

**OTSEGO COUNTY
PLANNING COMMISSION**

**AGENDA
April 19, 2010
6:00 PM**

MEETING WILL BE IN THE MULTI-PURPOSE ROOM OF THE ALPINE CENTER BUILDING

1. CALL TO ORDER
2. PLEDGE OF ALLEGENCE
3. ROLL CALL
4. CONSENT AGENDA
 - a. None
5. APPROVAL OF MINUTES: From the February 22, 2010 meeting
6. OTHER:
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA
(Please identify yourself for the record. All comments will be limited to two minutes)
8. UNFINISHED APPLICANT BUSINESS:
9. PUBLIC HEARINGS:
None
10. UNFINISHED COMMISSION BUSINESS:
None
11. NEW BUSINESS:
 1. Zoning Ordinance Enforcement (Screening of Dumpsters)
 2. Non-Conforming Use (review Section 18.26)
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
13. ADJOURNMENT:

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1) 6:00 Call to Order

2) Pledge of Allegiance

3) Roll Call

Present: Mr. Stults, Ms. Backenstose, Mrs. Jarecki, Mr. Colosimo, Ms. Nowak, Mr. Klee, Mr. Borton, Mr. Mang

Excused: Mr. Ernst, Mr. Arndt, Mr. Hilgendorf

Land Use Services staff present: Joe Ferrigan, Sharon Bolinger, Allen West

Public present that signed the attendance sheet: Elliot Blumberg, Mike Moegenberg, Dorinda Chamberlain, Olen Harris, Colleen Jozwiak, Patricia Osburn

4) Consent Agenda: None

5) Approval of Minutes from the 12-21-2009 regular meeting with corrections.

Motion by Mr. Klee. Seconded by Mr. Borton.

Approved unanimously. Motion carries.

6) Other: Mr. Stults announced that item #1 under New Business will be removed from tonight's agenda.

7) Public participation for items not on the agenda: None

8) Unfinished Applicant Business: None

9) Public Hearings: Mr. Stults read the rules for Public Hearings.

1) Proposed changes to the Otsego County Zoning Ordinance regarding Wind Turbine Generators.

Public Hearing opened at 6:08pm.

Mr. Stults stated that we have received comments from Otsego Lake Township, Chester Township and Livingston Township and they are supporting the proposed changes.

No public comments.

Public Hearing closed at 6:09pm.

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- 2) Proposed changes to the Otsego County Zoning Ordinance regarding Article 23 Zoning Board of Appeals.

Public Hearing opened at 6:09pm.

Mr. Stults stated that we have received comments from Chester Township, Corwith Township, Livingston Township and Otsego Lake Township in favor of the proposed changes.

No public comments.

Public Hearing closed at 6:10pm

10) Unfinished Commission Business

- 1) Northern Processing: Status of Special Use Permit.

Mr. Stults "We have a request from Colleen Jozwiak to give us a presentation by Mr. Blumberg regarding a Special Use permit for mining. Mr. Blumberg."

Mr. Blumberg "Ladies and gentlemen my name is Elliot Blumberg I represent Colleen Jozwiak. We've been before this Commission on a number of occasions regarding the Special Use permit that had been issued initially in 2001 that was recently renewed in 2004. Most recently this Commission renewed the Special Use permit which on its terms ? expired we believe in January 2009. We've been before this Commission most recently in regards to the obligation of Mr. Matelski and Northern Processing LLC to submit what has been required of him which is a reclamation plan. For instance, question as to his obligation to submit that plan I think the Commissions attorney has given his legal opinion, the Commission has taken the position that in fact Northern Processing must file a reclamation plan. We are now one year past the time which we believe the Special Use permit expired. We're asking this Commission today to make the finding that in fact that permit is expired and consequently then Mr. Matelski and his company have no legal right to continue the operations at the gravel pits. That's what we are asking you to do this evening."

Mr. Stults "Thank You... Mr. Ferrigan..."

Mr. Ferrigan "Yes."

Mr. Stults "you have communicated with our legal council on this issue?"

Mr. Ferrigan "There are a few things I'd like to say. I did if you remember our last meeting, Northern Processing had made some comments about not being notified about a meeting on February 12th I sent a notice to Mr. Delaney that Ms. Jozwiak represented by Mr. Blumberg asked to be placed on the Planning Commission agenda and that the meeting is going to begin at 6:00pm on this date. I included a copy of this

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in your packet. And he replied back that he has a five day jury trial beginning today so it's not uncommon for a trial to continue after 5:00pm." He says that "This issue is very important to my client Northern Processing. I would like to have the matter heard at the March meeting..." He goes on to say "Since my client is not operating the gravel pit and the lawsuit has been pending since September 2008 the landowner will not be prejudiced by a 30 day delay." I did talk to Mr. Delaney, and in fact also Mr. Matelski, I told them that if we were going to remove it from the agenda, that it would be up to the Chairman as to whether he wanted to proceed because of the request by Mr. Delaney.

So with that being said, to answer your question, I did speak with the County's legal council and his statement to me and to the Planning Commission, is in your packet also, is that the minutes from the January 19, 2004 Planning Commission meeting are self supporting. The Planning Commission held a meeting, made a finding of fact, a motion was made and supported, a vote was taken, and the motion was approved to grant a Special Use permit in Case PC-2003-09-CHSUP for a period of five years. There is no need for the Planning Commission to take any action on the current request. So what he's saying is that we held a meeting, we granted a permit for a period of five years beginning January 19th, 2004 so the minutes speak for themselves."

Mr. Stults "Any additional comment? Anyone not in agreement with following the advice from our legal council?"

Mr. Blumberg "I have a question."

Mr. Stults "Mr. Blumberg."

Mr. Blumberg "I'm not sure what your council is advising you to do nothing the permit you granted on it's face expires five years after it's renewal January 2009. I think my client has a right to come before you and ask for you to make a determination, either that permit is in place or it's expired."

Mr. Stults "The way I understand the advise from our legal council is that the minutes from the meeting were the permit was granted, granted it for five years and that five year period has ended so it's no longer a valid permit."

Mr. Blumberg "Ok. That's all I, I guess that's what I was asking."

Mr. Stults "Ok, and I think you know based on our December meeting in comments you made before us according to our minutes you agreed with that conclusion."

Mr. Blumberg "I don't think anybody could argue to the contrary."

Mr. Stults "Ok, ok."

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Mr. Blumberg "Obviously we, Mr. Matelski had one year now since the expiration 2009 January is when that Special Use permit expired. He's had one year to do the reclamation which we believe he has not even started yet. Let alone perhaps you could edify me in terms of whether or not his reclamation plan has ever been submitted and approved by the Planning Commission? Or is it mute now that the permit's expired?"

Mr. Stults "The, your aware that the courts have ruled in action which your involved in, that he's not required to."

Mr. Blumberg "No that's incorrect, Judge Allen after this last meeting entered a new order requiring him to act in conformity with the Planning Commission and he does have an obligation to present and have approved a reclamation plan."

Mr. Stults "And you've been kind enough to provide us with that information and that revised order then?"

Mr. Blumberg "I haven't because your council already advised you to do that, and I thought that that was not even an issue. You guys voted on it and said he had to do it."

Mr. Stults "Yes we did but I think you know in good faith if there's a revised order it's something that we would like to have in hand if you would share it with us."

Mr. Blumberg "And I apologize for not doing that. I don't think even Mr. Delaney wouldn't dispute the fact that that order has been revised to reflect the ruling of this Commission."

Mr. Stults "Well I think in fairness to have current information particularly on a pending and ongoing court case that if your asking us to take action we need to have all the facts."

Mr. Blumberg "With all do respect, one is independent of the other and this body is the one that issued the Special Use permit."

Mr. Stults "Well I disagree that their independent with each other because the court said in the first order he wasn't required to do something that we had asked him to be done. And that prevents us from pursuing that."

Mr. Blumberg "And I'm not here to argue with you about what the court said or didn't say, there isn't any question with the order of the court now says Northern Processing LLC must file a reclamation plan."

Mr. Stults "Well, please provide us with that the so that we can..."

Mr. Blumberg "Yes I certainly would be glad to do that."

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Mr. Stults "Thank you. Any other Commission comments? Ok, moving on to the next matter."

2) WTG Commission discussion / next step.

Mr. Ferrigan recommended forwarding the revision on to the County Board of Commissioners.

Mr. Mang agreed.

There were multiple discussions among Commission members.

Herb Russell addressed the Commission. He was under the impression that we were still in the process of making the ordinance and requested to get a copy of the proposed changes. Sharon told him to call or stop into the Zoning office and we will get him a copy.

There were more discussions concerning wind turbine generators.

Motion made by Mr. Mang to recommend the proposed changes be sent on for adoption by the Board of Commissioners. Supported by Mr. Borton.

Motion approved unanimously. Motion carries.

3) Article 23 Commission discussion / next step.

There were no Commission comments.

Motion made by Mrs. Jarecki to forward on with a recommendation for adoption to the Board of Commissioners. Supported by Mr. Klee.

Motion approved unanimously. Motion carries.

11) New Business

1) County Administrator John Burt presentation on new Animal Control Building. Removed from agenda at beginning of meeting.

2) Approval of restroom remodel at County Park.

Mike Tarbutton, Parks and Recreation Director addressed the Commission.

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He gave a presentation to the Commission on the restroom addition and remodel.

Mr. Stults stated that this is before the Planning Commission based on the Planning Enabling Act Section 125.3861 item 2.

There were multiple discussions among Commission members and Mr. Tarbutton.

Motion made by Mr. Borton to authorize the Chairperson to report to the County Board of Commissioners and the Parks and Recreations Board that the Planning Commission recommends the remodeling and expansion of the restroom facility at the County Park. Supported by Ms. Nowak.

Motion approved unanimously. Motion carries.

3) Enforcement of Otsego County Zoning Ordinance / Discussion.

Mr. Ferrigan gave a presentation concerning the enforcement practices of the Otsego County Zoning Ordinance and equality in enforcement. The dumpster enclosure ordinance was the main topic for discussion.

There were multiple discussions among Planning Commission members and Planning and Zoning staff members.

Mr. Stults and Mr. Ferrigan asked the Commission members to take a good look over the Zoning Ordinance and to come back with any recommendations as how best to enforce the Ordinance for equality within the County.

12) Reports and Commission member comments.

Mr. Stults acknowledged that we have received a letter from Chester Township indicating that they have adopted an ordinance to establish a planning commission. He also saw Charlton Township Ordinance adopting a planning commission published in the Herald Times. Two Townships that did not have planning commissions have adopted an ordinance to establish them.

John Burt asked Randy Stults to update the Planning Commission on funding for Planning and Zoning for 2011. He has met with the township supervisors and they have made an offer of funding that they would have available for Planning and Zoning and he is working on a plan that would be able to support Planning and Zoning within the funding that they put forward and he is close to finalizing that. Then he will be going back to the townships with a plan within the funding that they have offered.

The funding from the Townships for the current year 2010 has been reduced by approximately \$8000 due to a time study that was put together by Mr. Ferrigan.

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Mr. Stults offered his assistance to the townships that are forming planning commissions.

Meeting adjourned at 8:02pm.

**ZONING ORDINANCE
COUNTY OF OTSEGO
STATE OF MICHIGAN**

TITLE

AN ORDINANCE enacted under Public Act 110, Public Acts of 2006, as amended, governing the lands and waters lying outside the limits of incorporated cities and villages within Otsego County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence, and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards and open spaces; to regulate and limit the density of population; to encourage resource protection, farming, and forestry activities; and for said purposes to divide the County into districts and establish the boundaries thereof; providing for changes in this Ordinance; defining certain terms; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of Ordinance.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of Otsego County, by protecting and conserving the character, and social and economic stability of the residential, commercial, industrial, and other use areas; by securing the most appropriate use of land; by providing for the protection of land and water resources; preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a Comprehensive Plan now therefore:

SECTION 3.3 DISTRICT REQUIREMENTS

All buildings, structures and uses shall be subject to the specific requirements of the District in which the property they are on or are proposed to be placed upon is located, as well as to all other requirements of this Ordinance. In particular, the provisions of Article 18, SPECIFIC REQUIREMENTS FOR CERTAIN USES and Article 19, GENERAL EXCEPTIONS may have particular significance to certain properties and uses.

Otsego County Zoning Ordinance 2003-02 Updated February 2007 References related to Screening of Dumpsters

ARTICLE 18 SPECIFIC REQUIREMENTS FOR CERTAIN USES

SECTION 18.10 FENCES

18.10.1 Fences designed to enclose property in any district shall be subject to the following conditions:

18.10.1.1 Fences in R1, R2, R3 or RR Districts, or any platted subdivision, site condo or PUD shall not contain barbed wire or be electrified.

18.10.1.2 No fence shall exceed six (6) feet in height in the side or rear yard. No fence in the front yard setback shall exceed four (4) feet in height and shall be of a design and material that does not obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.

Specific Nonresidential Uses Requiring Fences	Minimum height for fence or wall	Function(s)	
		Screen/protect	Obscure
Drive-in restaurants, gasoline stations and vehicle repair	6'0"	X	X
Hospital and funeral home service entrances	6'0"		X
Institutional playgrounds	6'0"	X	X
Parking lots	6'0"		X
Utility buildings and substations	6'0"	X	X
Public Swimming pools	6'0"	X	
Junk yards	8'0"	X	X
Open storage areas of any use	6'0"		X

Note: These uses in 18.10.2 are required to be fenced or screened in all cases regardless of the use orientation to residential zoning districts or residential uses.

18.10.3 Protective and adequate fencing shall be required around all outdoor swimming pools, and shall not be less than four (4) feet, six (6) inches above the established grade.

18.10.4 All plans for fences or walls must be approved by the Zoning Administrator for construction specifications designed to fulfill the primary function of protection and/or screening. All fences shall be maintained in a pleasing appearance.

18.10.5 The Planning Commission shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where general welfare concerns are not served by compliance with these standards, such as the existence of permanent natural features, where there is sufficient visual or protective separation, or where there is nothing to separate. Waivers shall not be granted where such characteristics are of a temporary nature or because the adjacent area is not yet developed.

18.18.5 Screening of Unsightly Areas:

Otsego County Zoning Ordinance 2003-02 Updated February 2007 References related to Screening of Dumpsters

Unightly areas, including but not limited to outside trash receptacles, loading docks, outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired, shall be screened from public sidewalks, streets and other areas from which the property is visible. Such screening shall not be located as to interfere with required maintenance activities of utility boxes.

Whenever plants are used as a screen, they should provide an effective opaque screen within three (3) years of the time they are planted.

The materials and colors of the screen should blend with the site and the surroundings.

Enclosures shall be placed around dumpsters and other trash receptacles. Dumpsters shall be entirely screened from view. The enclosures should prevent trash from being scattered by wind or animals. The dumpster shall be placed on a concrete pad, enclosed by an opaque screen at least six feet in height, with opaque gates. The enclosure shall be sturdy and built with quality wood or masonry materials. The trash enclosures shall be sited so the service vehicle has convenient access to the enclosure and has room to maneuver without backing onto a public right-of-way.

SECTION 20.2 APPLICATION FOR SITE PLAN REVIEW

An application for site plan review shall be obtained from the Zoning Administrator. The completed application and site plan shall be submitted to the Zoning Administrator along with 15 copies of each for distribution. The application, site plan and copies shall be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, in order to have the site plan review scheduled for that meeting. The applicant shall also meet requirements of Article 24, Township Participation in County Zoning. The application for site plan review and the site plan shall contain the following information:

20.2.2 The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less for sites of less than 3 acres and 1"= 100 or fewer feet or less if the site is larger than 3 acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect and each site plan shall depict the following:

20.2.2.7. Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.

20.2.2.18. Location and specifications for all fences, walls, and other screening features with elevation views from front and side.

20.2.2.20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.

20.6.3 The Planning Commission and/or Zoning Administrator may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of Article 18.10 and 18.18 of this Ordinance and may collect a performance guarantee consistent with the requirements of Article 20.8, to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:

Otsego County Zoning Ordinance 2003-02 Updated February 2007 References related to Screening of Dumpsters

20.6.3.1 that such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;

20.6.3.2 that absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area

20.11.2 The following are minor amendments:

20.11.2.5 Substituting landscape plan species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects.

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PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of Otsego County, by protecting and conserving the character, and social and economic stability of the residential, commercial, industrial, and other use areas; by securing the most appropriate use of land; by providing for the protection of land and water resources; preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a Comprehensive Plan now therefore:

SECTION 2.2 DEFINITIONS

NONCONFORMING BUILDING: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of the Ordinance in the district in which it is located.

NONCONFORMING USE: A use which has lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located. (Commonly referred to as "grandfathered.")

Otsego County Zoning Ordinance (4-2010)
- nonconforming references

ARTICLE 14 SCHEDULE OF DIMENSIONS

14.1 Table 1 - LIMITING HEIGHT - DENSITY, AND AREA BY ZONING DISTRICTS (See also Article 18.1 Accessory Buildings and Article 19 General Exceptions for Area, Height, and Use)

Zoning District	R1 & R2	R3	RR	FR & AR	Reserved for future use
Min. Lot Area (Sq. feet)	20,000 .46 acre	40,000 .92 acre	20,000 .46 acre	88,000 2.02 acre	
Min. Front Setback (b)(j)	25 ft	25 ft	25 ft	50 ft	
Max. Front Setback	NA	NA	NA	NA	
Min. Side Setback	10 ft	10 ft	10 ft	20 ft	
Min. Rear Setback	30 ft (a, h)	30ft (a, h)	30 ft (a, h)	40 ft (a)	
Min. Lot width (k)	100 ft 150 ft Duplex	100 ft	100 ft	150 ft AR 300 ft Duplex	
Max. % lot coverage	25%	25%	25%	30%	
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	
Min. Ground Floor area of principal structure (Square feet)	720 (i)	720 (i)	720 (i)	720 (i)	
Min. Width of principal structure	20 ft (i)	11ft (i)	20 ft (i)	11 ft (i)	

Zoning District	B1	B2	B3	I	Reserved for future use
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	
Min. Front Setback	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	
Max. Front Setback	NA	NA	NA	NA	
Min. Side Setback	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	
Min. Rear Setback	20 ft (a, d, f)				
Min. Lot width (k)	100 ft	100 ft	100 ft	150 ft	
Max. % lot coverage	NA	NA	NA	NA	
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	
Min. Width of principal structure	NA	NA	NA	NA	

Minimum front, side and rear setbacks, and maximum lot coverage modifications of up to 25% may be approved by the Zoning Administrator for nonconforming lots, as described in Article 18.26.1 and 18.26.2.

Otsego County Zoning Ordinance (4-2010)
- nonconforming references

Note a: Lots within 500 ft. of lakes, ponds, flowages, rivers, streams: see Article 15, LOTS NEAR WATER .

Note b: Where the front yards of two (2) or more principal buildings in any block, or within 500 feet in existence at the time of the passage of this Ordinance (or amendment thereto), in the same zoned district or the same side of the road are less than the minimum front yard setback, then any principal building subsequently erected on the same side of the road shall not be required to provide a greater setback than the average for the existing two or more principal buildings.

Note c: On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the residential side in B1, B2 & B3 Districts.

Note d: Loading and unloading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per linear foot of front building wall. Loading space shall not be counted as required off-street parking. Loading zones may be located in other nonrequired yards if screened or obscured from view from public streets and residential districts.

Note e: Off-street parking may be permitted in the front yard, except that a ten (10) foot wide landscaped buffer is maintained between the front lot line (or right-of-way line) and the parking area.

Note f: No building shall be placed closer than forty (40) feet to the outer perimeter of such district or property line when said use abuts a residential district boundary.

Note g: Subject to approval by the Planning Commission, the maximum height of buildings may be permitted to exceed the maximum stated in the Schedule by up to 50% in R1, R2, R3, RR, B1 and B2 Districts, and up to 100% in all other districts, provided that the applicant can demonstrate that no good purpose would be served by compliance with maximums stated, (as in the case of steep topography, a Planned Unit Development, or larger site); and further, there is no conflict with airport zoning height restrictions; fire safety is maintained subject to local fire authority approval; and the light, air and/or scenic views of adjoining property is not impaired. The Planning Commission and or Zoning Board of Appeals cannot allow a WTG height greater than allowed in Section 18.47 or a Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS. Also see Article 19 general Exceptions for Area, Height, and Use.

Note h: Section 18.1 allows a rear setback of 10 feet for accessory buildings.

Note i: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

Note j: In instances where the property is adjacent to a public right of way or ingress egress easement dedicated as permanent adequate access to 1 or more lots, the setback shall be measured from that right of way or ingress egress easement.

Otsego County Zoning Ordinance (4-2010)
- nonconforming references

Note k: Specific allowable uses have greater minimum lot widths as required in the Zoning District allowable use lists.

Note l: Specific allowable uses have greater allowable heights as stated in the Zoning District allowable use lists, Article 18 and Article 19, Section 19.3 Height Limits, of this ordinance.

14.2 MULTIPLE DWELLINGS - BULK, DENSITY AND AREA

Minimum floor area per each unit	Lot size
	Minimum width 200 feet at front building line
Efficiency 250 square feet	Minimum 40,000 square feet for any combination of six bedrooms For every bedroom over six, add 1,000 square feet to the minimum lot size
One bedroom 400 square feet	
Two bedroom 500 square feet	
Three bedroom 600 square feet	

Multiple Dwellings require a County Health Department written approval and/or permit for all proposed or installed septic tanks and wells. For the purpose of applying yard regulation, multiple family dwellings shall be considered as one building occupying one lot. When more than one multiple dwelling building occupies one lot, the structures must be separated by at least 30 feet when end to end, 60 feet when back to back or face to face, and 40 feet when end to face or back.

Article 18

SECTION 18.26 NONCONFORMITIES

18.26.1 INTENT

It is recognized that there exists within the districts established by this Ordinance and/or by subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

It is the intent of this Ordinance to permit these legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. Yard requirement modifications up to 25% may be approved by the Zoning Administrator upon a written finding that such a modification will have no adverse impact on the use or development of adjoining lots or threaten the public health or safety in any way.

18.26.2 NONCONFORMING LOT

Otsego County Zoning Ordinance (4-2010)
- nonconforming references

A nonconforming lot is a lot that the boundaries of which are recorded in a plat, deed or land contract executed and delivered prior to the effective date of this Ordinance and the width, depth, and/or area of which does not meet the minimum dimensional requirements of the District in which it is located.

A single family dwelling and accessory buildings may be erected on any single lot or recordable subdivision of a lot or parcel of land, provided that the erection, maintenance, repair, reconstruction, or replacement of such structure shall conform to the requirements of this Ordinance. This provision shall apply even though such structure may be required for use or useful to both that lot and the adjacent lot or lots. The requirements for such structures shall be the same as those for structures that do conform to the regulations for the District in which such lot is located. There shall be no modification of or to the requirements for such structures. Any modification of or to the requirements for such structures shall be obtained only by approval of the Board of Assessor.

Where two or more adjoining nonconforming lots are existing under single ownership, such lots shall be used only in combinations which most closely satisfy the minimum lot size standards prescribed for the District in which said lots are located.

For definition purposes, "most closely" shall apply in situations where, for example, two lots combined do not meet the minimum, but a third lot would exceed the minimum by a greater amount than two lots would fall short; hence, only two lots need to be combined in this case.

18.26.3 NONCONFORMING USE OF LAND

Nonconforming uses of land may be continued, so long as they remain otherwise lawful, subject to the following provisions:

18.26.3.1 No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

18.26.4 NONCONFORMING STRUCTURE

Nonconforming structures may be continued so long as they remain otherwise lawful, subject to the following provisions:

18.26.4.1 No nonconforming structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.

18.26.4.2 Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its volume or floor area, exclusive of the foundation, or basement, it shall be reconstructed only in conformity with the provisions of this Ordinance.

18.26.4.3 Should such structure be moved for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

18.26.5 NONCONFORMING USES OF STRUCTURES AND LAND

Nonconforming uses of structures and land may be continued so long as they remain otherwise lawful, subject to the following provisions:

Otsego County Zoning Ordinance (4-2010)
- nonconforming references

18.26.5.1 No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied, other than to remove or lessen nonconforming conditions.

18.26.5.2 Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.

18.26.5.3 Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the other use is equally or more appropriate to the district than the existing nonconforming use.

18.26.5.4 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises is permissible.

18.26.5.5 When a nonconforming use of structure, land, or structure and land in combination, is discontinued or ceases to exist for eighteen (18) consecutive months, the use, structure, or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

18.26.5.6 Removal or destruction of the use and/or structure shall eliminate the nonconforming status.

18.26.6 REPAIR AND MAINTENANCE

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

18.26.7 SPECIAL LAND USE IS NOT A NONCONFORMING USE

Any use for which a special use permit is issued as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.