

# Otsego County Planning Commission

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Approved Minutes for May 19, 2014

**Call to Order:** 6:05 pm by Chairperson Hartmann

Pledge of Allegiance

**Roll Call:**

Present: Chairperson Hartmann, Vice-Chairperson Jarecki, Secretary Stults, Mr. Borton, Mr. Arndt, Mr. Brown, Ms. Nowak, Mr. Hendershot, Mr. Mang

Absent: Mr. Hilgendorf, Mr. Klee

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

**Consent Agenda:** None

**Approval of minutes from April 21, 2014:**

Motion made to approve minutes by Mr. Arndt; Seconded by Mr. Brown

Motion approved unanimously.

**Other:** None

**Public participation for items not on the agenda:** None

**Public Hearing:** None

**Advertised Case:** None

**Unfinished Commission Business:**

1. HX/Highway Interchange Zoning District/Article 17/Schedule of Dimensions/Recommendation to BOC

Motion made by Mr. Brown to approve the HX/Highway Interchange Zoning District/Article 17 Schedule of Dimensions setback additions as proposed and also correct the setbacks of the AR/Agricultural Resource and FR/Forest Recreation Districts changing the front setbacks from fifty (50) feet to twenty-five (25) feet, the side setbacks from twenty (20) feet to ten (10) feet with *note (c)* added and the rear setbacks from forty (40) feet to thirty (30) feet with *note (h)* added and also add AR and FR to *note (c)*; Seconded by Ms. Nowak.

Discussion ensued.

Mr. Brown stated the Schedule of Dimensions encompassed all districts not just the Highway Interchange. He wanted the setback issue for the AR and FR districts brought forward again. He stated that after the Board of Commissioners turned down the recommendation the first time, he had spoken with some of the Commissioners afterward stating his views, and he was told they would look at it again if presented.

Chairperson Hartmann stated Mr. Brown's motion went beyond what was on the agenda and the Highway Interchange Zoning District needed to be brought to a close.

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Mr. Schlaud stated the Highway Interchange needed to move forward and Mr. Brown should bring up his motion as a separate item.

Secretary Stults stated he did not think the Highway Interchange Zoning District should be delayed and if the AR/FR setback change were to be brought forward again, it would have to follow the procedures of the Planning Enabling Act and the Zoning Ordinance. It would have to go to Townships for input and another public hearing held. He stated he did not have a problem doing that, it was just the process to follow.

Mr. Arndt stated the setbacks originally were decided on to preserve the rural characteristics of the zoning districts but the twenty (20) to thirty (30) feet did not make that big of a difference, and maybe more of the land could be preserved with the lesser setbacks. He stated the change would not force anyone to stay back, just allow them the opportunity to move forward, closer to the road.

Mr. Mang stated the subject was moot and time was being wasted discussing it because procedure had to be followed. He stated the motion on the floor needed to be voted on to move forward.

Chairperson Hartmann stated because the Board of Commissioners had turned the change down previously, the process must be started all over again. He told Mr. Brown the subject could be brought up again under 'New Business'.

Motion by Mr. Brown voted on; Motion defeated.

Motion made by Mr. Brown to approve the HX/Highway Interchange Zoning District/Article 17 Schedule of Dimensions setback additions as proposed and clarifying the minimum lot area to ten thousand (10,000) feet; Seconded by Secretary Stults. (SEE ATTACHMENTS)

Motion approved unanimously.

## 2. Revised definition of 'service roads':

*SERVICE ROADS: Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street.*

Mr. Schlaud stated Township input had been received and a second public hearing will be set up for the 'service roads' definition, possibly in July.

Mr. Mang stated Livingston Township had not sent anything in writing but was in agreement with the revised definition.

## 3. Otsego County Master Plan/Jim Hilgendorf/Committee meeting report

Mr. Mang explained that after talking with Rick Duell from NEMCOG (North East Michigan Council of Government) and sending him a highlighted copy of the Master Plan's items to be addressed, he submitted a cost of \$2,000 as a service to Otsego County, to update the text and statistics of the Master Plan.

Chairperson Hartmann stated the Master Plan Committee recommended accepting NEMCOG's proposal and asked John Burt, County Administrator, for the funding.

Motion made by Secretary Stults to follow the Master Plan Committee's recommendation of using NEMCOG to update the Master Plan as outlined in the detailed report returned to the County and ask the Board of

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Commissioners through John Burt to provide the estimated \$2,000 funding to accomplish the task; Seconded by Mrs. Jarecki.

Mr. Arndt questioned the updating of the Plan with new maps.

Secretary Stults stated most of the maps *would not* be modified. Specifically, the Land Use Maps would be very expensive to redo and since there has not been any significant change in five (5) years, there was no point in spending the money.

Motion approve unanimously.

## **New Business:**

### 1. Discussion/Joint meeting with ZBA members

Chairperson Hartmann stated the joint meeting would be held June 16<sup>th</sup> with each committee holding a formal meeting. He asked Mr. Stults to speak along with Mr. Sagasser, ZBA chairperson, and stated a presentation demonstrating the digital Zoning Ordinance would also be on the agenda.

### 2. FR/AR-Article 17/Schedule of Dimensions

Motion made by Mr. Brown to change the minimum front setback of the AR/Agricultural Resource and FR/Forest Recreation Districts from fifty (50) feet to twenty-five (25) feet, the side setbacks from twenty (20) feet to ten (10) feet with *note (c)* added and the rear setback from forty (40) feet to thirty (30) feet with *note (h)* added and also add AR and FR to *note (c)*; Seconded by Mr. Arndt.

Mr. Mang stated Livingston Township had not been in favor of the change when it was sent out for Township input the first time. The Township had sent an email reply to the County listing the reasons against the setback change. He stated he would be voting no.

Mr. Borton stated the Commissioners had discussed the issue when it was first brought forward and because they had not heard of any complaints with the setbacks or the public wanting the setbacks changed, they felt it was better to leave them as is. He also stated the issue would probably be turned down again for the same reasons.

Ms. Nowak stated she felt the change gave people the choice to choose for themselves.

Secretary Stults stated he could understand the setbacks for residential use but it was important to look at all uses in both of those zoning districts; some of the uses needed the greater setbacks.

Chairperson Hartmann questioned if the wording 'residential use' could be added to the setbacks for those zoning districts.

Secretary Stults stated it would be acceptable planning if the setback changes applied to only the residential areas in those zoning districts. It could be done by listing '*residential*' as having the lesser setbacks and the greater setbacks for everything else or through Article 21 by listing the uses with the greater setbacks.

Mr. Brown withdrew his previous motion and made the following in its place:

Motion made by Mr. Brown to change the setbacks in residential areas of the AR/Agricultural Resource and FR/Forest Recreation Districts from a minimum front setback of fifty (50) feet to twenty-five (25) feet, the side

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setbacks from twenty (20) feet to ten (10) feet with *note (c)* added and the rear setback from forty (40) feet to thirty (30) feet with *note (h)* added and also add AR and FR to *note (c)*; Seconded by Mr. Arndt.

Mr. Mang stated the word '*residential*' was not in the definition section of the Ordinance. He felt adding family dwelling, duplex dwellings and that basically all of the residential units listed in the AR district covered the definition.

Staff will draw up language to include Sections 9.1.1, 9.1.2 and 9.1.3 pertaining to the setback changes in AR and FR Zoning Districts for residential dwellings only.

Motion passed:           Nine (9) yes  
                                  One (1) no

## Reports and Commission Member's Comments:

### 1. Otsego County Parks & Recreation update

Secretary Stults stated a portion of the wood floor on the west side of the Community Center had been taken up to try to locate the moisture problem but a source had not been found. John Ernst, a local structural engineer, will look into the problem but as it stands, a long term solution will be an expensive fix. The Community Center was closed but it was decided the east side of the floor could still be used along with the balcony area activities, so it will be reopened.

The cabins for the County Park were completed and the site plans finalized for their placement. They will be located to the north of the County Park on the cul-de-sac near the water. Reservations for the cabins were going very well.

Secretary Stults also stated the fireworks were questionable this year because the launching area is currently under water. If they are unable to launch them safely, there will not be a firework show on Otsego Lake this year.

### 2. Michigan Inland Lake Convention

Mr. Brown attended an all-day session for governmental bodies at the Michigan Inland Lake Convention at Boyne Mountain Resort and shared information about federal, state and local jurisdiction over wetlands.

Secretary Stults thanked the Planning Commission on behalf of their involvement and support of the Otsego Lake Township Highway Interchange Project.

### 2. General Information Guide for a Planning Commission or Zoning Board of Appeals/Zoning Training

**Adjournment:** 7:45 pm by Chairperson Hartmann.

Christine Boyak-Wohlfeil, Recording Secretary

Randy Stults, Planning Commission Secretary

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## **ATTACHMENTS:**

### **ARTICLE 14 HIGHWAY INTERCHANGE COMMERCIAL DISTRICT**

#### **INTENT:**

The Highway Interchange Commercial land use category includes areas designated for commercial development, which are primarily Interstate access dependent. This district primarily serves thru traffic and tourist needs. Uses that are consistent with these areas include, but are not limited to, gasoline stations, lodging facilities, entertainment facilities, restaurant facilities and similar tourist related developments, as well as warehouses, storage buildings, wholesale facilities and other similar uses. This district is intended to serve traffic entering or leaving the Interstate. These areas may require municipal water and sewer services and/or other comparable forms of water and sewer services with approval by the municipality and District Health Department.

#### **14.1 PRINCIPAL USES PERMITTED** anywhere in the zoning district.

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

- 14.1.1 Existing residences
- 14.1.2 Banks and financial institutions, except those with drive-through service
- 14.1.3 Office buildings for administrative, professional, governmental and sales offices
- 14.1.4 Medical and dental offices, including clinics
- 14.1.5 Public Schools under the jurisdiction of the Michigan superintendent of public instruction
- 14.1.6 Indoor theaters, halls and similar places of assembly
- 14.1.7 Bowling alleys, pool parlors or billiard parlors
- 14.1.8 Indoor archery range
- 14.1.9 Tavern/night clubs
- 14.1.10 Restaurants, except those with drive-through service
- 14.1.11 Bus stations and passenger terminals

**PRINCIPAL USES PERMITTED** in the zoning district only when access is from a service road. Access shall not be off Marlette Road in Otsego Lake Township and Mills Street in Corwith Township.

- 14.1.12 Any generally recognized retail business within an enclosed building under one hundred thousand (100,000) square feet
- 14.1.13 Offices and showrooms of plumbers, electricians, decorators or similar trades, without outdoor storage
- 14.1.14 Rental shops without outdoor storage
- 14.1.15 Athletic or sports facilities and health clubs, indoor only
- 14.1.16 Places of worship
- 14.1.17 Lumber yards and building material suppliers within enclosed building(s)
- 14.1.18 Businesses including those with drive-through service
- 14.1.19 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height without lights Permit criteria include Article 21.46.2
- 14.1.20 Wholesale sales, storage and distribution facilities including accessory retail sales but excluding storage of flammable or hazardous materials Outside storage shall be fenced and screened.
- 14.1.21 Truck and rail freight terminals, including warehousing
- 14.1.22 Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles Outside storage shall be fenced and screened.
- 14.1.23 Lumber yards, building, construction material suppliers and home improvement centers without outside storage
- 14.1.24 Bottling works, food packaging and freezer plants
- 14.1.25 Equipment reconditioning indoors on an impervious surface
- 14.1.26 Nursery sales and garden supply centers within enclosed building and without outside clay area(s)

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- 14.1.27 Construction and utility service contractors storing heavy equipment with inside storage only
- 14.1.28 Storage buildings consisting of building(s) with the purpose of commercial and/or private storage A storage building shall not be used in any form as a residence.
- 14.1.29 Mini-storage buildings consisting of separate storage rooms rented or leased by the month
- 14.1.30 Utilities - All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded) shall be located underground, except where above ground equipment such as transformers, control panels, services connections and meters are required. All above ground equipment shall be located at the rear of the building. Permitted criteria includes Article 21.10 regarding screening and fences

## **14.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS** anywhere in the zoning district.

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 19 and only after the review and approval of the site plan by the Planning Commission. (See Article 21 for applicable specific Requirements for Certain Uses, if any and Article 23 for site plan requirements.)

- 14.2.1 Motels, hotels, motor inns, cabin courts, bed and breakfast facilities, tourist lodging facilities and museums
- 14.2.2 Gasoline service stations for sale of motor fuels, oil and minor accessories
- 14.2.3 Car wash subject to waste water treatment conditions
- 14.2.4 Sales, rental, and service centers for vehicles, watercraft, and/or motor homes and travel trailers, including new or used automobiles, motor bikes, bicycles, watercraft, ATV's, campers, snowmobiles, utility trailers provided:
  - 14.2.4.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two streets.
  - 14.2.4.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.
  - 14.2.4.3 No sales or display shall occupy any public street or road right-of-way and further, must be set back at least twenty (20) feet from the front property line.
  - 14.2.4.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department.
  - 14.2.4.5 Emergency access routes must be maintained in the display area.

**PERMITTED USES SUBJECT TO SPECIAL CONDITIONS** in the zoning district only when access is from a service road. Access shall not be off Marlette Road in Otsego Lake Township and Mill Street in Corwith Township.

- 14.2.5 Retail uses over one hundred thousand (100,000) square feet
- 14.2.6 Offices and showrooms of plumbers, electricians, decorators or similar trades, with outdoor storage
- 14.2.7 Rental shops with outdoor storage
- 14.2.8 Nursery sales and garden supply centers with outdoor display areas
- 14.2.9 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage
- 14.2.10 Rifle or pistol ranges when within a completely enclosed building as an accessory use
- 14.2.11 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view
- 14.2.12 Sales, rental, and service centers for mobile home, modular home, manufactured homes, or farm equipment provided:
  - 14.2.12.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two streets.
  - 14.2.12.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off street parking lots.

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- 14.2.12.3 No sales or display shall occupy any public street or road right-of-way; and, further, must be set back at least twenty (20) feet from the front property

## 14.3 DEVELOPMENT REQUIREMENTS

- 14.3.1 Mechanical Equipment. All units and appliances for air conditioning, HVAC systems, high voltage electrical systems, exhaust pipes or stacks, elevator housing and satellite dishes or telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roofline elements, penthouse-type screening devices or landscaping. Outdoor wood burning equipment (stoves/furnaces) is prohibited.
- 14.3.2 Services Access. A designated loading space shall be reserved at the rear of the building. The Planning Commission may permit loading from secondary streets if applicant demonstrates that traffic flow and access to neighboring uses will not be disrupted.
- 14.3.3 Landscaping. Landscaping is an integral part of this district and shall complement the district and surrounding uses. Landscaping shall comply with the provisions elsewhere in this ordinance.
- 14.3.4 Sidewalks. The property owners shall provide sidewalks. Sidewalks shall conform to placement and level of adjacent neighborhood sidewalks or be located one (1) foot inside the street right-of-way along all streets abutting the property. Sidewalks shall be a minimum of sixty (60) inches wide, or the width of adjoining sidewalks as approved during site plan review. Greater width may be required during site plan review.

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## ARTICLE 17 SCHEDULE OF DIMENSIONS

17.1 Table 1 - LIMITING HEIGHT, DENSITY AND AREA BY ZONING DISTRICTS (See also Article 21.1 Accessory Buildings and Article 22 General Exceptions for Area, Height, and Use)

<i>Zoning District</i>	<b>R1 &amp; R2</b>	<b>R3</b>	<b>RR</b>	<b>FR &amp; AR</b>	<b>Reserved for future use</b>	<b>Reserved for future use</b>
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)		

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

Minimum front, side and rear setbacks, and maximum lot coverage modifications of up to twenty-five percent (25%) may be approved by the Zoning Administrator for nonconforming lots, as described in Article 21.26.1 and 21.26.2.

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Note a: Lots within five hundred (500) feet of lakes, ponds, flowages, rivers, streams: See Article 18, LOTS NEAR WATER.

Note b: Where the front yards of two (2) or more principal buildings in any block, or within five hundred (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 and **HX**.

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 non-required 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 fifty percent (50%) in R1, R2, R3, RR, B1 and B2 Districts, and up to one hundred percent (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 21.47 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 22 General Exceptions for Area, Height, and Use.]

Note h: Section 21.1 allows a rear setback of ten (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 one (1) or more lots, the setback shall be measured from that right of way or ingress egress easement.

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 21 and Article 22, Section 22.3 Height Limits, of this ordinance

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## ARTICLE 3 ZONING DISTRICTS AND MAPS

### SECTION 3.1 DISTRICTS

For the purpose of this Ordinance, the County of Otsego is hereby divided into the following districts:

#### RESIDENTIAL DISTRICTS

[R1 Residential](#)

[R2 General Residential](#)

[R3 Residential Estates](#)

[RR Recreation Residential](#)

#### OTHER DISTRICTS

[FR Forestry Recreation](#)

[AR Agricultural Resource](#)

#### NON-RESIDENTIAL

[B1 Local Business](#)

[B2 General Business](#)

[B3 Business & Light Manufacturing](#)

[I Industrial](#)

[HX Highway Interchange](#)

### SECTION 3.2 DISTRICT BOUNDARIES

The boundaries of these districts are hereby established as shown on the County Zoning Map, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein. If there are any questions as to the interpretation of District Boundaries the Zoning Board of Appeals shall determine same. District Boundaries as interpreted by the Zoning Board of Appeals may be illustrated on Atlas type zoning maps on file with the Zoning Administrator. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- 3.2.1 Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
- 3.2.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3.2.3 Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
- 3.2.4 Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks. Where an abandoned rail line is developed as a parcel, the more restrictive zoning shall apply to the entire parcel.
- 3.2.5 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- 3.2.6 Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

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- 21.36.2 Recycling facilities means a facility that accepts and processes recycled materials, which are stored in buildings or containers.
- 21.36.3 Solid Waste Hauler means any person primarily engaged in the business of collecting, transporting, and delivery or transferring of solid waste within the County to a solid waste transfer station of landfill by the person so hauling.
- 21.36.4 Solid waste means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludge, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry. Solid waste does not include source separated material or site separated material.
- 21.36.5 Operators of recycling facilities may arrange the establishment of satellite recycling facilities at commercial facilities, which are appropriately zoned with controlled access.
- 21.36.6 Satellite recycling facilities shall be exempt from [Article 23](#) Site Plan Review. The site plan shall be reviewed and approved by the Zoning Administrator.

## SECTION 21.37 SHOOTING RANGE

Minimum lot size for an outdoor shooting range shall be forty (40) acres.

## SECTION 21.38 SIGNS AND BILLBOARDS

Any publicly displayed sign, symbol or notice on premises to indicate the name of the occupant, to advertise the business there transacted, or directing to some other locale, shall be regulated as follows, and shall require permits in accordance with the terms of the County Building Code:

### 21.38.1 Signs Permitted

- 21.38.1.1 Name Plates in All Districts Residential, business or industrial name plates which are not illuminated and do not exceed a total area of two (2) square feet, may be permitted in any district, and may be permitted in addition to any other legal sign.
- 21.38.1.2 Accessory Signs in [R1](#), [R2](#), [R3](#), [RR](#), [FR](#) and [AR](#) Districts One (1) sign not to exceed fifteen (15) square feet may be permitted for uses other than dwelling units, in [R1](#), [R2](#), [R3](#), and [RR](#) Districts. In the [FR](#) and [AR](#) Districts, one (1) sign not to exceed thirty-two (32) square feet in area and measuring not more than four (4) feet by eight (8) feet shall be permitted.

### 21.38.1.3 Accessory Signs in B, **HX** and I Districts

**A. Signs for Single Business: A single business on one (1) lot or combination of lots in the [B1](#), [B2](#), [B3](#), [I](#) and/or [HX](#) District may install accessory signs in accordance with the following regulations:**

1. Accessory Signs in B1, B2, B3 and/or I Districts may be permitted at the rate of two (2) per use, except that at least one (1) sign shall be affixed to or be within two (2) feet of and be parallel with the wall of the main building. One (1) sign may be a freestanding or pylon sign.
2. Signs mounted on and parallel with the wall of the main building shall not exceed a total area of two and one half (2½) feet times the length of the mounting wall.
3. Freestanding signs intended for local or passerby traffic shall not exceed a height of twelve (12) feet measured from the average grade at the base of the sign to the top of the sign. No freestanding sign shall exceed an area of thirty-two (32) square feet, and no such sign shall be longer than three (3) times its width.

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4. Pylon signs, designed and intended to attract traffic from a major expressway or highway, are approved but shall not exceed a height of thirty-five (35) feet and must be constructed and mounted by approval methods set forth in the State Construction Code provided they meet the Airport Zoning Ordinance standards.

B. Signs for Shopping Centers, Shopping Centers, Commercial Developments or Two (2) or more stores, offices, research or manufacturing facilities, or retail developments with multiple stores or Commercial PUDs or retail stores with an area over one hundred thousand (100,000) square feet or other Commercial Developments requiring Special Use Approval which have common off street Parking and/or entrance, may install accessory signs in accordance with the following regulations:

1. Signs which direct traffic movement within a property, and which do not exceed four (4) square feet in area for each sign are permitted.
  2. One (1) free-standing identification sign for each street that the development faces.
    - a. The free standing sign shall state only the name of the Shopping Center or multiple use development and Tenants located therein.
    - b. No freestanding sign face shall exceed an area of one hundred (100) square feet.
    - c. Freestanding signs shall not exceed a height of twenty five (25) feet measured from the average grade at the base of the sign to the top of the sign face. The structure supporting the sign shall not exceed a height of thirty (30) feet measured from the average grade at the base of the structure. The height shall not exceed three (3) times the width.
    - d. Tenants of the shopping center or the owner of outlots included within the development plan or PUD shall not be permitted individual free standing signs, except gas stations as noted below.
  3. Businesses within the development or PUD shall be permitted exterior wall signs; the total area of the exterior wall signs shall not exceed twenty percent (20%) of the area of the largest wall.
  4. All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than twenty percent (20%) of the total window area.
  5. An automobile service station located on an outlot or on an individual lot within the development or PUD may have one (1) free standing sign in addition to the free standing sign utilized for the development. The free standing sign shall be for the purpose of advertising gasoline prices and other services provided on the premises. The service station sign shall comply with the regulations for a single business on its own lot as noted in [Section 21.38.1.3\(A\)](#) above.

#### 21.38.1.4 Non Accessory Signs and Billboards

Billboards, poster boards, and non accessory signs may be permitted in B2, B3, & I Districts provided the area of the sign does not exceed an area of two hundred (200) square feet in B2 & B3 Districts and three hundred (300) square feet in I Districts. A non-accessory sign or billboard shall not measure longer than three (3) times its width.

Signs that come under the jurisdiction of P.A. 106 of 1972 are under the jurisdiction of the Township, if the Township has adopted a sign ordinance.

#### 21.38.1.5 Sign Lighting (also see [SECTION 21.19 LIGHTING, OUTDOOR](#))

**Signs internally illuminated or with a light emanating surface are allowed only in the RR, FR, AR, B1, B2, B3, I, HX, MUZ-Main Street and MUZ-Town Center Districts provided they meet the other requirements of this ordinance and are setback a minimum of ten (10) feet from all road right-of-ways and seventy-five (75) feet from any other property line.**

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## SECTION 21.39 SLAUGHTER HOUSE, MEAT OR POULTRY PACKING OR PROCESSING

Slaughtering shall be done inside the building only.

## SECTION 21.40 SOIL EROSION AND SEDIMENTATION CONTROL, STORM WATER MANAGEMENT

No zoning permit shall be issued until any required Soil Erosion and Sedimentation Control permits and/or Storm Water Management permits have been obtained.

## SECTION 21.41 SPEAKERS AND SOUND DEVICES, OUTDOOR

Uses requiring outdoor speakers, outdoor public address systems or similar sound devices shall not be permitted without the written consent of the Planning Commission who shall determine that no public nuisance will be established and that no unreasonable adverse impact will fall on an adjacent property. The Planning Commission may require the installation of various screening and landscaping to minimize the impacts of such speakers on adjoining properties.

## SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

21.42.1 Residential Trash Receptacles shall be placed at curbside no earlier than twenty-four (24) hours from the scheduled pick-up day. Any trash receptacle placed at curb side shall be removed from curb side no later than twenty-four (24) hours after the scheduled pick-up day.

21.42.2 Commercial Trash Receptacles / Dumpsters may be placed upon a parcel of land in such a manner to facilitate loading and unloading. They may be placed no closer than ten (10) feet to any adjoining property. All Trash Receptacles shall be properly maintained with working lids and the lids shall be maintained in a closed position.

**21.42.2.1 During the site plan review process the Planning Commission or Zoning Administrator may require Commercial Businesses abutting land zoned Residential (R1, R2, R3, RR) or existing residential development in other zoning districts (HX) to maintain a greater setback than ten (10) feet but in no case shall the required setback be greater than twenty five (25) feet.**

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

21.42.4 Trash Receptacles / Dumpsters meeting the requirements of [Sections 21.42.1, 21.42.2 & 21.42.3](#) shall not be considered unsightly areas as covered in [Section 21.18.5](#).

## SECTION 21.43 UNDERGROUND UTILITY WIRES

Within the area of a plat or site plan, all distribution lines for electric, communication, or similar associated services shall be placed underground. Those electric and communication facilities placed in dedicated public ways shall be installed so as not to conflict with other underground utilities. All communication and electric facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately-owned property shall be protected by easements granted by the owner of such property.

The Planning Commission may, by resolution, waive or modify any of the above requirements for underground line installations with respect to a particular plat or site plan when the strict application of the above requirements would result in unnecessary hardship. Prior to any such waiver or modification, a public hearing regarding the proposal shall be held by the Planning Commission.

## SECTION 21.44 UNLISTED PROPERTY USE

The County Zoning Board of Appeals shall have power on written request of a property owner in any Zoning District to classify a use not listed with a comparable permitted use in the District giving due consideration to the provisions of [Article 19](#) of this Ordinance when declaring whether it is a use permitted by right or by special

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## SECTION 21.46.5

All towers in [Section 21.45](#) must comply with FCC and FAA regulations.

## SECTION 21.47 WIND GENERATION

The purpose of this section is to establish requirements for the location of [WIND TURBINE GENERATORS \(WTG\)](#), commonly known as wind turbines or windmills, and anemometer towers. The county recognizes that it is in the public interest to permit the location of wind turbine generators within the county. As such, this ordinance seeks to:

- a. Regulate the development of renewable energy resources in a prudent manner.
- b. Protect all areas of the County from any potential adverse impacts of WTG and anemometer towers;
- c. Regulate the location of WTG and anemometer towers within Otsego County;
- d. Protect the public health, safety and welfare;
- e. Avoid potential damage to adjacent property from the failure of WTG and anemometer towers.

### 21.47.1 ZONING DISTRICT LOCATIONS

WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use in all Zoning Districts. (See [Section 21.47.2](#))

WTG Small: Permitted as an accessory use to an allowed Principal Use in all zoning districts. (See [Section 21.47.3](#))

WTG Medium: Permitted as an accessory use to an allowed Principal Use in AR, FR & I Zoning Districts. (See [Section 21.47.4](#))

WTG Large: Permitted Subject to Special Conditions in AR, FR. (See [Section 21.47.5](#))

Anemometer Tower: Permitted Subject to Special Conditions in AR, FR. (See [Section 21.47.6](#))

### 21.47.2 WIND TURBINE GENERATOR— BUILDING-MOUNTED.

A zoning permit shall be issued only when the following requirements are met:

- a. Zoning District: Permitted as an accessory use to an allowed Principal Permitted Use in all zoning districts.
- b. Height: The height of the [WTG – BUILDING-MOUNTED](#) shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and similar protuberances, to the highest point of the wind turbine generator, regardless whether that point is on a fixed or mobile part of the wind turbine generator.
- c. Property Line Setback: Shall be no closer than the minimum specified in [Article 17](#). No portion of the wind turbine generator shall encroach into the required property line setback. If guy wires are used, their anchors may not be closer than the minimum setback specified in [Article 17](#).
- d. Number of Units: All lots shall be allowed one (1) WTG – Building-Mounted provided all the requirements for WTG – Building-Mounted are met.

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1. Lots located in [R1](#), [R2](#), [R3](#), [RR](#), [B1](#), [B2](#), [B3](#) & [HX](#) zoning districts shall be allowed up to two (2) WTG – Building-Mounted on a single lot if the lot meets or exceeds the Minimum Lot Area requirements of [Article 17](#), and provided all the requirement for WTG – Building-Mounted are met.
  2. Lots located in FR, AR & I zoning districts shall be allowed up to four (4) WTG – Building-Mounted on a single parcel if the parcel meets or exceeds the Minimum Lot Area requirements of [Article 17](#), and provided all the requirements for WTG – Building-Mounted are met.
  3. WTG – Building-Mounted shall only be located on buildings greater than two hundred (200) square feet in area.
  4. The Number of Units may be increased, in all zoning districts, by a rate of one (1) per each twenty thousand (20,000) square feet a lot is larger than the minimum lot size required in [Article 17](#) provided all the requirements for WTG – Building-Mounted are met.
  5. WTG – Building-Mounted shall be sited no closer than the height of the taller WTG from its base to the base of an adjacent WTG. For this purpose the base of a Building-Mounted WTG is considered to be the point at which the WTG tower attaches to the building.
- e. **Sound Pressure Level:** Maximum sound pressure level emanating from the WTG and measured on the dB(A) scale at any adjacent property line or any adjoining public or private road with respect to the property on which the WTG is located shall be dependent on the zoning district in which the adjacent property or road is located per the following schedule:

Zoning District	Day dB(A)	Night dB(A)
R1, R2, R3, RR, B1	40	35
FR, AR	40	35
B2, B3, <a href="#">HX</a>	50	45
I	60	50

For the purposes of this article, “Day” shall be defined as the hours between 7:00 AM and 7:00 PM and “Night” shall be defined as the hours between 7:00 PM and 7:00 AM. Sound pressure levels may be exceeded during short term events such as utility outages and/or windstorms.

- f. Code Requirements: Shall meet all applicable state and local construction and electrical codes, and all other permits required by law.
- g. Safety: WTG shall have an automatic braking, governing, or feathering system and shall be maintained in accordance with Underwriters Laboratories (UL) listed standards.
- h. Tower: Shall meet or exceed tower specifications provided by the manufacturer of the generator, or have a design approved by an independent professional engineer licensed in the State of Michigan.
- i. WTG Unit: Shall be Underwriters Laboratories (UL) listed.
- j. Shadow flicker: The WTG – Building-Mounted shall be designed, sited and operated in such a manner to minimize shadow flicker on a roadway. In addition the WTG – Building-Mounted shall be designed, sited and operated in a manner to prevent shadow flicker on any existing structures located off the property on which the WTG – Building Mounted is erected. The owner and/or operator shall prohibit shadow flicker on any future lawfully constructed structure located off the property on which the WTG-Building Mounted is erected.
- k. Sale of electric power via net metering is permitted per applicable state law.

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- l. The WTG-Building Mounted shall, subject to any applicable standards of the FAA, be a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the WTG-Building Mounted is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
- m. The WTG-Building Mounted shall not be artificially lighted unless required, in writing, by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA.
- n. The WTG-Building Mounted shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only.
- o. The WTG-Building Mounted shall be constructed and operated so that it does not interfere with television, radio, cellular telephone or microwave reception in neighboring areas. If degradation of television, radio, cellular telephone or microwave reception occurs as the result of the WTG, the WTG Building Mounted owner and/or operator shall take such action as to correct the television, radio, cellular telephone or microwave reception.
- p. The WTG-Building Mounted shall have no advertising painted on or attached to the tower or any other structure of the WTG.
- r. A WTG-Building Mounted that is not operated for a continuous period of twelve (12) months shall be removed by the owner of the WTG within ninety (90) days of receipt of a notice from the county requiring removal.
- s. The owner shall be responsible for the ongoing compliance with the standards of this ordinance.

## 21.47.3 WIND TURBINE GENERATOR — SMALL

A zoning permit shall be issued only when the following requirements are met:

- a. Zoning District: Permitted as an accessory use to an allowed Principal Use in all zoning districts.
- b. Height: Shall have a [WIND TURBINE GENERATOR HEIGHT](#) less than sixty (60) feet.
- c. Property Line Setback: Shall not be closer than one and one-half (1½) times the Wind Turbine Generator Height to the nearest property line from the base of the WTG.
- d. Riparian Zone Setback: Shall not be closer than one and one-half (1½) times the Wind Turbine Generator Height to the nearest ordinary high water mark of lakes in the County that appear on the most recent US Geological Survey Quadrangle maps.  
  
Shall not be closer than one and one-half (1½) times the Wind Turbine Generator Height to the nearest banks of rivers, streams, and flowages of water in the County that appear on the most recent US Geological Survey Quadrangle maps. These setbacks are measured on a horizontal plane.
- e. Number of Units: Lots located in [R1](#), [R2](#), [R3](#), [RR](#), [AR](#), [FR](#), [B1](#), [B2](#), [B3](#), [I](#) and [HX](#) zoning districts may be allowed one (1) WTG – Small on a single lot if the lot meets or exceeds the Minimum Lot Area requirements of Article 14, and provided all the requirements for WTG – Small are met.
  1. The Number of Units may be increased to a density not to exceed one (1) WTG-Small per five (5) acres (217,800 square feet).
  2. WTG – Small shall be sited no closer than one and on-half (1½) times the height of the taller WTG from its base to the base of an adjacent WTG.

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- f. **Sound Pressure Level:** Maximum sound pressure level emanating from the WTG and measured on the dB(A) scale at any adjacent property line or any adjoining public or private road with respect to the property on which the WTG is located shall be dependent on the zoning district in which the WTG is located per the following schedule:

Zoning District	Day dB(A)	Night dB(A)
R1, R2, R3, RR, B1	40	35
FR, AR	40	35
B2, B3, HX	50	45
I	60	50

For the purposes of this article, “Day” shall be defined as the hours between 7:00 AM and 7:00 PM and “Night” shall be defined as the hours between 7:00 PM and 7:00 AM. Sound pressure levels may be exceeded during short term events such as utility outages and/or windstorms.

- g. Code Requirements: Shall meet all applicable state and local construction and electrical codes, and other permits required by law. Wiring for WTG-Small shall be underground or enclosed in the tower.
- h. Safety: WTG-Small shall have an automatic braking, governing, or feathering system and shall be maintained in accordance with Underwriters Laboratories (UL) listed standards.
- i. Blade clearance: The minimum blade tip clearance from grade, structure, or appurtenance shall be fifteen (15) feet.
- j. Tower: Shall be a free-standing monopole (guy wires are not permitted) that shall meet or exceed tower specifications provided by the manufacturer of the generator, or have a design approved by an independent professional engineer licensed in the State of Michigan.
- k. Shadow flicker: The WTG – Small shall be designed, sited and operated in such a manner to minimize shadow flicker on a roadway. In addition the WTG – Small shall be designed, sited and operated in a manner to prevent shadow flicker on any existing structures located off the property on which the WTG – Small is erected. The owner and/or operator shall prohibit shadow flicker on any future lawfully constructed structure located off the property on which the WTG-Small is erected.
- l. Sale of electric power via net metering is permitted per applicable state law.
- m. The WTG – Small shall, subject to any applicable standards of the FAA, be a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the WTG – Small is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
- n. The WTG – Small shall not be artificially lighted unless required, in writing, by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA.
- o. The WTG – Small shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only.
- p. The WTG – Small shall be constructed and operated so that it does not interfere with television, radio, cellular telephone or microwave reception in neighboring areas. If degradation of television, radio, cellular telephone or microwave reception occurs as the result of the WTG – Small, the owner and/or operator shall take such action as to correct the television, radio, cellular telephone or microwave

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- q. The WTG – Small shall have no advertising painted on or attached to the tower or any other structure of the WTG.
- r. A WTG – Small that is not operated for a continuous period of twelve (12) months shall be removed by the owner of the WTG within ninety (90) days of receipt of a notice from the county requiring removal.
- s. The owner shall be responsible for the ongoing compliance with the standards of this ordinance.

## 21.47.4 WIND TURBINE GENERATOR — MEDIUM

A zoning permit shall be issued only when the following requirements are met:

- a. Zoning District: Permitted as an Accessory Use to an allowed Principal Use only in AR, FR & I Zoning Districts.
- b. Height: Shall have a [WIND TURBINE GENERATOR HEIGHT](#) greater than sixty (60) feet but less than or equal to one hundred (120) feet.
- c. Property Line Setback: Shall not be closer than one and one-half (1½) times the Wind Turbine Generator Height to the nearest property line from the base of the WTG.
- d. Riparian Zone Setback: Shall not be closer than one and one-half (1½) times the Wind Turbine Generator Height to the nearest ordinary high water mark of lakes in the County that appear on the most recent US Geological Survey Quadrangle maps. Shall not be closer than one and one-half (1½) times the Wind Turbine Generator Height to the nearest banks of rivers, streams, and flowages of water in the County that appear on the most recent US Geological Survey Quadrangle maps. These setbacks are measured on a horizontal plane.
- e. Avian Corridors: WTG-Medium should not be located in historic avian migration pathways or frequent use corridors.
- f. Number of Units: Lots located in AR, FR & I zoning districts shall be allowed one (1) WTG – Medium on a single lot if the lot meets or exceeds the Minimum Lot Area requirements of Article 14, and provided all the requirement for WTG – Medium are met.
  - 1. The Number of Units may be increased to a density not to exceed one (1) WTG-Medium per ten (10) acres (435,600 square feet).
  - 2. WTG – Medium shall be sited no closer than one and one-half (1½) times the height of the taller WTG from its base to the base of an adjacent WTG.
- g. **Sound Pressure Level:** Maximum sound pressure level emanating from the WTG and measured on the dB(A) scale at any adjacent property line or any adjoining public or private road with respect to the property on which the WTG is located shall be dependent on the zoning district in which the WTG is located per the following schedule:

Zoning District	Day dB(A)	Night dB(A)
R1, R2, R3, RR, B1	Not permitted	Not permitted
FR, AR	40	35
B2, B3, <b>HX</b>	Not permitted	Not permitted
I	60	50

For the purposes of this article, “Day” shall be defined as the hours between 7:00 AM and 7:00 PM and “Night” shall be defined as the hours between 7:00 PM and 7:00 AM. Sound pressure levels may be exceeded during short term events such as utility outages and/or windstorms.

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HX Zoning Map:

