

OTSEGO COUNTY PLANNING COMMISSION

October 21, 2013
6:00 PM

MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1322 HAYES ROAD

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From September 16, 2013 meeting
5. CONSENT AGENDA: None
6. OTHER:
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:
(Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARINGS:
9. ADVERTISED CASES:
10. UNFINISHED COMMISSION BUSINESS:
 1. Otsego County Master Plan w/Review Guidelines
 2. Otsego Lake Township HX Zoning Map
11. NEW BUSINESS:
 1. Objective List Update
12. REPORTS AND COMMISSION MEMBER'S COMMENTS
 1. Zoning Training/Top 10 Guidelines for Effective Local Zoning
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for September 16, 2013

Call to Order: 6:00 pm by Chairperson Stults

Pledge of Allegiance

Roll Call:

Present: Chairperson Stults, Vice-Chairperson Arndt, Mr. Hilgendorf, Mr. Brown, Mrs. Jarecki, Mr. Hartmann, Ms. Nowak, Mr. Klee, Mr. Mang, Mr. Hendershot

Absent: Mr. Borton

Staff Present: Mr. Schlaud, Ms. Boyak-Wohlfeil

Public Present: None

Consent Agenda: None

Approval of minutes from August 19, 2013:

Mr. Mang requested the following changes on the bottom of page one (1)... He had spoken to a member of the Jail Advisory Committee and he 'this member' felt the work program's implementation was showing success and there was possible room for expansion in the program. He 'This member' also said the Criminal Justice Master Plan had not been reviewed in several years and was scheduled to be looked at this coming winter by John Burt, Otsego County Administrator and members of this committee. Mr. Mang stated he was passing on this committee member's views and suggested the Planning Commission hold off on an urgent recommendation of the jail until this 'review' occurred.

Chairperson Stults requested the following additions on page three (3) under **Reports and Commission Member's Comments**-Chairperson Stults stated elections would take place...and he would not be considered for candidacy 'as chairperson.' and the addition of...The Committee was responsible for the Groen Nature Preserve, the Otsego County Park...Irontone Springs along with 'Libke' Mystic Fields out by the airport.

Motion made to approve minutes as corrected by Mr. Hartmann; Seconded by Mr. Klee.

Motion approved unanimously.

Other: None

Public participation for items not on the agenda: None

Public Hearing:

Highway Interchange District/Article 17/Schedule of Dimensions setback additions

Public Hearing Open:	6:08 pm
Public Hearing Closed:	6:08 pm

Otsego County Planning Commission

Proposed Minutes for September 16, 2013

Advertised Cases:

Highway Interchange District/Article 17/Schedule of Dimensions setback additions

Chairperson Stults read aloud the letter from Corwith Township proposing the same dimensions for the Highway Interchange District as required in B1/Local Business and B2/General Business and asked Mrs. Jarecki, Corwith representative, their reasons for the recommendations.

Mrs. Jarecki stated Corwith Planning Commission was looking at allowed uses in B1 and B2 and they seemed to consistent with permitted uses in HX.

Chairperson Stults agreed there were many of the same permitted uses but there were also heavier types of uses allowed in HX/Highway Interchange.

Mrs. Jarecki stated that was what their planning commission questioned, the minimum lot size of 40,000 feet. They felt the size was quite large to be imposed on many of the permitted uses.

Mr. Brown stated because industrial was allowed in the HX district, a minimum of 10,000 feet would be too small.

Mrs. Jarecki stated 40,000 feet would be very large for a medical or dental office.

Vice-chairperson Arndt stated transit usage needed to be taken into consideration.

Mr. Mang stated the dimension was just a minimum lot size and if a business needed a larger lot size, it was not limited.

Ms. Nowak stated the 10,000 feet was a minimum not a maximum lot size and with the smaller dimension, the door would be opened for more small businesses.

Chairperson Stults stated this *should* be considered and the uses in the HX district should be looked at further. Some of the uses did come out of the industrial section of the Ordinance. Since Otsego Lake Township had originally proposed the zoning district, he suggested Article 17 be referred back to them for consideration of lesser requirements but also to look at individual uses that may need the larger.

Mr. Mang stated certain uses cannot transpire on a 10,000 foot lot, less than a quarter of an acre in size. There are not too many industries that can operate on a quarter of an acre, so rather than legislating the Ordinance too much, things may self-regulate just by the nature of the business.

Chairperson Stults asked for consent to refer Article 17/Schedule of Dimensions back to Otsego Lake Township with the objectives and concerns of commission members, for their input. It would then be brought back to the County Planning Commission.

Chairperson Stults called a short recess: 6:22 pm.

Chairperson Stults called the meeting back in session: 6:24 pm.

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Unfinished Commission Business:

1. Otsego County Capital Improvement Plan 2014-2019/Revised information

Chairperson Stults stated the revisions and updates had been added to the jail section of the Plan. He asked Mr. Hartmann and Mr. Mang, as members of the Capital Improvement Plan Committee, if they had anything to add.

Mr. Hartmann stated he felt it reflected what was asked.

Mr. Mang concurred.

Chairperson Stults asked if anyone else had any comments; there were none.

Motion made to recommend the Otsego County Capital Improvement Plan 2014-2019 with revisions to the Board of Commissioners by Mr. Hendershot; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

2. Review of 'Service Roads' definition

Chairperson Stults recommended sending to Townships the definition of 'Service Roads' as an addition to Section 20.2/Definitions.

New Business:

1. Otsego County Master Plan Review/Discussion

Chairperson Stults stated it was a requirement to review the Master Plan every five (5) years. He stated the whole Plan could be redone, individual sections could be revised or If the Plan were to be redone, it would have to comply with the current Zoning Enabling Act or we could state the Plan meets our needs and it wouldn't have to be looked at for another five (5) years out.

Mr. Mang stated a review process had to be gone through. He also stated Livingston Township had recently reviewed their master plan and a member of MSU Extension had developed a series of questions based on the Zoning Enabling Act, to systematically approach the review. It was on the MSU website and could be printed off.

Chairperson Stults stated when the Master Plan was originally done, they had received grant monies and with the multiple consultants involved, it was quite expensive. Although *this* may not be a major revision, hiring consultants would not be feasible with just the Planning Commission budget. Without other funding, the Plan would go nowhere.

Mr. Hartmann stated Elmira Township had also recently revised their master plan and had updated to the 2010 census. They had hired Mary Campbell, who had all that information available, and he felt she was quite reasonable.

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Chairperson Stults commented that Mary Campbell had also been the consultant for Otsego Lake Township's master plan but the County Master Plan was much more detailed and extensive.

Mr. Mang recommended again, the review process Livingston had used to help them narrow down the items that needed to be updated and/or revised. The review did not cost them anything but it helped them identify the specific areas for change. He stated a professional was not needed to go through the review.

Chairperson Stults agreed outside help was not needed for the review. He also stated that if the Master Plan was to be redone opposed to just revising, a complete transportation plan would need to be done too, as that was a requirement of the Zoning Enabling Act. That would include roads, public transit, bike paths and so on would be required.

Mr. Mang stated they had included a transportation plan in their master plan and it wasn't really that overly burdensome with all the information that is available.

Chairperson Stults asked Mr. Schlaud to do some research for the guidelines and checklist to help with the review.

Mr. Mang said he would email Mr. Schlaud a link to the information.

2. North Star Gardens/New Landscape Business-Special Use Permit

Mr. Schlaud stated he had been approached by North Star Gardens for a Special Use Permit (SUP) and had presented a site plan of the proposed project for an upcoming public hearing.

Chairperson Stults stated this was just a preliminary site plan and needed to go to the township first.

Mr. Schlaud stated he also received a Special Use Permit application for an extension on an expired mining permit in Chester Township.

Reports and Commission Member's Comments:

1. Election of officers/2014

Chairperson Stults stated *Roberts Rules of Order* would be followed and a majority of votes would be needed for election to that office. Six (6) votes is a majority and voting ends when a majority is reached.

Chairperson Stults opened nominations and nominated Mr. Hartmann for office of chairperson.

Mr. Hendershot nominated Mr. Arndt for office of chairperson.

Members voted: Hartmann-5
 Arndt-5

The Rules state nominations are opened again and voting takes place again.

Chairperson Stults opened nominations and nominated Mr. Hartmann for the office of chairperson.

Mr. Hendershot nominated Mr. Arndt for the office of chairperson.

Members voted: Hartmann-6

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Mr. Hartmann elected chairperson.

Mr. Hartmann nominated Mrs. Jarecki for the office of vice-chairperson.

Mr. Hendershot nominated Mr. Arndt for the office of vice-chairperson.

Members voted: Mrs. Jarecki-6

Mrs. Jarecki elected vice-chairperson.

Mr. Hartmann nominated Mr. Stults for the office of secretary

Members voted: Mr. Stults-9

Mr. Stults elected secretary.

Chairperson Stults stated the three (3) new officers make up the Executive Committee also and the new terms begin October 1, 2013.

2. Expiring terms/Reappointment
 - a. Brown/Charlton-12.31.13
 - b. Hendershot/Hayes-12.31.13
 - c. Stults/Otsego Lake-12.31.13

Members will receive a letter from John Burt, County Administrator, inquiring of their interest in being reappointed. The Board of Commissioners will announce the reappointments at their meeting and it will then be posted on the website.

The Planning Commission will need to appoint a representative to the Zoning Board of Appeals around the same time as Mr. Stults' appointment expires with his term.

Planning Commission members each spoke and thanked the officers for their efforts and welcomed the new officers to the positions.

Adjournment: 7:27 pm by Chairperson Stults.

Christine Boyak-Wohlfeil, Recording Secretary

Ken Borton, Planning Commission Secretary

Land Use Series

December 23, 2010

Bringing
Knowledge
to Life!

Check List # 1H The Five-Year Plan Review

*"Thirty seven million
acres is all the Michigan
we will ever have."*

Former Governor
William G. Milliken

This is a step-by-step procedure for the five year review of a plan for a local unit of government, and of the plan's fact book, background studies or reports, resource book, or data book. (In this pamphlet they will be called "fact book".) This pamphlet is designed to provide a list of steps – in order – which leads to a well planned community. This outline is based on Michigan Public Act 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*), recommendations of Brad Neumann, MSU Extension Land Policy Educator, Kurt H. Schindler, MSU Extension Regional Land Use Educator, and intergovernmental coordination and plan content "best planning practices" derived from a proposed Coordinated Planning Act developed by the Michigan chapter of the American Planning Association.

The Michigan Planning Enabling Act is a new statute, that changes how various planning procedures are done, and provides new duties and powers to many planning commissions in the state. The purpose of this act was to create a single set of procedures to follow regardless of whether planning is being done by a city, village, township, or by a county. After September 1, 2008 (the effective date of the act) only the procedures in the Michigan Planning Enabling Act should be used as the act replaces the following statutes.

Only for matters that took place before September 1, 2008 should these old statutes still be referenced:

- County Planning Act, being P.A. 282 of 1945, as amended, M.C.L. 125.101 *et seq.*
- Township Planning Act, being P.A. 168 of 1959, as amended, M.C.L. 125.321 *et seq.*
- Municipal Planning Act, being P.A. 285 of 1931, as amended, M.C.L. 125.31 *et seq.* (For cities, villages, and some township planning commissions created prior to 1959.)

For any step of this process, the Michigan State University Extension members of the Land Use Area of Expertise team can assist with sample materials; coordinating efforts between the township, county, and the state; and providing guidelines.

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Michigan State University
Extension Land Use Team

<http://ntweb11a.ais.msu.edu/luaoe/index.asp>

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action, equal-opportunity
institution. Michigan State*

Check List	Step/Task to do	Documents to file	Conclusion
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p>STEP 3A: There is an opportunity to increase the detail and sophistication of a plan. Over time, one can build onto an existing plan and add new sections, with the plan and fact book becoming more comprehensive. Use Appendix A of this pamphlet (if desired) to review the current contents of the plan and fact book, noting what is already there, what could be done better, and what is not there that should be added. Based on this review, the planning commission decides whether the work involved will result in the need for an amended plan or new plan.</p>	Completed copy of Appendix A.	Supports the conclusion that the plan: <input type="checkbox"/> does not need to be changed at this time. <input type="checkbox"/> needs to be updated with amendments. <input type="checkbox"/> needs to be completely redone.
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p>STEP 4: To what degree have the goals, objectives, and strategies been met since the adoption of the plan? Do the goals and objectives continue to provide guidance for a twenty-year time frame? As the community makes day-to-day development decisions the landscape will change. During this review it is prudent to determine if the development decisions have been moving the community in the general direction envisioned in the plan.</p>	Certified copy of the planning commission's minutes where goals and objectives were reviewed.	Supports the conclusion that the plan: <input type="checkbox"/> does not need to be changed at this time. <input type="checkbox"/> needs to be updated with amendments. <input type="checkbox"/> needs to be completely redone.
<input type="checkbox"/> Task is done <input type="checkbox"/> In the file	<p>STEP 5: Have there been any major developments in the community or in nearby communities that affect underlying principles, strategies, or land use needs in particular areas?</p>	Certified copy of the planning commission's minutes where developments that impact particular areas were discussed.	Supports the conclusion that the plan: <input type="checkbox"/> does not need to be changed at this time. <input type="checkbox"/> needs to be updated with amendments. <input type="checkbox"/> needs to be completely redone.

Appendix A: Plan Content and Table of Contents

Minimum Plan Content Required by the Act

According to of the Michigan Planning Enabling Act, at a minimum, the following elements are to be a part of a plan.

Using the table below, review your plan and write in each column where the material is found in your community's plans.

This table was prepared assuming one's plan is like that of many communities in which it is organized in two major sections – the **plan** that is the meat of the document including the goals, objectives and policies that guide the physical development of the community (§33); and the **background**

information, data book, resource book, or fact book that provides data and analyses that support the plan (§31). Some communities have a third, optional, section which is an executive summary, or a simply written and heavily illustrated presentation of the plan, a chart, web page, poster, or combination of the above. These two or three sections can be parts all within one document, or might be two or three separate documents. Communities may also include information and polices by reference to other plans or documents.

In the last column of the table, indicate whether the item is something you want to include in your plan when it is updated or replaced.

Minimum Statutory Plan Content	Where the element is found in the <i>Fact Book</i>	Where the element is found in the <i>Plan</i>	Where the element is found in other adopted plans	Where the element is found in the optional summary, poster, pamphlet, etc.	This is something we want to add to our next plan(s)
Maps, plats, charts, and descriptive, explanatory, and other related matter. (Sec. 33(1))					Shall be included
A future land use map is required as a part of the land use plan element of the master plan. (Sec. 33(2)(d))					Shall be included
Show the planning commission's recommendations for the physical development of the planning jurisdiction. (Sec. 33(1))					Shall be included
Recommendations for implementing any of the master plan's proposals. (Sec. 33. (2)(e)) Note: All jurisdictions should have a section detailing recommendations for implementation. (Sec. 33(2)(e))					Shall be included
Documentation (or copies of) that the planning commission made careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions. (Sec. 31(2)(a))					Shall be included
Documentation (or copies of) that the planning commission consulted with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided. (Sec. 31(2)(b))					Shall be included

Association, from their work toward a Coordinated Planning Act (never adopted). It provides a rather complete list of the analysis that should be a part of a plan and fact or data book.

Following this table is a sample table of contents for a plan, data or fact book, and summary. It gives just one example of how information in a plan might be organized.

Using the table below, review your plan and write in each column where the material is found in your community's plans.

This table is prepared assuming one's plan is like that of many communities in which it is organized in two major sections – **the plan** that is the meat of the document including the goals, objectives and policies that guide the physical development of the community (§33); and the **background**

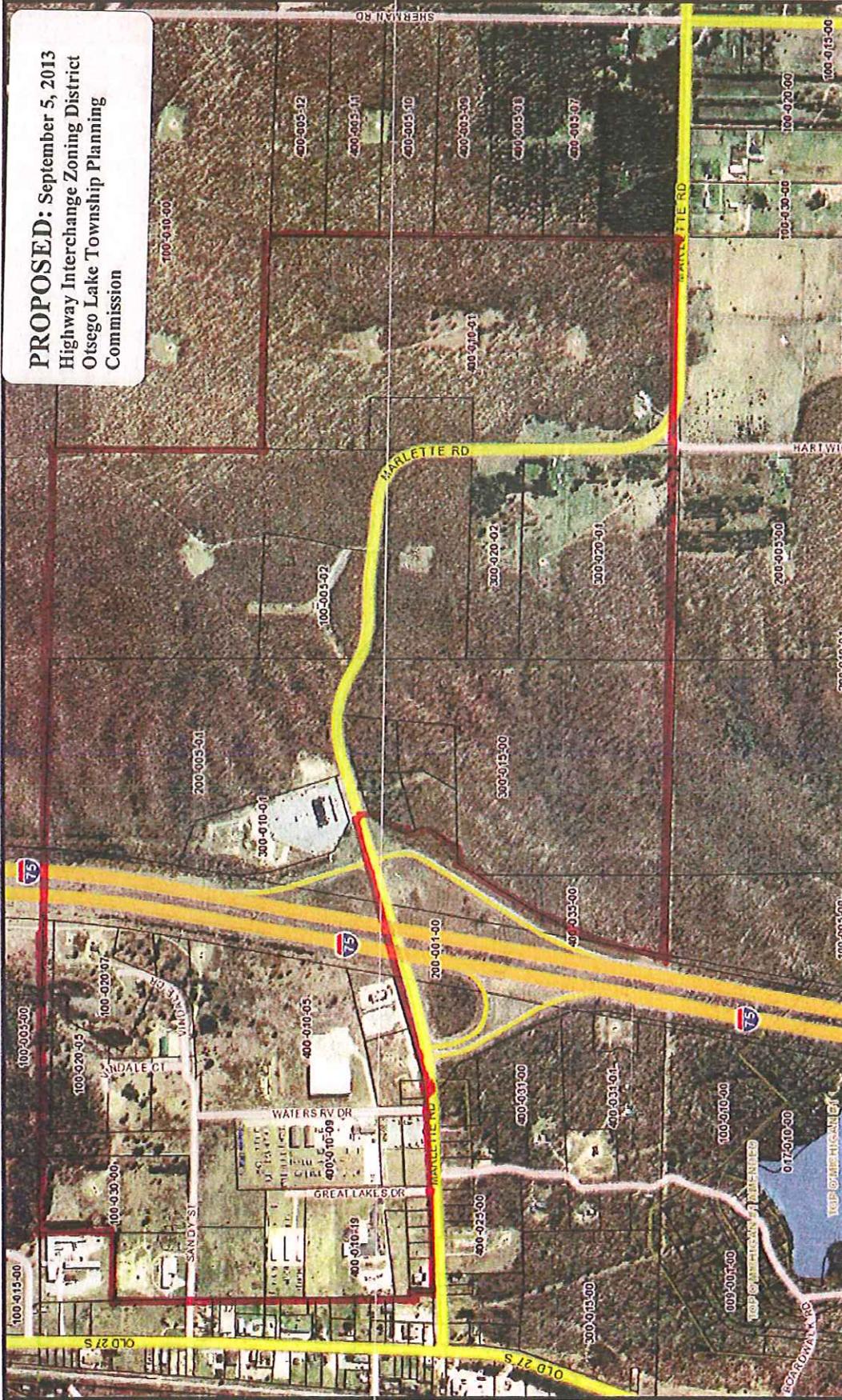
information, data book, resource book, or fact book that provides data and analyses that support the plan (§31). Some communities have a third, optional, section which is an executive summary, or a simply written and heavily illustrated presentation of the plan, a chart, web page, poster, or combination of the above. These two or three sections can be parts all within one document, or might be two or three separate documents. Communities may also include information and polices by reference to other plans or documents.

In the last column of the table, indicate whether the item is something you want to include in your plan when it is updated or replaced.

Plan Content	Where the element is found in the <i>Fact Book</i>	Where the element is found in the <i>Plan</i>	Where the element is found in other adopted plans	Where the element is found in the optional summary, poster, pamphlet, etc.	This is something we want to add to our next plan(s)
General Plan (Only for a county with no zoning) A policy-based plan with generalized future land use maps.					
A section on affordable housing needs and a strategy to meet those needs.					
A section on job development and a strategy to meet those needs.					
Address the relationship between jobs, housing, and transportation within the local unit of government or region.					
A separate section on multimodal transportation including streets and highways, public transit, airports, railroads, ports, and pedestrian and bicycle ways.					
A section on capital facilities owned or operated, or both, or privately contracted by the local unit of government, together with long-range fiscal plans for the provision of new capital facilities for the local unit of government.					
The plan shall be the basis for the local unit of government or regional capital improvement program including capital improvements to be done by a county road commission, drain commissioner, parks and recreation commission, department of public works, or other local unit of government legislative body.					
An analysis of all the municipal or joint municipal plans of municipalities within the county to ensure coordination and consistency, including, but not limited to, buildout, economic, fiscal, environmental, and social impact analyses.					
A plan may incorporate by reference plans, or portions of plans, adopted by other agencies of political subdivisions, a regional plan, this state, or the federal government.					

Plan Content	Where the element is found in the <i>Fact Book</i>	Where the element is found in the <i>Plan</i>	Where the element is found in other adopted plans	Where the element is found in the optional summary, poster, pamphlet, etc.	This is something we want to add to our next plan(s)
Redevelopment.					
Special purpose, sub-area (M.C.L. 125.3835), functional, neighborhood, corridor, or strategic plans.					
<p>Incorporate, by reference to relevant portions of other plans, including any of the following adopted plans that apply to the territory covered by the planning commission: A development plan adopted by a tax increment finance authority under P.A. 450 of 1980, as amended, (the Tax Increment Finance Authority Act, M.C.L. 125.1801 <i>et. seq.</i>).</p>					
A development plan adopted by a downtown development authority under P.A. 197 of 1975, as amended, (M.C.L. 125.1651 <i>et. seq.</i>).					
A development plan adopted by a local development finance authority under P.A. 281 of 1986, as amended, (the Local Development Financing Authority Act, M.C.L. 125.2151 <i>et. seq.</i>).					
A development plan adopted by an international tradeport development authority under P.A. 325 of 1994, as amended, (the International Tradeport Development Authority Act, M.C.L. 125.2521 <i>et. seq.</i>).					
A brownfield plan adopted by a brownfield redevelopment authority under P.A. 381 of 1996, as amended, (the Brownfield Redevelopment Financing Act, M.C.L. 125.2651 <i>et. seq.</i>).					
A plan adopted by a local unit of government, county, or regional economic development commission under P.A. 46 of 1966, as amended, (M.C.L. 125.1231 <i>et. seq.</i>).					
A project plan adopted by an economic development corporation under P.A. 338 of 1974, as amended, (the Economic Development Corporations Act, MCL 125.1601 <i>et. seq.</i>).					
A plan adopted by a housing commission under P. A. 18 of 1933 (Extra Session), as amended, (M.C.L. 125.691 <i>et. seq.</i>).					
A development plan approved by a planning commission and supervising agency under P.A. 250 of 1941, as amended, (the Urban Redevelopment Corporations Law, M.C.L. 125.901 <i>et. seq.</i>).					
A local unit of government, county, or regional park or recreation plan adopted by a local unit of government, county, or regional commission under P.A. 261 of 1965, as amended, (M.C.L. 46.351 <i>et. seq.</i>).					

PROPOSED: September 5, 2013
 Highway Interchange Zoning District
 Otsego Lake Township Planning
 Commission



Disclaimer:

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Map Publication:
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Otsego County Map Document

 Otsego County
 Map Service

web mapping by
Amalgam LLC

2013 OBJECTIVE LIST

List Approved December 17, 2012

OBJECTIVE	INTENT	COMMENTS
1. Upgrade Wireless Communication Equipment	A necessity to bring the Zoning Ordinance into compliance with a revision made to the Zoning Enabling Act.	Staff to work on language in related Ordinance Sections/March 18, 2013 Recommended to BOC-Excluding 'irrevocable letter of credit'/January 21, 2013/Recommended to BOC keep language pertaining to 'irrevocable letter of credit' in Section 18.25/March 18, 2013/Approved by BOC April 9, 2013
2. Mining Revisions/21.25	This item has been sent to the Townships for their final review and should be back to the Planning Commission in January 2013.	
3. Michaywe' Boundary/Underlying Zoning	Completion of work started by the Planning Commission in 2007 to clearly define the border of the Michaywe' PUD and the surrounding parcels.	Sent to Bagley/February 22, 2013/Letters to Owners/Public Hearing June 17, 2013/Sent to BOC/Approved by BOC August 13, 2013
4. Joint Session With the ZBA	A joint meeting between the two bodies for general discussion as to what each body should expect from the other.	
5. Minimum Size of Dwelling/Article 14, Table 1	Develop Zoning Ordinance language that is consistent with the State of Michigan residential building code. Joe will provide building code language.	
6. Agricultural Equipment Auctions	Add specific language to Article 18 concerning AG equipment auctions.	
7. Lots Near Water	The intent is to more clearly define the set-backs on properties that border water within Otsego County; protecting our waters while still allowing property owners the ability to use their property.	
8. Clean-up Ordinance /Continuance	A project Land Use is currently and continuing to work on. Information will be provided as necessary when public hearings or recommendations to the Board of Commissioners is required.	Sent to Townships/March 19, 2013/Public Hearing June 17, 2013/Sent to BOC/Approved by BOC August 13, 2013
9. Highway Interchange	Completing the review of the remaining language for this proposed additional zoning district and send to Townships for their review and written comments.	Sent to Townships/March 19, 2013/Public Hearing June 17, 2013/Schedule of Dimensions sent to Townships June 21, 2013/Public Hearing September 16, 2013/Otsego Lake Township HX Zoning Map
10. B2, B3 Zoning District/B1(?)	Jeff Ratcliff and Joe Ferrigan will provide a study on the available B2 & B3 properties and whether or not any changes in zoning designation are necessary.	
11. Recreational Equipment	Review the storage of recreational equipment/Review the issuance of camping permits for temporary living in recreational equipment	Staff to work on language
12. Private Roads/Emergency Vehicle Access	Develop very basic requirements for private roads within Otsego County to insure access is available to all emergency vehicles.	
13. Sign Ordinance/21.38	Review of current sign language, temporary placement of banners and other types of signage.	
14. Fences/21.10/Game Farms	Review of the placement of fences in relation to road right-of-ways, vehicles backing or pulling onto a roadway.	

15. Multi-Use Zoning District	Paul Hartmann is making contact with Elmira Township to see what action the County Planning Commission needs to take in 2013. (Also recommended in the 2009 Otsego County Master Plan)	
16. Overlay District Pigeon River	This is a recommended action of the 2009 Otsego County Master Plan. The idea is to develop special development conditions to ensure the protection of the unique characteristics of the Pigeon River Country Area.	
17. Non-Conforming Structures/Revise 21.26	Commissioner, Bruce Brown, would like language developed that will insure property owners the ability to reconstruct their residence in the event of a natural disaster without requiring board approval.	
18. Purchase and Transfer of Development Rights	This was a recommended action in the 2009 Otsego County Master Plan, designed for the protection of forestlands and open space.	
19. Large Tract Forestry Zoning District	This was presented with the idea of developing Ordinance language that would protect large parcels from being split up into small parcels, protecting the "up north nature" of Otsego County.	
20. Rental Homes/Short term/Add Conditions to Article 21	Review current Ordinance language and possibly develop new language regarding the short term renting of homes within the county (properties being rented as lake front retreats...)	
21. Outdoor Wood-fired Boilers	Review EPA sample ordinance and other community's ordinance to see if language can be developed that will work within Otsego County.	
22. Add Graphics to Zoning Ordinance	Land Use would like to add some graphics to the hyperlinked Ordinance so an individual can actually "see" what the Ordinance intends. (i.e... yard setbacks)	
23. Enforcement Procedures	An on-going process; Land Use will be asking for your guidance as necessary throughout 2013.	
24. Assisted Living Facilities	Will be brought forward by Randy Stuitts and Ken Arndt in 2013	

Planning Commission 2014 Objectives Worksheet

	OBJECTIVE	PRIORITY Urgent Important Desirable
A		
B		
C		
D		
E		
F		
G		
H		
I		
J		
K		

PRIORITY KEY

URGENT = Imperative, must do

IMPORTANT = Essential, should do

DESIRABLE = Important, could do

Please list the items you believe the Planning Commission should be working on in 2014. Once all members have responded, a list will be compiled and we will prioritize it.

Vern Schlaud
Director Otsego County Land Use

TEN GUIDELINES FOR EFFECTIVE LOCAL ZONING

1. Before taking action on any zoning request, be sure to determine whether the body taking action is the PROPER BODY to be acting at that time.
2. Before taking action on any zoning request, be sure to check and see if all PROPER PROCEDURES have been followed.
3. Remember, ZONING RUNS WITH THE LAND AND NOT THE OWNER. If property changes hands, whatever zoning approval is in place carries over to the new owner. Of course, the new owner must still meet the conditions associated with any prior zoning approval.
4. There is NO AUTHORITY TO GRANT APPROVAL OF A LAND USE FOR A TEMPORARY PERIOD OF TIME, unless the use itself is temporary, such as a seasonal carnival or xmas tree sales.
5. On any REZONING request, the most important question to answer is, *"IS THE PROPOSED LOCATION AN APPROPRIATE LOCATION FOR ALL THE USES WHICH WOULD BE PERMITTED UNDER THE REQUESTED DISTRICT OR ZONE?"* Remember of course, that any of the uses permitted in a particular zone may be erected once approval for that zone is granted. The primary factor to consider is whether the rezoning is consistent with the master plan.
6. On any SPECIAL LAND USE request, the most important question to answer is *"IS THAT AN APPROPRIATE LOCATION FOR THAT USE?"* Only the degree to which the characteristics of a requested special land use conform with specific ordinance standards are in question when considering a special land use request.
7. If an applicant demonstrates that his/her application meets all the ordinance requirements for a zoning permit, site plan, special land use, or PUD approval, then APPROVAL MUST BE GIVEN.
8. When the zoning board of appeals considers variance requests it should remember that IN ORDER TO GRANT A USE VARIANCE, FACTS MUST BE PRESENTED BY THE APPLICANT THAT SHOW *UNNECESSARY HARDSHIP*. To qualify for a NONUSE VARIANCE, THE APPLICANT MUST SHOW *PRACTICAL DIFFICULTY*. In either case, the problem the owner faces must be created by a circumstance UNIQUE to the property and not shared by surrounding parcels and the problem can NOT BE SELF-CREATED.
9. Deviation from the terms of a zoning permit, site plan, special land use permit, or variance is a VIOLATION of the ordinance and should be prosecuted as such.
10. If a community doesn't ENFORCE an ordinance every time it is violated (or amend it to eliminate the source of the violation if it is in the public interest to do so), then the community may lose the right to enforce the ordinance when it wants/needs to. The OBJECTIVE OF PROSECUTION FOR A VIOLATION IS TO ACHIEVE ORDINANCE CONFORMANCE—not the imposition of fines, penalties or imprisonment.