any other agency that may be affected by the Site Plan.

(2) This review does not alleviate the applicant from obtaining any and all required permits and/or approvals from these agencies. Any comments received within a reasonable time (15) days will be reviewed and considered by the planning commission and/or the ZBA.

(3) The planning commission may approve an application conditioned on obtaining agency permits, or may, if the permit is critical to the site plan, require the permit or approval prior to issuance of their approval.

(4) No construction activity associated with an approved site plan shall be undertaken until permits and approvals from all applicable agencies have been presented to the zoning administrator.

(5) Whenever possible, site plan review by the zoning administrator and planning commission shall be coordinated and done simultaneously with other reviews by the zoning administrator and planning commission on the same application.

(6) When an application is dependent on the need for a dimensional variance from the ZBA, re-zoning of property, or a zoning ordinance text amendment, such action must be completed prior to final site plan approval by the planning commission.

### Sec. 46-78. - Standards for Site Plan Approval

A site plan shall be approved or approved with conditions, only upon a finding of compliance with the following standards:

(1) The site plan must comply with all standards of this Article and all applicable requirements of this ordinance, as well as with all other applicable city, county, state and federal laws and regulations.

(2) The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

(3) The site must be designed to minimize hazards to adjacent property and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent possible.

(4) The site plan does not have a negative impact on the provisions of human services, housing, transportation needs, and access to food in the community.

(5) Protection of natural environment and conservation of natural resources and energy.

(6) Unless a more specific design standard is required by the city through a different ordinance or regulation, all uses and structures subject to site plan review shall comply with the following design standards:

(a) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in this ordinance, unless otherwise provided.

(b) Vehicular and Pedestrian Circulation. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. The number, location and size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, as well as circulation within the site. In reviewing traffic features, the number, spacing and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

(1) Walkways from parking areas to building entrances

a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas and shall be designed to provide access from these areas to the entrances of the building(s)

b. The walkways shall be designed to separate people from moving vehicles.

c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.

d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.

e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

(c) Storm Water. Storm water will meet the City of East Jordan Storm Water Ordinance. Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged.

(d) Snow Storage. Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

(e) Landscaping. The landscape shall be preserved in its natural state, insofar as practical, by minimizing unnecessary tree and soil removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers or greenbelts may be required to ensure the proposed uses will be adequately buffered from one another and from surrounding property.

(f) Screening. Where non-residential uses abut residential uses, appropriate screening shall be provided in accordance with Section 46-507 (d) to shield residential properties from noise, headlights and glare.

(g) Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required.

(h) Utility Service. All utility service shall be underground, unless impractical due to engineering difficulties.

(i) Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, waste storage areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.

(j) Emergency Access. All buildings and structures shall remain readily accessible to

emergency vehicles and personnel at all times.

(k) Water and Sewer. Water and sewer installations shall comply with all city specifications and requirements.

(l) Signs. Permitted signs shall be located to avoid creating distractions, visual clutter and obstructions for traffic entering or exiting a site.

### Sec. 46-79. - Conditions of Site Plan Approval

Conditions which are designed to ensure compliance with the intent of this ordinance and other regulations of the City of East Jordan may be imposed on site plan approval. Conditions imposed shall be based on the following criteria:

(1) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.

(2) Ensure that the use is compatible with adjacent land uses and activities.

(3) Protect natural resources, the health, safety, welfare and 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.

(4) Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions.

(5) Meet the intent and purpose of the zoning ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

(6) Ensure compliance with the intent of other city ordinances that are applicable to the site plan.

(7) Ensure compatibility with other uses of land in the vicinity.

### Sec. 46-81. - Authority and Limitations

(1) A person aggrieved by a decision of the Zoning Administrator or Commission in granting or denying approval of a site plan, or regarding any conditions attached to an approval, may appeal the decision to the ZBA per the requirements of Section 46-122 of this Ordinance.

(2) Decisions on a Special Use Permit or Planned Unit Development site plan may not be appealed to the ZBA, and may be appealed directly to Circuit Court.

(3) Land Use Permits associated with an approved site plan will not be issued until permits and approvals from applicable outside agencies have been presented to the Zoning Administrator. Such permits and approvals shall include but not be limited to soil erosion and sedimentation control permits, wetland permits, floodplain permits, driveway and road permits, and Health Department permits.

### Sec. 46-81. - Amendment to Approved Site Plan

Changes to an approved site plan shall be permitted only under the following circumstances:

(1) The holder of an approved site plan shall notify the zoning administrator of any proposed change to an approved site plan.

(2) Changes to a Level "A" site plan may be approved by the zoning administrator.

(3) Minor changes to a Level "B" site plan may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design or any specified conditions imposed as part of the original approval. Minor changes shall include the following:

(a) Reduction in building size or increase in building size up to five (5) percent of total approved floor area.

(b) Movement of buildings or other structures by no more than ten (10) feet.

(c) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.

(d) Changes in building materials to a comparable or higher quality.

(e) Changes in floor plans which do not alter the character of the use.

(f) Changes required or requested by a city, county, state or federal regulatory agency in order to conform to other laws or regulations.

(4) A proposed change to a Level "B" site plan, determined by the zoning administrator to not be a minor change, shall be submitted to the planning commission as a site plan amendment and shall be reviewed in the same manner as the original application.

### Sec. 46-82. - Expiration

Site plan approval shall expire twelve (12) months after the date of approval, unless substantial construction has been commenced and is continuing. The zoning administrator, in the case of a Level "A" site plan, or the planning commission, in the case of Level "B" site plan, may grant one extension of up to twelve (12) additional months ; provided the applicant requests an extension in writing prior to the date of expiration of the site plan. The extension shall be approved if the applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant and the project will proceed within the extension period. If the above provisions are not fulfilled or the extension has expired prior to construction, the site plan approval shall become null and void.

### Sec. 46-83. - As Built Plan

(1) For a project which requires Level B site plan, an as-built site plan shall be submitted to the city within 90 days of completion or occupancy, whichever comes first. This site plan shall be prepared to the same standard as the approved site plan. The Zoning Administrator shall use this as-built site plan as a comparison to the approved site plan, and the actual construction on the ground to insure compliance with the conditions, and other requirements of the site plan, Planned Unit Development, special use permit, and requirements of this Ordinance.

(2) If the as-built site plan does not show compliance with the conditions, and other requirements of the site plan, Planned Unit Development, special use permit, and requirements of this Ordinance the deviation shall be considered a violation of this Ordinance and shall be subject to any applicable enforcement remedy.

### Sec. 46-84. - Performance Guarantee

To assure compliance with this ordinance and any conditions of approval, performance guarantees may be required. The city council may require that a performance guarantee be furnished to ensure compliance with the requirements and conditions imposed under the city's Zoning Ordinance. The amount of the performance guarantee shall be set forth by the city council, and shall be an amount acceptable to the city in covering the estimated cost of improvements associated with the project for which zoning approval is sought. This performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or a surety bond, and shall be deposited with the treasurer of the city. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. The city shall not require the deposit of the performance guarantee before the date on which the city is prepared to issue the permit. The city shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvement as work on the required improvements progresses.

### Sec. 46-85. - Violations

The approved final site plan shall regulate development of the property. Any violation of this article, including any improvement not in conformance with an approved final site plan, shall be deemed a violation of this article, and shall be subject to the penalties of this chapter.

### ROLL CALL VOTE:

AYES: ROLL CALL VOTE:

AYES: PENZIEN, JOHNSON, SHERMAN, TIMMONS, HAWLEY, REID AND PECK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

ADOPTED: JULY 21, 2020

PUBLISHED: JULY 30, 2020

EFFECTIVE: AUGUST 6, 2020

# Sports & OUTDOORS

Charlevoix County News

Thursday, July 30, 2020

CALL (989) 732-8160  
FAX (888) 854-7441

SPORTS@CHARLEVOIXCOUNTYNEWS.COM

## Deer hunting regulations for 2020 are announced

The Michigan Natural Resources Commission approved a new package of deer regulations this week at the commission's regular monthly meeting, which was conducted in an online and conference call format due to COVID-19 public health and safety concerns.

Michigan Department of Natural Resources deer program experts say the regulations, which will be in effect for the 2020 deer hunting season, will provide additional opportunities and cost savings for hunters and offer flexibility in how hunters pursue deer. The DNR uses existing and projected data to gauge the impact of proposed regulations. The data shows that the projected changes will not have a significant negative effect on the deer herd or the quality of deer hunting.

"These recommendations are aimed at making it easier

for hunters of all ages and experience levels to enjoy a Michigan outdoor tradition, while at the same time facing the present and future challenges of managing the state's abundant deer population," said Chad Stewart, the DNR's deer, elk and moose program leader.

Approved deer regulations for 2020 include:

- STATEWIDE
  - Liberty and Independence hunt qualifications now include deaf people.
  - Mentored youths (age 9 and younger), junior license holders (age 10-16) and apprentice license holders are exempt from antler point restrictions in all seasons, in all deer management units (DMUs) and under all licenses, which includes both the regular and restricted tags on the deer combo license.
  - The statewide limit for private-land antlerless li-



The Michigan Natural Resources Commission released new deer hunting regulations for 2020 designed to provide additional opportunities and cost savings. (courtesy of DNR)

cence purchase is 10 per hunter. This limit offers maximum opportunity for those who wish to manage abundant deer on their property.

- Hunters with disabilities may use single-bite and multibite baits during the Liberty and Independence hunts. Hunters partici-

pating in the Liberty and Independence hunts may begin baiting five days before both hunts.

### UPPER PENINSULA

- Upper Peninsula archers in select DMUs may pursue antlerless deer with their deer/deer combo license. The following DMUs continue to be closed to antlerless harvest during the archery seasons: 027, 031, 036, 042, 066, 127 and 131. Additional DMUs may be open or closed based on the snowfall totals from the prior winter, pending DNR analysis. Please see the 2020 Hunting Digest for complete regulations when it becomes available in August.

- Antler point restrictions have been removed on the deer license in parts of DMU 122, including areas outside the core chronic wasting disease surveillance area.

### LOWER PENINSULA

- In addition to the archery season, antlerless

deer may be taken on the deer/deer combo license during the firearm and muzzleloader seasons in all Lower Peninsula DMUs.

- Early and late antlerless seasons will be open in all Lower Peninsula mainland DMUs.

- Antlerless deer may be taken on a deer/deer combo license during both the early and late antlerless seasons in the Lower Peninsula.

- Antlerless quotas will change in select DMUs.

- The muzzleloader season in the southern Lower Peninsula will be shortened to 10 days and the late antlerless firearm season will begin the Monday after the muzzleloader season concludes in the Lower Peninsula. Muzzleloaders can be used on public lands in Zone 3 during the late antlerless firearm season to take any deer with a valid tag.

- All legal firearms may be

used during the muzzleloader season in the southern Lower Peninsula.

- Carcass movement restrictions will be scaled to areas most affected by chronic wasting disease. This aligns movement restrictions to areas with the highest risk of CWD is being observed.

- The expanded archery season through Jan. 31 will continue for one more year in Wayne, Oakland and Macomb counties. It previously expired Jan. 31, 2020.

The 2020 Hunting Digest will have further information regarding these regulations. The digest is in the process of being finalized now that regulations are set. Watch for the current digest in August at Michigan.gov/DNRDigests.

Learn more about deer management and hunting at Michigan.gov/Deer.

## SPRING SPORTS HIGH SCHOOL ATHLETE PROFILES

During the spring and summer we are featuring spring sports athletes from area schools since the spring sports seasons were cancelled.

Our target is to feature one male athlete and one female athlete from each school in our distribution area each

week. In most cases we will try and feature a Senior athlete first.

The Charlevoix County News covers Boyne City,

Boyne Falls, Charlevoix, East Jordan and Ellsworth. We have emailed the Athletic Director at each school. Feel free to contact the athletic di-

rector or coaches for spring sports at your school to be sure they are sending photos and details for spring sports athletes to the Charlevoix

County News for publication. They can email Dave Baragrey at Office@CharlevoixCountyNews.com

### AREA ATHLETE PROFILE



Jacob Moses

**EAST JORDAN RED DEVILS**

#### Cross Country

2016-17, 2017-18, 2018-19, 2019-20

2018-19 Sara Oliver Inspirational Award

#### JV Golf

2018-19

#### Parents:

Frank and Jennifer Gordon

### AREA ATHLETE PROFILE



Sharity Whitaker

**EAST JORDAN RED DEVILS**

#### Fall Sideline Cheerleading

2017-18

#### Cross Country

2016-17, 2017-18, 2018-19, 2019-20

#### Track & Field

2016-17, 2017-18, 2019-20

2016-17 All Region

2017-18 Red Devil Award

2017-18 All Region

2018-19 All Region

#### J.V. Girls Basketball

2016-17, 2017-18

#### Varsity Girls Basketball

2019-20 BCAM Team First Award

#### League Scholar Athlete

2018-19, 2019-20

Parents: Ron and Andrea Whitaker

### AREA ATHLETE PROFILE



Nolan Roehrig

**EAST JORDAN RED DEVILS**

#### JV Football

2016-17, 2017-18

#### JV Boys Basketball

2017-18

#### Varsity Football

2018-19, 2019-20

#### JV Golf

2016-17

#### Varsity Golf

2017-18, 2019-20

2018-19 Motivational Award

#### Parents:

Bret and Kathy Roehrig

### AREA ATHLETE PROFILE



Levi Pepin

**EAST JORDAN RED DEVILS**

#### JV Football

2016-17, 2017-18

2017-18 Most Valuable Defensive Player

#### Varsity Football

2018-19, 2019-20

2019-20 Most Outstanding Offensive Player

2019-20 All Conference Honorable Mention Tight End

#### JV Basketball

2017-18

#### Varsity Basketball

2018-19, 2019-20

2018-19 Most Improved Player Award

2018-19 Rookie of the Year Award

#### Varsity Golf

2016-17, 2017-18

2018-19 Motivational Award

#### Parents:

Josh and Cynthia Pepin

Scott and Melissa Lyons



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### WHY ISN'T MY HOME SELLING?

Part 1 of 3

If your answer is price, you'll be right a good majority of the time. If your home isn't selling, buyers think the value of your house is less than the price you want.

For all the time and effort that goes into buying and selling, the economics of the process is relatively simple. Anything is only worth what a buyer is willing to pay and a seller willing to accept. This is the same whether it's a pack of baseball cards or a \$1 million house.

Although the economics may be simple, arriving at that magic price is difficult. Just think of the cost, time and energy that companies put into pricing a product so it succeeds in the marketplace. It's no different in real estate.

If you've taken the time to educate yourself on the local market and are diligent in hiring a professional agent, and are willing to listen to her, you can get a lot closer to the magic number. But you are setting yourself up for disaster if you don't do your homework and go with what you "feel" your house is worth. Worse yet, is in-

terviewing agents and choosing one solely because she says she can get you more than what the other agents think the house will sell for.

These are some of the most common mistakes sellers make when setting a price:

Price based on need

What you want to make from selling your home means absolutely nothing to buyers or the marketplace. So setting a price based on what you want so you can retire, move up, start a business, etc. will almost certainly fail.

Price based on ego

Your neighbor sold for \$200,000 last year so you want \$210,000 because you "know" your house is better. Regardless that the market dropped five percent since your neighbor sold. Nearly every owner thinks their house is the best on the block, or at least better than any of the ones that have recently sold or are on the market. Unfortunately for sellers, your opinion doesn't carry any weight with buyers. Only their opinion matters.

More next week.

## Real Estate Feature Property

# BEAUTIFUL LAKE CHARLEVOIX HOME NEAR EAST JORDAN



BY JIM AKANS

Set on approximately 100 feet of Lake Charlevoix frontage, this beautiful lakeside home is located just a few miles north of East Jordan.

This three bedroom home has approximately 1,685 square feet of gorgeously designed and appointed living space. Interior highlights include an open living, dining and kitchen area with elegant flooring, cozy fireplace, spacious kitchen with handy snack bar seating, all with fantastic lake

views and direct access to the back deck. Among the many updates are a new door wall in the living room, new carpet, new water softener and more. A one-and-a-half car garage is attached to the home.

The large, open deck embraces those lake views and your private Lake Charlevoix frontage. There is a fantastic vinyl dock system ready to launch your watercraft for boating, fishing or just cruising the lake. While this would make an incredible year round home, it has also served as a successful

vacation rental so it could also be an income property. Shopping, dining and entertainment are close at hand with East Jordan and Charlevoix just short drives away.

This beautiful Lake Charlevoix home is located at 02268 South M-66 Road near East Jordan and it is listed at \$390,000. For more information or to arrange a home tour, call Jennifer Burr, Realtor, at Coldwell Banker Schmidt, 231 Water Street in Boyne City, at 231-582-6554 or email at jennifer.burr@cbgreatlakes.com.



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# ANTRIM COUNTY CONSERVATIVE UNION'S VOTER GUIDE

Republican Primary Election  
Tuesday August 4th, 2020

### 105<sup>TH</sup> STATE HOUSE OF REPRESENTATIVES IN LANSING

#### QUESTIONS FOR KEN BORTON & TONY CUTLER

QUESTIONS, ANSWERS.....ACCU GRADE QUESTIONS, ANSWERS.....ACCU GRADE

- Will you sign a "No Tax Increase Pledge"?  
KEN BORTON, YES.....A+ TONY CUTLER, Failed to Answer..... F
- What single issue do you think is the most important to your constituents?  
KEN BORTON, Freedom/Individual's Rights. I will stand up to this Governor.....A+ TONY CUTLER, Getting back to work and bringing jobs from China to the District..... C
- If elected, are you willing to push for spending cuts to balance our State Budget?  
KEN BORTON, YES.....A+ TONY CUTLER, YES.....A+
- If elected, are you willing to reduce the budget and limit the powers of the DNR back to hunting/fishing licenses and timber management?  
KEN BORTON, YES.....A+ TONY CUTLER, YES.....A+

### ANTRIM COUNTY SHERIFF

#### QUESTIONS FOR TRISTON COLE & DAN BEAN

QUESTIONS, ANSWERS.....ACCU GRADE QUESTIONS, ANSWERS.....ACCU GRADE

- Do you support building a new \$40 Million County Jail/Sheriff's Office?  
TRISTON COLE, NO.....A+ DAN BEAN, Failed to Answer..... F
  - Are you willing to correct the known problems and violations of the Antrim County Animal Shelter?  
TRISTON COLE, YES.....A+ DAN BEAN, Failed to Answer..... F
  - Are you willing to implement annual continuing education including community relations and physical training of every employee of the Sheriff's Department?  
TRISTON COLE, YES.....A+ DAN BEAN, Failed to Answer..... F
  - Do you support Antrim County becoming a 2nd Amendment Sanctuary County?  
TRISTON COLE, YES.....A+ DAN BEAN, Failed to Answer..... F
  - Specifically, what would you do to improve Deputy moral and improve Deputy retention?  
TRISTON COLE, YES.....A+ DAN BEAN, Failed to Answer..... F
- "Stop micromanaging the trained, professional deputies in our department. Trust, every day. A family/team style support network will be encouraged. Ensure the best technology, equipment and training available for all employees. My Deputies will be encouraged to network within our community to be the most effective to do their job."  
~Triston Cole

For questions or inquiries call 231-360-5125

Paid for by Antrim County Conservative Union • P.O. Box 650, Elk Rapids, MI 49629

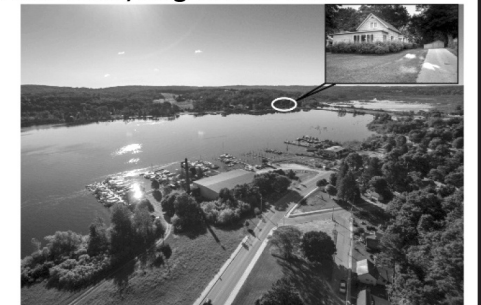
## Online Only Auction of Two Amazing Homes in Beautiful Northwest Lower Michigan!



203 Furnace Street, Elberta, Michigan 49628

This beautifully renovated home sits in an up and coming area of Elberta with views of Betsie Lake. Located just minutes from Lake Michigan and Frankfort.

– Two Open Houses: Sun., Aug. 9: Noon to 2 PM & Tues., Aug. 11: 2 pm to 4 PM – Online Bidding for This Property Ends Wed., Aug. 12 at 7 PM



883 Lake St. Frankfort, MI. 49635

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– Two Open Houses: Sun., Aug. 9. 3 to 5 PM and Tues., Aug. 11, 5 PM to 7 PM – Online Bidding for This Property Ends Thurs., Aug. 13 @ 7 PM

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