

**OTSEGO COUNTY
PLANNING COMMISSION**

**June 20, 2016
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 May 16, 2016 meeting
5. CONSENT AGENDA
6. OTHER: Kay Stoker - text amendment request
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 HEARING:

*Dennis Freeman, owner, represented by Seidell Architects, has requested a Special Use Permit/Site Plan Review for property located in Livingston Township:
2838 Wilkinson Rd
Gaylord, MI 49735
080-036-400-005-09*

*Property located in an AR/Agricultural Resource Zoning District
PZSU15-008-proposed use of the property is to remodel an existing barn as a wedding venue*
9. ADVERTISED CASE:

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2838 Wilkinson Rd
Gaylord, MI 49735
080-036-400-005-09*

*Property located in an AR/Agricultural Resource Zoning District
PZSU15-008-proposed use of the property is to remodel an existing barn as a wedding venue*
10. UNFINISHED COMMISSION BUSINESS:
 1. Proposed Language *Personal Wireless Communications*
 2. Planning Commission By-Laws/*Amended*
11. NEW BUSINESS:
 1. Highway Interchange Zoning District/*Master Plan-Proposed Text Amendment*
 2. PSUP15-001 Extension-*Gapinski request*
 3. CIP Committee - *Member volunteer*
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
 1. Otsego County Parks & Recreation report/*Judy Jarecki*
 2. Vacation Rental Article/*Zoning Information*
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for May 16, 2016

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Mr. Borton, Mr. Hilgendorf, Ms. Nowak, Mr. Klee, Mr. Caverson, Ms. Corfis, Vice-Chairperson Jarecki

Absent: Mr. Arndt, Mr. Brown

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

Public Present: Duane Hoffman, Elmira Township

Chairperson Hartmann announced Roberta Tholl, representative of Livingston Township has resigned and a new member has not been appointed yet. A quorum was present.

Vice-Chairperson Jarecki arrived 6:03pm.

Approval of minutes from: March 21, 2016

Motion made to approve minutes by Mr. Hilgendorf; Seconded by Ms. Nowak.

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda: None

Public Hearing: None

Advertised Case: None

Unfinished Commission Business:

1. MUZ/Multiple Use Zoning District/Proposed Scheduled of Dimensions

Chairperson Hartmann welcomed Duane Hoffman, Elmira Township and asked him to review the MUZ Zoning District and the *Schedule of Dimensions* presented.

Mr. Hoffman stated Elmira Township, along with a committee set up by the County, has been working on this language since 2006. Changes have been made over time by both bodies. Elmira held a public meeting notifying everyone within the area and had about ten (10) people attend. He stated the public input was positive concerning the district and the MUZ has been incorporated into Elmira Township's Master Plan. He presented the Schedule of Dimensions with the addition of the MUZ setback requirements.

Otsego County Planning Commission

Proposed Minutes for May 16, 2016

Vice Chairperson Jarecki questioned the clarity of the verbiage concerning the two (2) story requirement under 'Section 3 Development Requirements' of the Main Street MUZ.

Mr. Borton suggested changing the verbiage to read... '*unless the Otsego County Planning Commission determines a single story will not detract from the character and appearance of the Main Street MUZ*'.

The height requirement for wireless telecommunications towers will also be changed from '...one hundred (100) feet or less in height' to '*...one hundred fifty (150) feet or less in height*' to reflect the current proposed language concerning Personal Wireless Communications.

Vice-Chairperson Jarecki also questioned whether the definitions for courtyard, plaza and park should be added to Article 2 Section 2.2 Definitions of the Ordinance as well.

The definitions were referenced and read aloud; Commission members were in agreement and the definitions will be added to the proposed document.

Mr. Caverson questioned how this zoning district went into effect; if property would need to be rezoned.

Mr. Hoffman stated the Elmira 'downtown' M-32 area would be incorporated into the MUZ Zoning District all at once. A public hearing would be held and the district adopted.

Mr. Caverson asked if other areas were included in this zoning district.

Mr. Hoffman stated they had approached Johannesburg and the Village of Vanderbilt but they were not interested at this time.

It was stated the Future Land Use Map already included other areas in the MUZ Zoning District.

Chairperson Hartmann asked for a motion to send the language to townships.

Motion made by Mrs. Jarecki to send the proposed language for the MUZ/Multiple Use Zoning District with the addition of the three (3) definitions and minor corrections along with the *Schedule of Dimensions* to townships; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

New Business:

1. Planning Commission By-Laws/Amended

The Planning Commission By-Laws were reviewed for changes to the meeting location and minor grammatical errors. As per Article XXI of said By-Laws, the amendment will be voted on at the next regular meeting.

2. Public Hearing Format/Discussion

A format for conducting public hearings and site plan reviews was presented and discussed as well as the Site Plan Review application process.

Otsego County Planning Commission

Proposed Minutes for May 16, 2016

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Mrs. Jarecki distributed printed pamphlets for the Groen Nature Preserve listing the extended hours and the property's amenities. Parks & Recreation Director, Kyle Ryan has received the grant money for the DNR property for developing healthy activities to include people of all ages but is restricted from being used for playground equipment or grills for liability purposes; Uses of that nature would need to be provided by the County. There has been positive feedback on the new lighting installed at the Community Center and the season will wrap up June 8th, reopening in the fall. Tree removal is being proposed at the County Park, Mr. Ryan feels more advertising is needed to help fill vacancies there and a recommendation was made to the Board of Commissioners to fund the free County Park passes distributed to different entities by donations. The millage is set for the August election to bring in additional funding and Mr. Ryan presented a breakdown of how to utilize the monies.

Ms. Corfis stated Otsego Lake Township has worked their way up to chapter seven in their Master Plan.

Mrs. Jarecki stated Corwith Township has received response to their Trust Fund application stating the first step for the Gateway Community grant was complete. They are waiting to hear from the State on the remaining.

Mr. Borton stated things were well at the County; the fountain at the County building would be turned on as soon as weather permitted.

Discussion ensued concerning ballot items and State requirements.

Mr. Schlaud pointed out the notes on the public hearing format concerning the postponing of items on the agenda and requested the members review.

2. Leading Effective Board Meetings/Zoning Training

Adjournment: 7:29pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU15-008
Special Use Permit/Site Plan Review
080-036-400-005-09**

Exhibit List

- Exhibit #1:* Applications for case PZSU15-008 submitted by Applicant/Representative
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended November 25, 2014
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended December 15, 2015
- Exhibit #4:* Copy of Otsego County Equalization Department record card/Warranty Deed 0542/713
- Exhibit #5:* Site Plan/PZSU15-008 submitted by Representative
- Exhibit #6:* Letter of representation dated April 26, 2016
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Letter to Livingston Township Planning Commission dated April 26, 2016
- Exhibit #9:* Email from Livingston Township Planning Commission dated May 10, 2016
- Exhibit #10:* Map and list of parties notified
- Exhibit #11:* Receipt #01307686
- Exhibit #12:* General Finding of Fact/PZSU15-008
- Exhibit #13:* Specific Finding of Fact/PZSU15-008
- Exhibit #14:* Site Plans signed by the Otsego County Sheriff, Fire and EMS Departments
- Exhibit #15:* Proposed Landscape Plan provided by North Star Gardens
- Exhibit #16:* ZBA minutes w/unlisted use interpretation dated May 31, 2016
- Exhibit #17:* Letter from neighboring property owner dated June 6, 2016
- Exhibit #18:* Permit from the Otsego County Health Department to be required for issuance of a building permit

Otsego County Land Use Services

Permit No.: PSU15-008

1322 Hayes Road
Gaylord, MI. 49735
989-731-7420 *Fax 989-731-7429

APPLICATION FOR SPECIAL USE PERMIT

Date: 8/29-15

Tax Parcel Number: 080-036400-005-03 Twp: LIVINGSTON Sec 36 N 31, R 3 W

Property location: (REQUIRED)

Address: 2838 WILKINSON RD City: Gaylord State: MI Zip: 49735

Applicant:

Name: DENNIS FREEMAN Phone No. (989)- 732-3993

Address: 2838 WILKINSON RD City: Gaylord State: MI Zip: 49735

Property Owner: (If different from applicant)

Name: _____ Phone No. (____)- _____

Address: _____ City: _____ State: _____ Zip: _____

Description of project and proposed use:

Remodeling Room For Wedding Venue.

Signature of Applicant:

Dennis W. Freeman

Date: 8/29-15

*All information received by this department is subject to the Freedom of Information Act. Under this Act, persons are allowed to request copies of said information. This includes, but is not limited to all copies of drawing and blueprints.

Office Use Only

File No. PSU15-008

Fee amount: \$ 100

Date Application Received 4.26.16

Received By: CSW

**OTSEGO COUNTY
LAND USE SERVICES**
1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: DENNIS FREEMAN	<input checked="" type="radio"/> Owner / <input type="radio"/> Agent / <input type="radio"/> Other Interest <i>(circle one)</i>
Address: 2838 WILKINSON ROAD GAYLORD, MI 49735	
Phone: (989) 732-3993	Fax: () -

PROPERTY OWNER: *(If different from Applicant)*

Name:	
Address:	
Phone: () -	Fax: () -

PROPERTY LOCATION:

Township: LIVINGSTON	Section: 36	T 31 N/R 3 W	Zoning District:
Site Address: 2838 WILKINSON ROAD			
Parcel Number: 080 - 036 - 400 - 005-03			
Description of Project and Proposed Use: REMODEL AND ADDITION TO EXISTING BARN. WILL BE USED TO HOLD WEDDINGS (APRIL - SEPTEMBER)			

Signature of Applicant: 	Date: 4/21-16
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***All information received by this department is subject to the Freedom of Information Act. Under this act, persons are allowed to request copies of said information. This includes but not limited to, copyrighted drawings and blueprints.

*****Attention*****

*Please refer to the Otsego County Zoning Ordinance particularly Section 21 and Section 23 to assure all items are addressed on the site plan and allow for a smooth presentation to the governing body.

The following items are required on all site plans before they can be submitted for review to the various approving entities:

1. The applicant's name, address and phone number in full.
Yes No ___ NA ___ if "NA" explain: _____
2. Proof of property ownership and whether there are any options on the property or any liens against it.
Yes No ___ NA ___ if "NA" explain: _____
3. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
Yes No ___ NA ___ if "NA" explain: _____
4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).
Yes No ___ NA ___ if "NA" explain: _____
5. The address and or parcel number of the property.
Yes No ___ NA ___ if "NA" explain: _____
6. Name and address of the developer (if different from the applicant).
Yes No ___ NA ___ if "NA" explain: _____
7. Name and address of the engineer, architect and/or land surveyor.
Yes No ___ NA ___ if "NA" explain: _____
8. Project title.
Yes No ___ NA ___ if "NA" explain: _____
9. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance.
Yes No ___ NA ___ if "NA" explain: _____
10. A vicinity map drawn at a scale of 1"=2000' with North point indicated.
Yes No ___ NA ___ if "NA" explain: _____
11. The gross and net acreage of all parcels in the project.
Yes No ___ NA ___ if "NA" explain: _____
12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
Yes ___ No NA ___ if "NA" explain: _____
13. Project completion schedule/development phases.
Yes No ___ NA ___ if "NA" explain: _____

14. 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 three (3) acres and 1"=100 or fewer feet or less if the site is larger than three (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.

Yes No ___ NA ___ if "NA" explain: _____

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect and each site plan shall depict the following:

15. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any.

Yes No ___ NA ___ if "NA" explain: _____

16. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.

Yes No ___ NA ___ if "NA" explain: _____

17. The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern. Boring logs may be required if necessary to determine site suitability.

Yes ___ No ___ NA if "NA" explain: EXISTING DRAINAGE

18. Location and type of significant existing vegetation.

Yes No ___ NA ___ if "NA" explain: _____

19. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel.

Yes ___ No ___ NA if "NA" explain: NONE PRESENT

20. Location of existing and proposed buildings and intended uses thereof, as well as the length, width and height of each building and typical elevation views of proposed structures.

Yes No ___ NA ___ if "NA" explain: _____

21. 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.

Yes No ___ NA ___ if "NA" explain: _____

22. Location of existing public roads, right-of-ways and private easements of record and abutting streets. Notation of existing traffic counts and trip generation estimates may be required if deemed appropriate by the Zoning Administrator or Planning Commission.

Yes No ___ NA ___ if "NA" explain: _____

23. Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations shall be separately depicted with an elevation view.

Yes ___ No ___ NA if "NA" explain: NO CHANGE

24. Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing) and fire lanes.

Yes No ___ NA ___ if "NA" explain: _____

25. Location, size, and characteristics of all loading and unloading areas.

Yes No ___ NA ___ if "NA" explain: _____

26. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

Yes ___ No ___ NA if "NA" explain: NO CHANGE

27. Location of water supply lines and/or wells, including fire hydrants and shut off valves, the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.

Yes No NA if "NA" explain: _____

28. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.

Yes No NA if "NA" explain: NO CHANGE

29. Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools if applicable.

Yes No NA if "NA" explain: NONE

30. Location, size and specifications of all signs and advertising features with elevation views from front and side.

Yes No NA if "NA" explain: NO SIGNAGE

31. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: NO CHANGES

33. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

Yes No NA if "NA" explain: NO CHANGES

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

Yes No NA if "NA" explain: STORED INSIDE

35. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any containment structures or clear zones required by government authorities.

Yes No NA if "NA" explain: NONE USED

36. Identification of any significant site amenities or unique natural features.

Yes No NA if "NA" explain: NONE PRESENT

37. Identification of any significant views onto or from the site to or from adjoining areas.

Yes No NA if "NA" explain: _____

38. North arrow, scale and date of original submittal and last revision.

Yes No NA if "NA" explain: _____

39. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.

Yes No NA if "NA" explain: _____

40. Paid appropriate fees to Otsego County.

Yes No NA if "NA" explain: _____

*****Attention*****

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. In the immediate area of the seal there shall also be the following statement, signed by the professional sealing the plans:

I do hereby certify that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated: 4-22-16

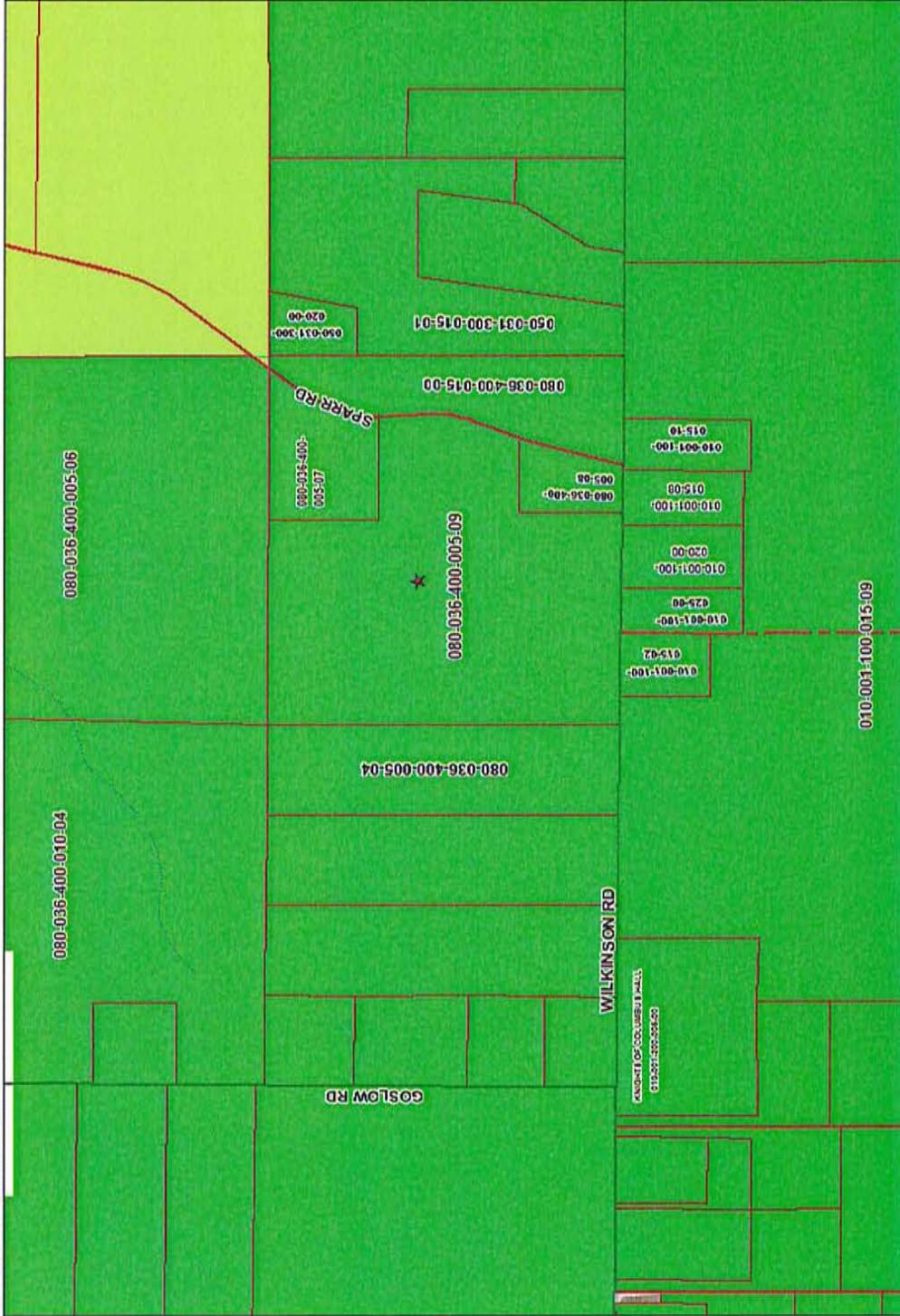
Or

I do hereby certify that those plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated _____, except for the following items:
(List known variations from the Ordinance)

*****OFFICE USE ONLY*****

Date Application Received: <u>4.26.16</u>	Fee: <u>\$100.00</u>	Receipt Number: <u>01307686</u>
Permit No: <u>PZSW/S-008</u>	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

PZSU15-008/FREEMAN
 080-036-400-005-09
 2838 WILKINSON RD



ZONING LEGEND

RR/Recreation Residential	B2/General Business	B3/Business/Light Manufacturing	MUZ/Multiple Use Zoning
FR/Forestry Recreation	R2/General Residential	B1/Local Business	HX/Highway Interchange
State Land	R3/Residential Estates	C2/City 2	
AR/Agricultural Resource	I/Industrial	C1/City 1	
R1/Residential		PUD/Planned Unit Development	
N/A			

The Grantor(s) Lawrence D. Tuck and Thelma J. Tuck, husband and wife, whose address is 2660 Wilkinson Rd., Gaylord, MI 49735 convey(s) and warrant(s) to Dennis W. Freeman and Sandra K. Freeman, husband and wife

OTSEGO COUNTY MICHIGAN RECEIVED FOR RECORD 93 SEP 14 AM 8:12 EVELYN M. PRATT CLERK/REGISTER OF DEEDS

whose address is 2838 Wilkinson, Gaylord, Michigan 49735

the following described premises situated in the Township of Livingston, County of Otsego and State of Michigan:

Part of the SE 1/4 of Section 36, T31N, R3W, Commencing at the Southeast corner of said Section 36; thence N89°22'08"W, 355.09 feet along the South line of said Section 36 to the point of beginning; thence continuing N89°22'08"W, 935.37 feet along said South line and the centerline of Wilkinson Rd., thence N00°27'29"E, 1300.35 feet; thence S89°21'43"E, 1278.11 feet along the South 1/8 line of said Section 36 to the centerline of Sparr Road; thence Southerly along the centerline of said Sparr Road to the Point of Beginning. Subject to an existing right-of-way for road purposes across the easterly 33.00 feet thereof and across the Southerly 33.00 feet thereof. GRANTORS RESERVE UNTO THEMSELVES THEIR INTEREST IN OIL RIGHTS.

for the sum of NINETY SEVEN THOUSAND FIVE HUNDRED AND NO/100 * * * * (\$97,500.00) * * * subject to easements and building and use restrictions of record and further subject to all reservations of record. This Deed is given in fulfillment of a certain Land Contract dated 9/11/78, and any act or omissions which may have accrued from the date of that certain Land Contract of which this Deed is being given.

Dated this 8th day of September, 19 93

Signed in presence of: AVA M. PURGIEL, CHERYL M. ALEXANDER

Signed by: LAWRENCE D. TUCK, THELMA J. TUCK

STATE OF MICHIGAN.) COUNTY OF Otsego) SS.



The foregoing instrument was acknowledged before me this 8th day of September 19 93, by Lawrence D. Tuck and Thelma J. Tuck, husband and wife

OTSEGO COUNTY TREASURER'S OFFICE Gaylord, Mich., September 14, 1993. I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of collection. ERMA BUCKENBROOK COUNTY TREASURER

CHERYL M. ALEXANDER Notary Public, Otsego County, Michigan My commission expires: 8/1/95

County Treasurer's Certificate City Treasurer's Certificate

When Recorded Return To: GRANTEE (Name), (Street Address), (City and State) Send Subsequent Tax Bills To: GRANTEE Drafted By: M. Briolat/Attorney The Land Co. of America Business Address: 100 West Main Street Gaylord, Michigan 49735

Tax Parcel # 080-036-400-005-03 Recording Fee 10.00 Transfer Tax 107.25

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.	
Property Address	Class: 102 Agricultural S Zoning: AR (*) Building Permit(s)								
2838 WILKINSON RD	School: Gaylord Community								
Owner's Name/Address	P.R.E. 100% 02/05/2016 Qual. Ag.								
FREEMAN, DENNIS ETUX 2838 WILKINSON RT 1 GAYLORD MI 49735	2016 Est TCV 295,600 (Value Overridden)								
Tax Description	Improved X Vacant								
2016 SPLIT FROM 080-036-400-005-03 PARCEL C: COMM AT THE SE COR OF SEC 36, TH N 89DEG 23MIN 38SEC W ALG THE S LN OF SEC 554.67FT TO POB; TH CONT N 89DEG 23MIN 38SEC W ALG THE S LN OF SEC 757.82FT TO THE E 1/8 LN OF SEC, TH N 00DEG 33MIN 20SEC E ALG SD E 1/8 LN 1300.17FT TO THE S 1/8 LN OF SEC, TH S 89DEG 22MIN 42SEC E ALG SD S 1/8 LN 764.00FT, TH S 00DEG 33MIN 20SEC W PARALLEL W/THE E 1/8 LN OF SEC 414.27FT, TH S 89DEG 22MIN 42SEC E PARALLEL W/THE S 1/8 LN OF SEC 358.37FT TO THE CENTERLINE OF SPARR RD, TH S 02DEG 32MIN 28SEC E ALG THE CENTERLINE OF SPARR RD 176.20FT, TH 179.16FT ALG SD CENTERLINE AND THE ARC OF A CURVE TO THE RIGHT SD CURVE HAVING A RADIUS OF 427.23FT, DELTA ANGLE OF 24DEG 01MIN 35SEC AND LONG CHORD OF S 09DEG 28MIN 19SEC W 177.85FT, TH S 21DEG 29MIN 07SEC W ALG SD CENTERLINE 172.04FT, TH N ***BALANCE OF DESCRIPTION ON FILE***	* Factors * Front Depth Rate %Adj. Reason Value 26.860 Acres 0 100 0 26.86 Total Acres Total Est. Land Value = 0								
Comments/Influences	Land Value Estimates for Land Table .								
	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value		
	2016	147,800	0	147,800			135,638C		
	2015	0	0	0			0		
	2014	0	0	0			0		
	2013	0	0	0			0		
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan	Who	When	What						

*** Information herein deemed reliable but not guaranteed***

APRIL 26, 2016

TO WHOM IT MAY CONCERN:

TODD SEIDEL HAS AUTHORITY TO ACT ON MY BEHALF.

THANK YOU,

A handwritten signature in black ink that reads "Dennis L. Freeman". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

DENNIS FREEMAN
2838 WILKINSON RD
GAYLORD, MICHIGAN 49735

**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE

June 20, 2016

The Otsego County Planning Commission will hold a public hearing on Monday, June 20, 2016 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

The purpose of the public hearing will be to obtain citizen comment on the following:

Dennis Freeman, owner, represented by Seidell Architects, has requested a Special Use Permit/Site Plan Review for property located in Livingston Township at 2838 Wilkinson Rd Gaylord, MI 49735. The proposed use of the property is to remodel an existing barn as a wedding venue. The property is located in an AR/Agricultural Resource Zoning District. The Zoning Board of Appeals has determined a wedding venue/banquet hall is a comparable permitted use subject to special conditions in the AR Zoning District.

Parcel identification number: **080-036-400-005-09**
2838 Wilkinson Rd
Gaylord, MI 49735

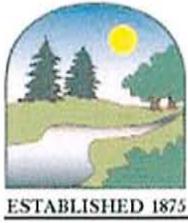
Legal Description:

2016 SPLIT FROM 080-036-400-005-03

PARCEL C: COMM AT THE SE COR OF SEC 36, TH N 89DEG 23MIN 38SEC W ALG THE S LN OF SEC 554.67FT TO POB; TH CONT N 89DEG 23MIN 38SEC W ALG THE S LN OF SEC 757.82FT TO THE E 1/8 LN OF SEC, TH N 00DEG 33MIN 20SEC E ALG SD E 1/8 LN 1300.17FT TO THE S 1/8 LN OF SEC, TH S 89DEG 22MIN 42SEC E ALG SD S 1/8 LN 764.00FT, TH S 00DEG 33MIN 20SEC W PARALLEL W/THE E 1/8 LN OF SEC 414.27FT, TH S 89DEG 22MIN 42SEC E PARALLEL W/THE S 1/8 LN OF SEC 358.37FT TO THE CENTERLINE OF SPARR RD, TH S 02DEG 32MIN 28SEC E ALG THE CENTERLINE OF SPARR RD 176.20FT, TH 179.16FT ALG SD CENTERLINE AND THE ARC OF A CURVE TO THE RIGHT SD CURVE HAVING A RADIUS OF 427.23FT, DELTA ANGLE OF 24DEG 01MIN 35SEC AND LONG CHORD OF S 09DEG 28MIN 19SEC W 177.85FT, TH S 21DEG 29MIN 07SEC W ALG SD CENTERLINE 172.04FT, TH N 89DEG 23MIN 38SEC W PARALLEL W/THE S LN OF SEC 274.55FT, TH S 02DEG 09MIN 59SEC W 373.34FT TO POB. CONT 26.86 ACRES M/L SEC 36 T31N R3W.

All citizens are welcome to attend the meeting or provide written comment. If written comments are provided the comments must be received at the Otsego County Land Use Services Office by noon (12:00 pm) the day of the meeting.

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at 989.731.7400.



Otsego
COUNTY
M I C H I G A N

**Department of
Land Use Services**

1322 Hayes Rd • Gaylord, MI 49735
Phone: 989.731.7400 • Fax: 989.731.7419
www.otsegocountymi.gov

April 26, 2016

Livingston Township
PO Box 1848
Gaylord, MI 49735

Pursuant to Article 27 of the Otsego County Zoning Ordinance/Township Participation in County Zoning, I am forwarding the application for a Special Use Permit.

If you require the applicant's representative, Todd L Seidell of Seidell Architects to be present at your meeting, he can be notified at the following address:

Todd L Seidell
c/o Seidell Architects
PO Box 1289
Gaylord, MI 49734
989.731.0372

If you have any questions, please contact us and we will be glad to assist you. We anticipate your input concerning this matter. Thank you for your participation in County Zoning.

Sincerely,

Vern Schlaud
Otsego County Land Use Director

cbw

encl

Christine Boyak-Wohlfeil

From: Steve Dipzinski <steven.a.dipzinski@gmail.com>
Sent: Tuesday, May 10, 2016 8:47 PM
To: Christine Boyak-Wohlfeil
Subject: Freeman Special use permit

The Livingston township planning commission made a motion as follows:

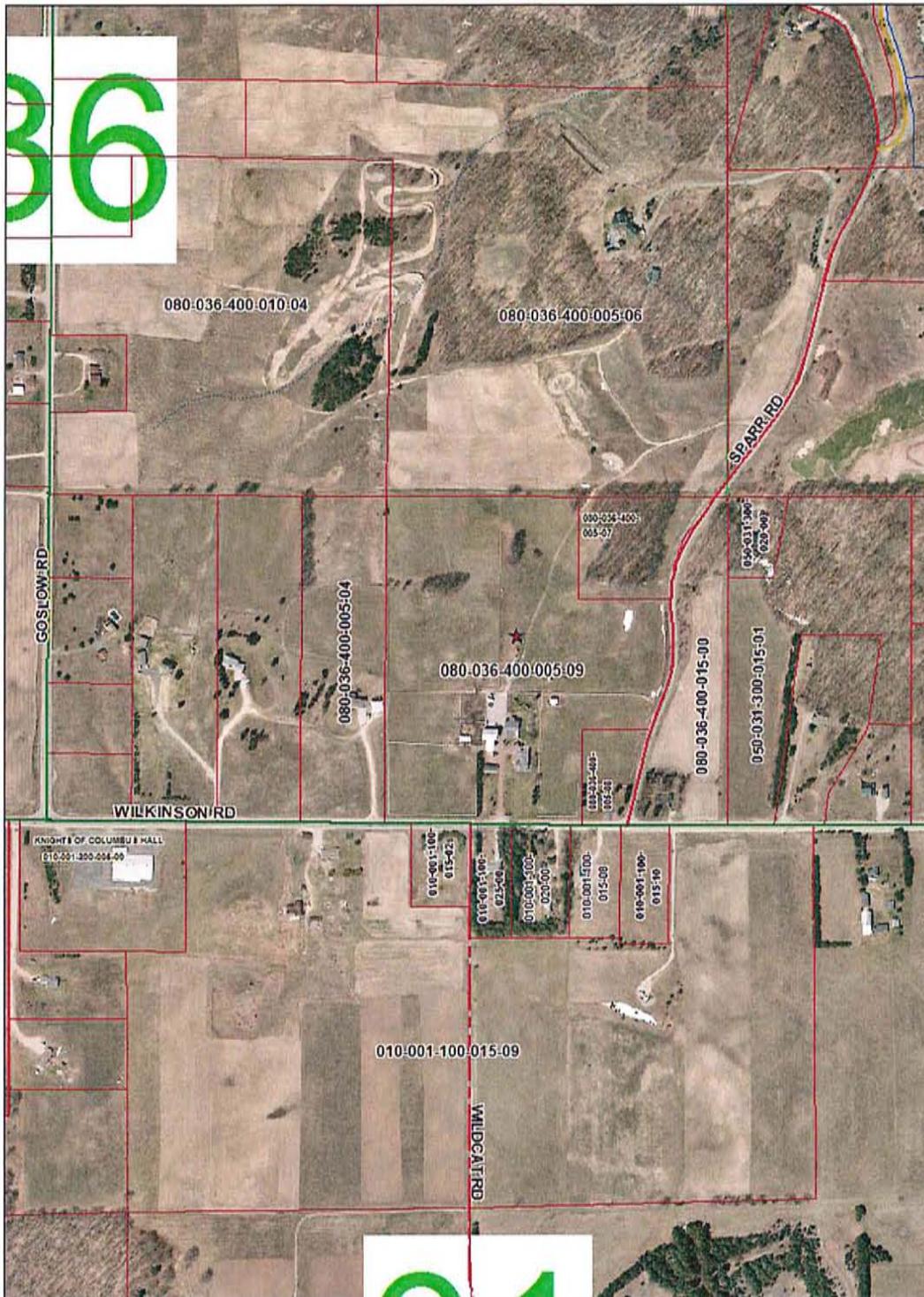
In reference to P25V15-008 Livingston township planning commission is of the opinion that this special use proposal is not a clearly defined listed permitted use subject to special conditions in an A.R. zone. The township therefore recommends that Article 9 of the zoning ordinance be reviewed by the zoning board of appeals (ZBA) and makes an interpretation as to whether the proposed use is listed in the zoning ordinance.

However, if the ZBA concludes that the proposed use is a listed and permitted use subject to special conditions then the Livingston township planning commission supports the proposed use.

After much discussion on this issue we support this idea as a whole but we just don't see it under 9.2.11 or 9.2.12 We do see the similarities within these but would like to see it more clearly defined. We were all in favor of the idea but going strictly by the book it is hard to say definitely that this is a permitted use. I know I spoke with Vern as did Richard or Mike but we all agreed that this is just something that should be sent to the ZBA for an interpretation. All that being said, this is just our recommendation and we would like to see this project move forward. Sorry if this is an inconvenience, we all think you do a great job of keeping us informed and we appreciate that. Thanks again

Steve Dipzinski
Livingston Township
P.C. Chairman

PZSU15-008 FREEMAN
 080-036-400-005-09
 2838 WILKINSON RD



- | | |
|--------------------|--------------------|
| 010-001-100-015-02 | 080-036-400-005-04 |
| 010-001-100-015-08 | 080-036-400-005-06 |
| 010-001-100-015-09 | 080-036-400-010-04 |
| 010-001-100-015-10 | 080-036-400-005-07 |
| 010-001-100-020-00 | 080-036-400-005-08 |
| 010-001-100-025-00 | 080-036-400-015-00 |
| 050-031-300-015-01 | |
| 050-031-300-015-03 | |
| 050-031-300-020-00 | |

OWNERS WITHIN THREE HUNDRED FEET (300')

PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS	OWNER ADDRESS	ZONING
010-001-100-015-02	2789 WILKINSON RD	NUTTER, RALPH N & MARGARET A	2789 WILKINSON RD	MI 49735-9726	AR
010-001-100-015-08	2829 WILKINSON RD	ELGART, DAVID A TRUST	PO BOX 145	MI 49734-0145	AR
010-001-100-015-09	2707 WILKINSON RD	HOLEWINSKI, WILLIAM & CHRISTINE	2707 WILKINSON RD	MI 49735-9726	AR
010-001-100-015-10		PARKER-MCDONALD-PARKER	22444 KELLY RD APT #12	MI 48021-2600	AR
010-001-100-020-00	2855 WILKINSON RD	FAHLER, JOEL G & BONNIE Y	2855 WILKINSON RD	MI 49735-9727	AR
010-001-100-025-00	2823 WILKINSON RD	SUTHERLAND, CASH & AMELIA A	2823 WILKINSON RD	MI 49735-9726	AR
050-031-300-015-01		BEYER, THOMAS M & KARIN T	PO BOX 472	MI 49734	AR
050-031-300-015-03	3068 WILKINSON RD	OLSON, DAVID L ET UX TRUST	3068 WILKINSON RD	MI 49735	AR
050-031-300-020-00	205 SPARR RD	MARSHALL, WALTER F TRUST	205 SPARR RD	MI 49735	AR
080-036-400-005-04	2750 WILKINSON RD	GALL, JOHN J & LINDA J TRUST	2750 WILKINSON RD	MI 49735	AR
080-036-400-005-06	400 SPARR RD	FREEMAN, THOMAS C & THERESA M	400 SPARR RD	MI 49735	AR
080-036-400-010-04		FREEMAN, THOMAS C & THERESA M	400 SPARR RD	MI 49735	AR
080-036-400-005-07		FREEMAN, DENNIS ET UX	2838 WILKINSON RD	MI 49735	AR
080-036-400-005-08		FREEMAN, DENNIS ET UX	2838 WILKINSON RD	MI 49735	AR
080-036-400-015-00	2966 WILKINSON RD	FREEMAN, JESSICA	2966 WILKINSON RD	MI 49735	AR

OTSEGO COUNTY LAND USE SERVICE
 1322 HAYES RD
 GAYLORD, MI 49735
 PH: 989-731-7400
 FAX: 989-731-7419
 INSPECTION LINE: 989-731-7401



Paid By:

FREEMAN, DENNIS ET UX
 2838 WILKINSON RD
 GAYLORD, MI 49735

RECEIPT NUMBER

01307686

04/19/2016

Type	Record	Category	Description	Amount
Permit	PZSU15-008	ADMIN ZONING	SPECIAL USE PERMIT/PC	\$ 700.00

Total	\$ 700.00
Cash	
Check	\$ 700.00
Credit	
Transferred	
Tendered	\$ 700.00
Change	\$ 0.00
To Overpayment	\$ 0.00

Expiration of permit:

A permit will remain valid as long as work is progressing and inspections are requested and conducted. A permit will become invalid if the authorized work has not commenced within 6 months of issuance or if the authorized work is suspended or abandoned for a period of 6 months.

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU15-008
Special Use Permit/Site Plan Review
080-036-400-005-09**

GENERAL FINDINGS OF FACT

1. This is a proposal for a remodel and addition of an existing barn for a seasonal wedding venue. *Exhibit #1, Exhibit #5*
2. The property is located in an AR/Agricultural Resource Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in an AR/Agricultural Resource Zoning District. *Exhibit #3*
4. The property is currently under the ownership of Dennis & Sandra Freeman. *Exhibit #4*
5. The property is 26.86 acres. *Exhibit #4*
6. An existing banquet hall resides in the same zoning district west of the proposed property. *Exhibit #2*
7. The Public Hearing Notice was published in the Herald Times on June 3, 2016. *Exhibit #7*
8. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
9. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
10. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
11. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
12. Proposed Site Plan copies signed by the Otsego County Sheriff, Fire and EMS Departments have been received. *Exhibit #14*
13. A proposed landscape design is being provided by North Star Gardens. *Exhibit #15*
14. The application deemed complete by Land Use Services April 26, 2016. *Exhibit #1*
15. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant/Representative. *Exhibit #4, Exhibit #5, Exhibit #12, Exhibit #13...*
- 16.

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU15-008
Special Use Permit/Site Plan Review
080-036-400-005-09**

SPECIFIC FINDINGS OF FACT

**ZONING BOARD OF APPEALS FINDINGS UNDER
ARTICLE 9/SECTION 9.2 and ARTICLE 21/SECTION 21.44**

ARTICLE 9 AN AGRICULTURAL RESOURCE DISTRICT

INTENT

The Agricultural Resource District is intended to encourage the maintenance of productive farm and agricultural land for growing, raising or production of food stuffs. It is further intended that the productive agricultural land base of the County be maintained in agricultural activities. Other land uses and activities may be permitted if they meet the objective of retaining farmlands in an open land character.

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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.]

- 9.2.1 Public and private parks, recreational facilities, and public or private non-profit schools offering courses in general education when the use is not, to the extent practical, placed on soils predominantly rated as having high agricultural productivity in comparison with other farm land in Otsego County.
- 9.2.2 Recreation farms, dude ranches (so called), and sportsmen's clubs provided the farm land base remains essentially intact, that the number of new and/or expanded buildings be limited in scale, in so far as is practical, to that typical of a farm, and further, no activities shall cause the depletion or erosion of agricultural soils (dust, vehicle tracks, stream bank breakdown, etc.).
- 9.2.3 Permanent forest industries, including permanent sawmills, planing mills, veneer mills and related operations, provided:
 - 9.2.3.1 There is a complete clean-up of discarded wastes following the cessation of activity.
 - 9.2.3.2 There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity.
 - 9.2.3.3 The site of the proposed use encompasses an area of at least five (5) acres.
- 9.2.4 Auction yards for livestock and/or agricultural equipment with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred (600) feet, provided that there is no nuisance imposed upon the surrounding farms or dwellings.
- 9.2.5 Commercial outdoor sport and recreational facilities, outdoor musical entertainment
- 9.2.6 Driving ranges
- 9.2.7 Game preserves
- 9.2.8 Gasoline stations with or without store
- 9.2.9 Detention facilities
- 9.2.10 Shooting ranges (outdoor)
- 9.2.11 Recreation camps, resorts or housekeeping units

9.2.12 Restaurants and/or taverns (without drive-through service)

9.2.13 Dog grooming and kennel facilities [Permit criteria include [Article 21.45](#)]

9.2.14 Golf courses and country clubs [Refer to [Articles 4.2.5](#) and [21.11](#)]

9.2.15 Hunt clubs (commercial)

9.2.16 Airport with appurtenant facilities, when approved by the Planning Commission after a hearing, provided the operating characteristics are deemed not to conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.).

9.2.17 Surface mining of gravel, sand, clay, topsoil or marl [See [Article 21.25](#) for criteria]

9.2.18 Travel trailer courts

9.2.19 Campgrounds (commercial)

9.2.20 Race tracks

9.2.21 Wireless Telecommunications Towers and Facilities over one hundred ninety (190) feet in height, or with lights [See [Article 21.46](#)]

9.2.22 WTG Large

9.2.23 Anemometer Tower [See [Article 21.47](#)]

9.2.24 Unlisted property uses if authorized under [Article 21.44](#).

ARTICLE 21 SPECIFIC REQUIREMENTS FOR CERTAIN USES

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 permit. If there is a comparable use, then the procedures established in this ordinance for approval of a permit for that use must next be initiated in order for the applicant to apply for the necessary permit(s). If there is no comparable use then the applicant shall be so informed and an amendment to the text of the ordinance or a rezoning would be necessary prior to establishing requested use on the property.

* Motion by Mr. Hoffman to interpret the wedding venue/banquet hall use as a comparable use to other *Permitted Uses Subject to Special Conditions* in the AR/Agricultural Resource Zoning District; Seconded by Mr. McCarthy.

Chairperson Sagasser requested a roll call vote for the motion on the floor:

Roll call vote:

Sagasser:	no
Hoffman:	yes
McCarthy:	yes
Bono:	no
Colosimo:	yes
Brown:	yes
Glasser:	no

Yes-4

No-3

Motion passes

* See ZBA Minutes

FINDINGS UNDER ARTICLE 21 /SECTION 21.10

SECTION 21.10 FENCES

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

21.10.1.1 Fences in [R1](#), [R2](#), [R3](#) or [RR](#) Districts, or any platted subdivision, site condo or PUD shall not contain barbed wire or be electrified.

21.10.1.2 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.

21.10.2

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 [21.10.2](#) are required to be fenced or screened in all cases regardless of the use orientation to residential zoning districts or residential uses.

21.10.3 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.

21.10.4 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.

21.10.5 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.

*Planning Commission input

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

The purpose of this section is: to protect and enhance property values, economic welfare and community attractiveness; to provide beneficial climatic impacts by cleaning the air and providing shade; to protect health, safety and welfare by reducing air and water borne pollutants, flooding and noise; to mitigate adverse effects of sighting different uses near one another through buffering; to facilitate preservation of existing valuable trees and other vegetative cover; to provide wildlife habitat and environmental standards within developed areas; to protect privacy.

21.18.2 General Performance Standards:

This, [Section 21.18 Landscaping](#), requirements shall not apply to single family residences located on individual lots. The Section shall apply to residential plats and site condominiums.

All areas not covered by buildings, parking or other structures shall be treated with landscape materials including street trees, shrubs and groundcovers consistent with these provisions. The selected combination of plant materials shall be a harmonious combination of deciduous and evergreen trees, shrubs, vines and/or ground covers so arranged to present an aesthetically pleasing whole.

21.18.2.1 Landscape Materials:

All landscape materials planted pursuant to the provisions of this section shall be healthy and compatible with the local climate, site soil characteristics, drainage, and available water supply.

Trees and shrubs should be at least, at the time of planting, the sizes as outlined in this section and shall be consistent with the current American Standard for Nursery Stock as set forth from time to time by the American Association of Nurserymen.

Deciduous trees shall be not less than one and one-half (1 ½) inches in diameter for single family residential uses and two and one-half (2 ½) inches in diameter for other uses.

Coniferous trees should be at least six (6) feet in height. Shrubs shall be of a size generally known in the nursery industry as requiring at least a five (5) gallon container.

All planting beds constructed pursuant to [Sections 21.18.2, 21.18.5](#) and [21.18.6](#) shall be mulched with mulch cover at least three (3) inches deep to retain moisture around roots.

Trees shall be planted on the project sites so as to allow for their desired mature growth.

Access to or view of fire hydrants shall not be obstructed from any side.

Plantings shall be designed so as to not conflict with power lines or impede fire safety services.

21.18.2.2 Irrigation & Maintenance Performance Standards:

All uses with the exception of single family residential, which are landscaped with live plants, pursuant to this Section shall be equipped with a watering system which will provide sufficient water to maintain plants in a healthy condition.

21.18.2.2.1 Whenever the landscaped area required by [Sections 21.18.3, 21.18.5](#) and [21.18.6](#) is two thousand (2,000) square feet or more of living plants whether or not the plants are contiguous, the site shall have a permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on site.

21.18.2.2.2 Whenever there is less than two thousand (2,000) square feet of landscaped area required by [Sections 21.18.3, 21.18.5](#) and [21.18.6](#) on a site, there should be at least one reliable water source available during the growing season. The hose bib or other water source shall be within fifty (50) feet from a border of the plants.

21.18.2.2.3 All irrigation systems shall be maintained in good working condition.

21.18.2.2.4 Irrigation requirements may be adjusted in part or in whole by the Zoning Administrator for landscape areas having established healthy plant material, or where irrigation is deemed unnecessary for plant health and survival.

All plants required by this Section shall be maintained in a live and healthy state. Dead or unsalvageable unhealthy plants shall be replaced with the size and type of plants required on the site development plan and by this Section. Plant materials including grasses and herbaceous plants uses on berms, along road sides, etc. shall be routinely maintained during growing seasons. When growing in close proximity to residential land uses, grasses and common weeds shall be maintained at a height of ten (10) inches or less.

All fences, walls and similar structures shall be maintained in good condition. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or other forms of deterioration shall immediately be replaced or repaired.

Replacement of plants may be delayed whenever the Zoning Administrator determines that extenuating circumstances beyond the owner's control prevent the immediate replacement of the dead or unhealthy plants within a time established by the Zoning Administrator. In any event, the dead or salvagable plants shall be replaced within nine (9) months of the time the plants are clearly dead.

21.18.2.3 Existing Vegetation:

If there is no practical alternative in terms of sighting buildings and other development, trees and other plants may be removed.

Significant shrubs, grasses and trees are to be preserved within areas not required for development.

Healthy, younger mature plants shall be preserved which would normally succeed older plants.

Natural vegetation shall be preserved within areas below an ordinary high water mark of a lake, stream or other water body.

Existing vegetation to be preserved shall be protected during construction with barriers as required and approved by the Zoning Administrator.

The application of landscape standards within this Ordinance may be adjusted in part or in whole by the Zoning Administrator to allow credit for established healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

21.18.2.4 Berms constructed pursuant to [Section 21.18.3](#) shall be constructed with slopes not to exceed one to three (1:3) gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.

21.18.3 Buffer Yards:

Buffer yards shall be constructed to mitigate problems associated with traffic, noise, vibration, odor, glare, dust, smoke, pollution, water vapor, conflicting land uses and density, height, mass, layout of adjacent uses, loss of privacy, unsightly views and other potentially negative effects of development. Buffering may be achieved using landscape, building fences and berm or a combination of the above techniques.

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing or dedicated public or Private Street or right-of-way.

[Tables I](#) and [II](#) shall be used to determine buffer yard dimensions and plant materials specifications. [Table I](#) is used to determine the type of Buffer yard (A, B, C, D, E, EX, or NA) which will be required between districts or users. Once the type of Buffer yard is obtained, [Table II](#) outlines the plant material specifications for alternative widths and specifications and treatments (walls, berms, etc.) of buffer yard. Each property line should be analyzed independently to determine the appropriate buffer yard required.

The buffer yard tables are to be considered minimum standards. Increased landscaping requirements may be imposed by the Zoning Administrator or the Planning Commission if it is determined any of the following conditions exist.

The type of required buffer yard will not sufficiently mitigate noise, glare, fumes, smoke, dust or unsightly views within the site.

The scale of the project in regard to mass and height indicates the need for a buffer yard developed specifically for the project.

The proposed use is next to an existing sensitive use such as a school, church or residential area.

21.18.4 Roadside Greenbelt Buffers:

Unless as otherwise required by [Section 21.18.3](#), required front yards shall be landscaped with a minimum of one (1) tree, not less than one and one-half (1½) inches in diameter for single family residential uses and two and one half (2½) inches in diameter of other use, for each one thousand (1000) square feet, or major portion thereof, of front yard abutting a road right-of-way. The remainder of the greenbelt shall be landscaped provided however, rock or other inorganic ground cover shall not exceed twenty (20) percent of the yard area.

Access ways from public rights-of-way through required landscaped strips shall be permitted, but such access ways shall not be subtracted from the square foot dimension used to determine the minimum number of trees required.

21.18.5 Screening of Unsightly Areas:

Unsightly areas, including but not limited to 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.

21.18.6 Parking Lot Screening:

Unless otherwise required by [Section 21.18.3](#) or [21.18.4](#), a no-building buffer strip not less than ten (10) feet wide shall be required on the perimeter of all parking lots containing twenty-seven hundred (2,700) square feet or more of parking area where not adjacent to buildings. Said buffer strip shall be used for landscaping, screening or drainage as required herein.

Landscaping design standards:

- 21.18.6.1 Any required planting strip shall be a minimum of ten (10) feet in width.
- 21.18.6.2 One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage. (This requirement shall not duplicate the requirements of [Sections 21.18.4](#) or [21.18.3](#).)
- 21.18.6.3 Where screens of non-living material are used, at least one (1) shrub or vine shall be planted on the right-of-way or property line side for each ten (10) lineal feet of screen or fraction thereof.
- 21.18.6.4 Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.
 - 21.18.6.4.1 Landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum dimension of ten (10) feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.

FINDINGS UNDER ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

Outdoor light fixtures are electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include search, spot and flood lights for buildings and structures, recreation areas, parking lot lighting, landscape lighting, billboards and other signs (advertising or other), street lighting, product display area lighting, building overhangs and open canopies.

All outdoor lighting fixtures including pole mounted or building mounted yard lights, dock lights, and shoreline lights other than decorative residential lighting such as low level lawn lights, shall be subject to the following regulations:

21.19.1 Lighting shall be designed and constructed in such a manner:

21.19.1.1 To insure that direct or directly reflected light is confined to the area needing it and that it is not directed off the property,

21.19.1.2 That all light sources and light lenses are shielded,

21.19.1.3 That any light sources or light lenses are not directly visible from beyond the boundary of the site,

21.19.1.4 That light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.

21.19.2 Lighting fixtures shall be a down-type having one hundred (100) percent cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test. A United States flag, Michigan flag or a flag of a veteran's organization chartered by the United States Government shall be allowed to have light illuminating them from below

21.19.3 There shall be no blinking, flashing, or fluttering lighting, including changes in light intensity, brightness or color, except that lights may be controlled by a dimmer which can be periodically adjusted for conditions and signs as allowed in [21.38.2.1](#). Beacon lights are not permitted except where required by law.

21.19.4 No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

21.19.5 Decorative lights during holiday seasons shall be allowed.

21.19.6 Modification of these outdoor lighting standards may be permitted by the Zoning Board of Appeals for temporary uses of not more than ten (10) days per year, following these provisions as closely as possible.

*Lighting Requirements Met

FINDINGS UNDER SECTION 21.27

SECTION 21.27 PARKING

There shall be provided in all districts at the time of erection or enlargement of any main building or structure or use, automobile off-street parking space with adequate access to all spaces.

21.27.1 Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

21.27.2 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

21.27.3 In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Zoning Board of Appeals may grant an exception by reducing the total number of spaces required.

- 21.27.4 The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
- 21.27.5 Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport, or combination thereof.
- 21.27.6 The parking or storage of any commercial motor vehicle shall be prohibited in any RI, R2 or RR District, or in any residential area with lots of twenty thousand (20,000) square feet or less. (See definition of COMMERCIAL MOTOR VEHICLE.)
- 21.27.7 For the purpose of computing the number of parking spaces required, the definition of FLOOR AREA, USABLE shall govern.
- 21.27.8 For those uses not specifically mentioned in the Off-street Parking Schedule, requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.
- 21.27.9 Entrance drives to the property and off-street parking area shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District. A greater distance may be required by the Planning Commission if the lesser would cause a traffic issue.

21.27.10 Off-street Parking Schedule

The minimum number of off-street parking spaces required by use shall be in accordance with the following schedule:

MINIMUM PARKING SPACES REQUIRED

LAND USE

PER UNIT OF MEASURE

Commercial

Planned Shopping Center	1 per 200 sq. ft. of usable floor area
Auto Wash-Automatic	5 per wash stall plus 1 per employee
Auto Wash-Automatic-Drive-in	1 for each 2 employees
Auto Wash-Self Service	1 per employee
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons at maximum capacity
Drive-in Business	1 per employee plus drive-in stalls and/or lanes to serve patrons
Banks	1 per 200 sq. ft. of usable floor area
Doctor or Dentist Office	1 per 50 sq. ft. of waiting room plus 1 per service chair
Business Office	1 per 200 sq. ft.
Billiard Hall	2 per game table
Bowling Alley	5 per lane
Taverns	1 per 100 sq. ft. of usable floor area
Restaurants	1 per 3 persons at maximum seating capacity
Drive-up or Drive-through Uses-Restaurant,	In addition to the required parking for the principal use, the

Banks, Drug Pick-up, Laundries, Payment Furniture, Appliances, Plumbers, Electricians Minor Repair Services	Drive-through facilities requirement in Article 18 shall be followed 1 per 800 sq. ft. of usable floor area
Vehicle Service Station	2 per service stall, plus 1 per employee
Gasoline Convenience Store	1 per 300 sq. ft. of usable floor area
Laundromat	1 per 3 machines for washing
Funeral Home/Mortuary	1 per 200 sq. ft. of usable floor area
Motels, Hotels, Motor Inns, Cabin Courts, Bed & Breakfast Facilities and Tourist Lodging Facilities	1 per 150 sq. ft. of usable floor area, the Planning Commission may reduce up to half if they reserve land for open space
Vehicle Sales	1 per 200 sq. ft. of showroom usable floor area
Retail Groceries	1 per 150 sq. ft. of usable floor area
Other Retail Stores	1 per 150 sq. ft. of usable floor area
Self-Storage Rental Units	1 per 10 units
Personal Service Establishments	1 per 100 sq. ft. usable floor area not otherwise specified
Museums	1 per 150 sq. ft. of usable floor area
Rental Shops	1 per 200 sq. ft. of usable floor area in addition to a loading and unloading area; and a vehicle turnaround drop-off area
Rifle or Pistol Range Windows or other Drive-up Service Windows...	2 per range plus 1 per employee

NOTES

- a. Sq. ft. refers to square feet of usable floor area unless otherwise noted.
- b. 1 unit per measure shall be interpreted to mean 1 per each unit, as 1 per "each" three (3) persons.
- c. Space requirements are cumulative; hence, a country club may require parking for the golf use as well as restaurant or bar use.
- d. Employees, refers to all permanent staff and part time equivalents in the largest working shift. Maximum capacity is the maximum occupancy permitted by applicable building, fire, or health codes.

21.27.11 Parking Area Design Standards

The layout of off street parking facilities shall be in accord with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lane width</u>	<u>Parking Space width</u>	<u>Parking Space length</u>
Parallel	12ft	8ft	23ft
30-53°	12ft	20ft	
54-74°	9ft	20ft	
75-90°	9ft	20ft	

All spaces shall be provided access by maneuvering lanes. Backing directly onto a street shall be prohibited. Adequate ingress and egress to a parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than residential use shall not be across land zoned for residential use.

Each entrance and exit to and from any off street parking lot located in an area zoned for other than residential use shall be at least twenty-five (25) feet from adjacent property located in any residential district.

Buffer yards shall be required per standards set by [Section 21.18](#). A buffer yard without buildings shall be required not less than ten (10) feet wide on the perimeter of all parking lots. Said buffer yard shall be used for landscaping, screening and/or drainage as required by this ordinance.

All parking areas containing twenty-seven hundred (2700) square feet or more shall provide snow storage area. Snow storage shall be provided on the ratio of ten (10) square feet per one hundred (100) square feet of parking area. Parking area is calculated at two hundred seventy (270) square feet per parking space. Snow storage areas shall be located in such a manner that they do not interfere with the clear visibility of traffic on adjacent streets and driveways

One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage.

Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.

Landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum dimension of ten (10) feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.

21.27.12 Federal and State requirements regarding handicapped parking and access shall apply.

21.27.13 Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that the area of sufficient size to meet parking space requirements of this article is retained as open space and the owner agrees to construct the additional parking at the direction of the Planning Commission.

21.27.14 Parking lot cross-connections shall be used in addition to frontage roads or shared driveways, when in the opinion of the Planning Commission, cross-connections do not hinder traffic.

21.27.15 All parking in the Highway Interchange Commercial District shall be in the rear or side yard.

***Parking Requirements Met**

FINDINGS UNDER SECTION 21.38

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.
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.

Signs internally illuminated or if sign has a light emanating surface, all light sources and reflecting surfaces immediately adjacent to the light source shall be shielded from view. Sign luminance level, beginning one (1) hour after sunrise and continuing until one (1) hour before sunset, shall not be greater than three thousand (3,000) nits, nor greater than one hundred (100) nits at all other times.

Signs externally illuminated, the light on the proposed sign shall be mounted on the top of the sign, shall be directed downward onto the sign and shall be shielded so as to prevent rays of light from being directed into the sky or onto any portion of a street, road, highway or adjacent properties. Illumination shall be limited such that reflected luminance does not exceed one hundred (100) nits per square meter.

21.38.2 Signs Prohibited

21.38.2.1 Signs containing flashing, intermittent or moving lights. (A sign with messages or images accomplished by instantaneous re-pixilation NOT more often than one (1) time in any sixty (60) seconds shall NOT be considered flashing, intermittent or moving and shall be ALLOWED.)

21.38.2.2 Signs with moving or revolving parts.

21.38.2.3 Signs affixed to trees, rocks, shrubs or similar natural features.

21.38.2.4 Signs insecurely fixed, unclear, in need of repair, or signs which imitate official traffic signals or traffic control signs or devices.

21.38.2.5 Signs utilizing vehicles, trucks, vans, or other wheeled devices, unless such signs are used for periods of less than seven (7) consecutive days in any ninety (90) day period, or unless such signs have been approved by the Planning Commission as meeting a special purpose, need and/or as being appropriate for the particular use.

21.38.2.6 Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed seven (7) days within any ninety (90) day period.

21.38.2.7 Signs which overhang or extend into a dedicated public right-of-way, without the written consent of the government unit having jurisdiction.

21.38.3 Signs Not Requiring a Zoning Permit

21.38.3.1 Name Plates not to exceed two (2) square feet.

21.38.3.2 Existing signs may be changed or altered so long as none of the provisions of the Zoning Ordinance are violated.

21.38.3.3 Bulletin Boards that do not exceed fifteen (15) square feet for churches, public and semi-public institutions, and/or schools.

21.38.3.4 Signs that have been approved in conjunction with a valid zoning permit for any principal use of use as detailed in a plot plan or site plan.

21.38.3.5 Street name signs and other signs established by state, county, or township units of government when necessary for giving proper directions or otherwise safeguarding the public in any district.

21.38.3.6 Non-advertising signs erected by any organization, person, firm, or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., in any district.

21.38.3.7 Temporary signs not exceeding ten (10) square feet advertising a premises being for rent, for lease, and/or for sale in any district. All such signs shall be removed within fourteen (14) days of the consummated lease or sale of the premises.

21.38.3.8 Accessory signs on farms advertising stock, produce, and other farm products produced on the premises, provided the area of sign does not exceed thirty-two (32) square feet.

21.38.3.9 Accessory directional signs each not to exceed two (2) square feet in area on buildings, such as but not necessarily limited to: entrance, exit, loading dock, low clearance, garage, office, warehouse, boiler room, service, and the like.

21.38.3.10 Up to two (2) accessory property directional signs each not to exceed two (2) square feet in area, identifying or directing to the following: entrance, exit, visitors parking, no parking, other traffic flow directions, and similar functional signs.

It is intended that accessory property directional signs be included on the site plan for approval as to location and number by the Planning Commission.

21.38.4 Placement of Signs and Setbacks, Signs in any zoning district must be placed at least ten (10) feet back from any right-of-way or lot-line.

21.38.5 Off Premises Directory Sign – Private, Where a business use or tourist service facility is not located directly on a major tourist route, but is dependent upon passerby traffic for support, one (1) off the premises directory sign located on a County maintained road may be permitted in business or non-business districts, on each road or link or segment of road that affords access to the use, but entails a major change in the direction of travel.

Off premises directory signs shall not exceed an area of fifteen (15) square feet. Community directional signs serving more than one (1) use may be permitted to a maximum size of thirty-two (32) square feet.

21.38.6 Sign Variances, In order to provide relief for reasons of practical difficulty and to allow greater flexibility in property and use signing, the Zoning Board of Appeals may, after a public hearing, permit signs that:

21.38.6.1 Exceed the maximum number of signs permitted when there is more than one (1) bordering street to serve the use.

21.38.6.2 Exceed the maximum sign area for reasons of unusual setback, cooperative sign use (joint use or community type advertising), large site area, and/or natural feature limitations to attaining reasonable signing of the use.

21.38.6.3 Revolve, provided it can be demonstrated that a stationary sign would not afford reasonable notice to the use.

21.38.6.4 Have intermittent lighting in order to construct a public service time and temperature sign in those instances where the applicant can demonstrate a need or show community desire for such a sign service.

21.38.6.5 Exceed the maximum height in those instances where a taller sign is necessary to overcome natural conditions (topography, vegetation, etc.).

In granting sign variances, the Zoning Board of Appeals shall consider the impact of each sign on adjoining residential districts, scenic views, out of character skyline intrusions, and obstructions to signs or uses on adjoining properties. Also the purpose of the sign and its applicability to uses that serve tourists or passerby motorists shall be considered in granting or denying a sign exception.

***No Signage at this time**

FINDINGS UNDER SECTION 21.42

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](#).

***Trash to be stored inside building until disposal**

FINDINGS UNDER ARTICLE 19/PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.

HAS – HAS NOT BEEN MET

19.7.2 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.

HAS – HAS NOT BEEN MET

19.7.3 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.

HAS – HAS NOT BEEN MET

19.7.4 The proposed special land used will be designed, constructed, operated, and maintained so as not to diminish the opportunity for the surrounding properties to be used and developed as zoned.

HAS – HAS NOT BEEN MET

19.7.5 The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.

HAS – HAS NOT BEEN MET

19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

HAS – HAS NOT BEEN MET

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity no rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and

(vi) shall identify the party responsible for maintenance of the storm water management system.

HAS – HAS NOT BEEN MET

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.

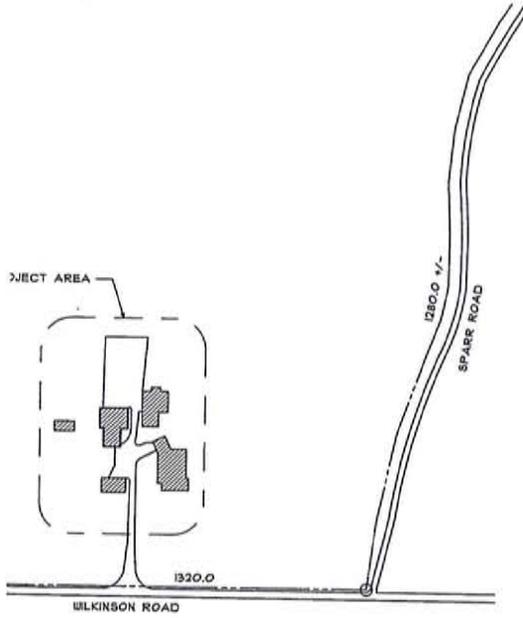
HAS – HAS NOT BEEN MET

SECTION 19.8 - CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a special use permit. These conditions may include those necessary to insure that public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the special land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all the following requirements.

- 19.8.1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.
- 19.8.2 Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use.
- 19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

15-310



RALL SITE PLAN

PROPERTY NOTES:
 DESCRIPTION: SE 1/4 OF SE 1/4 LYING W/LY OF
 SEC 34 T31N R3W
 RCEL # : 080-034-100-005-03



DATE	REVISION	BY
9/17/15	OWNER REVIEW	
9/17/15	T.L.S.	Steve M. [Signature]
9/17/15	T.L.S.	
9/17/15	PRINT DATE	

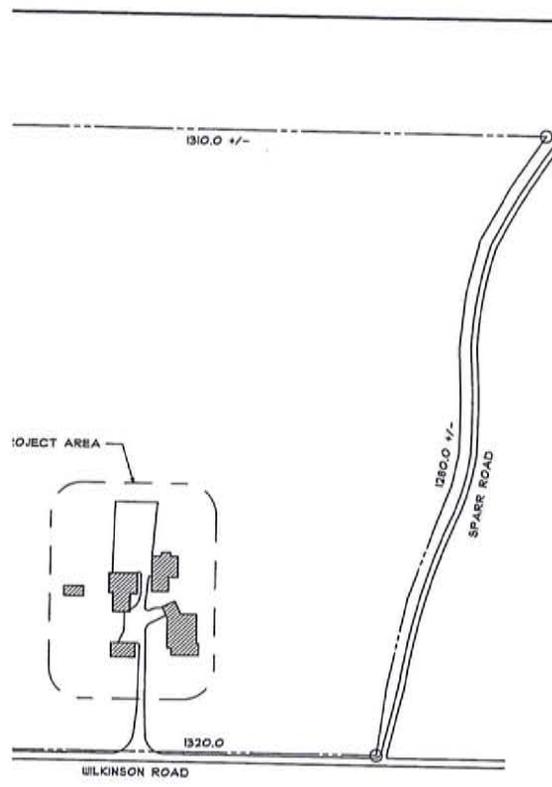
SEIDELLS ARCHITECTS

COMMERCIAL RESIDENTIAL INDUSTRIAL

114 N. COURT AVE., STE. 201
 GAYLORD, MICHIGAN 49735
 PHONE (688) 731-0372
 FAX (688) 731-6624

PROJECT	WALK BY GRACE
PROJECT NO.	15-310
SHEET	SP
PROJECT ADDRESS	2838 WILKINSON ROAD GAYLORD, MICHIGAN 49735

001



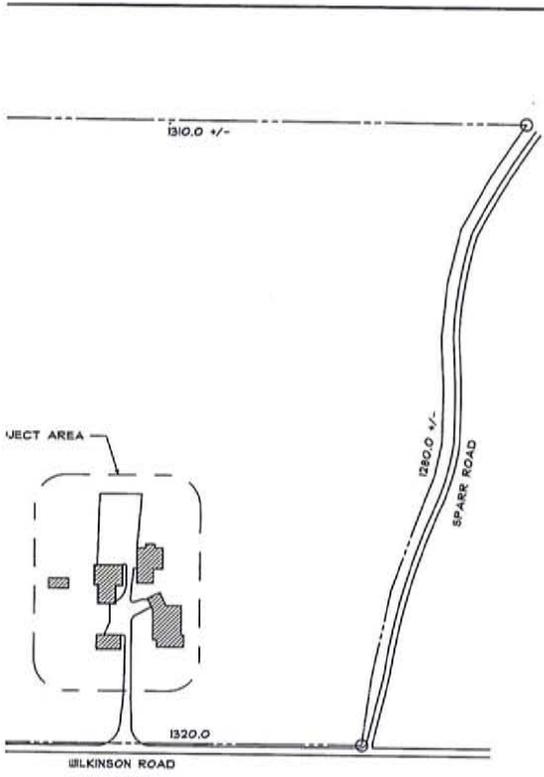
RALL SITE PLAN

PROPERTY NOTES:
 DESCRIPTION: SE 1/4 OF SE 1/4 LYING WLY OF
 SEC 34 T31N R3W
 SCHEMATIC #: 080-034-400-005-03

Design modified 9-22-15 Otsego County Fire Dept

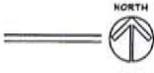
 SEIDELLS ARCHITECTS COMMERCIAL RESIDENTIAL INDUSTRIAL 114 N. COURT AVE., STE. 201 GAYLORD, MICHIGAN 49734 PHONE (616) 731-0332 FAX (616) 731-0442	PROJECT WALK BY GRACE BUILDING RENOVATION 2838 WILKINSON ROAD GAYLORD, MICHIGAN 49735	DRAWN BY S.E.H. CHECKED T.L.S. APPROVED BY T.L.S. DATE 9/17/15 PRINT DATE	ISSUED OWNER REVIEW DATE 9/17/15	REVISIONS DATE
	PROJECT NO. 15-310	SHEET 50	DATE 9/17/15	DATE

COPY



RALL SITE PLAN

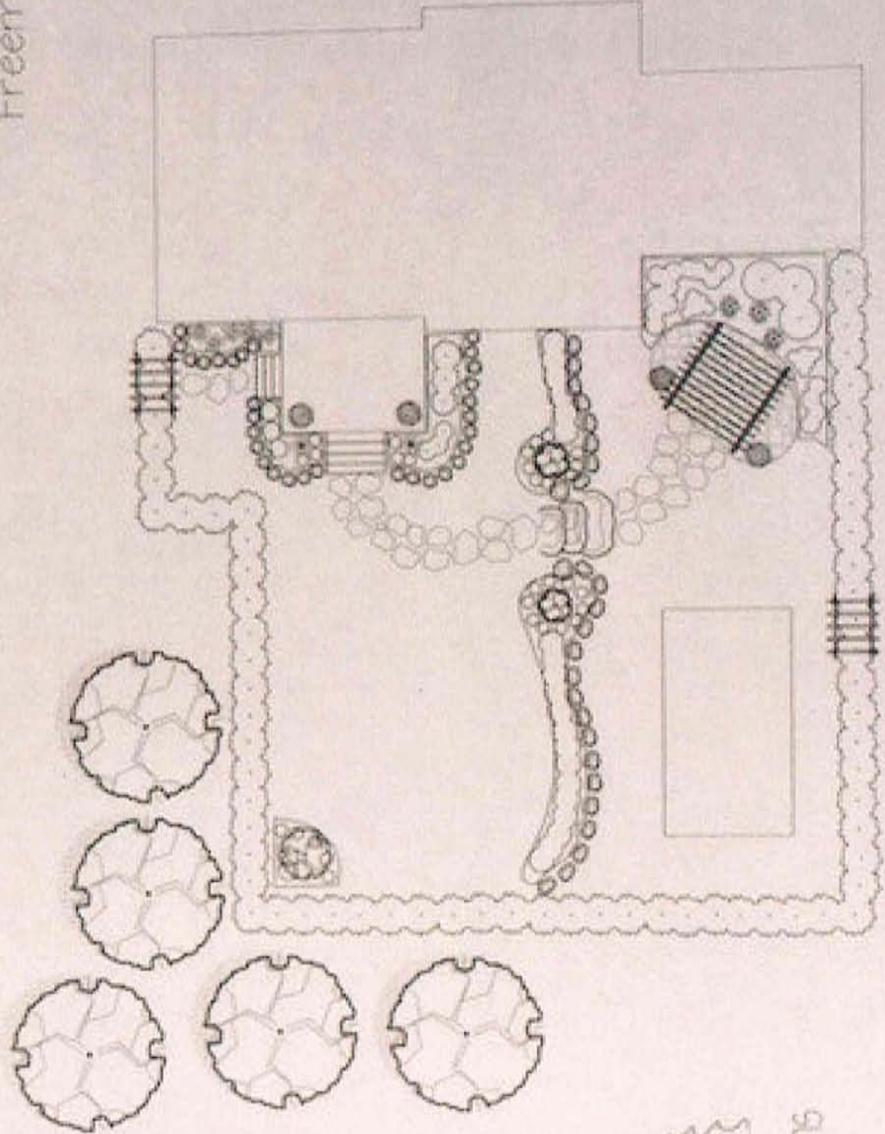
Y NOTES:
 DESCRIPTION: SE 1/4 OF SE 1/4 LYING WLY OF
 SEC 34 T31N R3W
 ICEL # : 080-034-100-005-03



SEIDELL ARCHITECTS <small>COMMERCIAL RESIDENTIAL INDUSTRIAL</small> 114 N. COURT AVE. BOX 201 GAYLORD, MICHIGAN 49734 PHONE (689) 731-0372 FAX (689) 731-0372	PROJECT 1 WALK BY GRACE BUILDING RENOVATION 2838 WILKINSON ROAD GAYLORD, MICHIGAN 49735	DRAWN BY CHECKED APPROVED BY DATE PRINT DATE	SE.H T.L.S. T.L.S. 9/17/15	OWNER REVIEW 9/17/15	DATED DATE
	PROJECT NO. 15-310	SHEET 00	R. J. SEIDELL J. S. SEIDELL J. S. SEIDELL 9/17/15	DATE 9/17/15	DATE 9/17/15

Landscape Plan View

Freeman Farm



North Star Gardens

1354 E MB2

Gaylord, MI 49735

c-231-420-2651

Otsego County Zoning Board of Appeals

Proposed Minutes for May 31, 2016

Call to Order: 6:00 pm by Chairperson Sagasser

Roll Call:

Present: Chairperson Sagasser, Vice-Chairperson Hoffman, Secretary McCarthy, Ms. Bono, Mr. Colosimo, Mr. Brown, Mr. Glasser

Absent: None

Staff Present: Ms. Boyak-Wohlfeil

Public Present: Brittany Stripp, Seidell Architects representative, Denny Freeman, Melissa Zaborowski, Alison Mogle

Chairperson Sagasser welcomed the new members to the Zoning Board of Appeals and asked each to speak.

Each member gave a short introduction of themselves.

Approval of Minutes from November 24, 2015:

Motion made to approve minutes as presented by Mr. Hoffman; Seconded by Mr. McCarthy.

Motion approved unanimously.

Citizen Comment Regarding Items not on the Agenda: None

Public Hearing:

Interpretation of Comparable Use:

A request for an interpretation on the allowance of a banquet hall as a comparable use in the AR/Agricultural Zoning District

PZBA16-001 Freeman

080-036-400-005-09

2838 Wilkinson Rd Gaylord, MI

Section 21.44 Unlisted Property Use

Public hearing open: 6:05 pm

Brittany Stripp, Seidell Architects representative, stated they were working with Mr. Freeman to remodel his existing barn into a venue for weddings. She presented a drawing of the barn and stated it would be open to the public on a seasonal basis for weekend use. There would be a deck for pictures and possible dining but the entertainment would remain inside. She explained they were looking for interpretation of a comparable use in the zoning district stating the Knights of Columbus Hall was right down the street in the same district. The K of C Hall was allowed as a venue for weddings and other banquets and was open year round.

Denny Freeman stated they had recently enjoyed holding several family weddings and gatherings on his property and as part of his downsizing, the family discussed allowing other people to enjoy the facility for

Otsego County Zoning Board of Appeals

Proposed Minutes for May 31, 2016

that same use. He stated he had heard from one of his neighbors who objected because of the possibility of fireworks and noise but after discussing the issue with them, they were satisfied.

Chairperson Sagasser asked for comments from the public present.

Melissa Zaborowski and Alison Mogle stated they were attending the meeting to show support for the wedding venue. Ms. Zaborowski stated she thought it was a good idea for the area and would be enjoyed by many brides. She was also hoping to hold her own wedding at the venue.

Public hearing closed: 6:17pm

New Business:

Interpretation of Comparable Use:

A request for an interpretation on the allowance of a banquet hall as a comparable use in the AR/Agricultural Zoning District

PZBA16-001 Freeman

080-036-400-005-09

2838 Wilkinson Rd Gaylord, MI

Section 21.44 Unlisted Property Use

Chairperson Sagasser stated it was the role of the Zoning Board of Appeals to interpret whether this was a comparable use to the zoning district but not listed as such.

Chairperson Sagasser read the Exhibit List and also the letter from Mr. and Mrs. Olson, neighboring property owners, voicing their concern for loud noise. He requested it be added to the Exhibit List as *Exhibit 13* as well. *SEE ATTACHMENT 1, ATTACHMENT 2*

Chairperson Sagasser presented the Finding of Fact. *SEE ATTACHMENT 3*

He stated because the use for a 'wedding venue/banquet hall' was not specifically listed in the Zoning Ordinance, they needed to interpret if it was an unlisted use and if so, if it was a permitted use or permitted use subject to special conditions in the AR Zoning District.

Ms. Bono stated she thought if the Ordinance allowed recreational facilities, restaurants, country clubs or private parks, she did not see much of a difference and felt it was comparable to those.

Vice Chairperson Hoffman stated they were not approving the venue itself, only whether it was considered a comparable permitted use to 'fraternal lodges' or 'churches' that sometimes rent out their halls or comparable to a permitted use subject to special conditions such as 'restaurants/taverns without drive-through service', 'golf courses or country clubs', or 'recreational facilities'. He felt it was the latter because it would then be up to the Planning Commission to decide items such as hours of operation, noise levels permitted and other specifics.

Mr. McCarthy stated he agreed with Mr. Hoffman that it was more comparable to Section 9.2 than section 9.1 in the AR Zoning District.

Mr. Brown stated he was also in agreement with the use being more similar to uses in Section 9.2.

Otsego County Zoning Board of Appeals

Proposed Minutes for May 31, 2016

Mr. Glasser stated his interpretation was a little more liberal and thought the use fell under Section 9.1. It was very similar and was a cross between a fraternal lodge and a church, which both were a permitted use by right.

Chairperson Sagasser stated he agreed it was very similar to a fraternal lodge and a church and also felt it was a permitted use. Most fraternal lodges and churches held banquets and he didn't see a need to place conditions on the use. He felt it gave the Planning Commission more room to govern.

Vice Chairperson Hoffman stated the Agricultural Resource Zoning District was designed as a quiet, rural area with less traffic; those types of things can be controlled with a special use permit. If it is a permitted use, then there is no control over the use in that zoning district and he felt it was something that should be decided by the Planning Commission.

Motion by Mr. Hoffman to interpret the wedding venue/banquet hall use as a comparable use to other *Permitted Uses Subject to Special Conditions* in the AR/Agricultural Resource Zoning District; Seconded by Mr. McCarthy.

Chairperson Sagasser asked if there was any further discussion.

Mr. Glasser thought it should be allowed by right, stating we are overregulated now and did not feel the Planning Commission should decide the scope of the operation.

Ms. Bono concurred.

Mr. Brown stated he wondered why fraternal lodges and churches were listed under Section 9.1 and other similar uses were restricted under Section 9.2.

Chairperson Sagasser stated he agreed with Mr. Glasser as having enough regulations; he did not feel another layer of bureaucracy was needed for something as benign as a banquet hall.

Ms. Boyak-Wohlfeil stated some of the uses listed under Section 9.2 were more restricted because of possible alcohol usage.

Mr. Glasser stated the scope of the use increased also in Section 9.2 along with traffic flow. The intent of the AR Zoning District is to preserve the farmland and the rural beauty of the view.

Vice Chairperson Hoffman stated the rural character of the AR Zoning District could only be preserved if some control was retained.

Chairperson Sagasser requested a roll call vote for the motion on the floor:

Roll call vote:

Sagasser:	no
Hoffman:	yes
McCarthy:	yes
Bono:	no
Colosimo:	yes
Brown:	yes
Glasser:	no

Otsego County Zoning Board of Appeals

Proposed Minutes for May 31, 2016

Yes-4

No-3

Motion passes

Chairperson Sagasser told Mr. Freeman he could continue with the special use permit process.

1. Election of ZBA Officers

Mr. Sagasser nominated for Chairperson by Mr. Glasser; Seconded by Ms. Bono
Vote unanimous

Mr. Sagasser elected Chairperson

Mr. Hoffman nominated for Vice-Chairperson by Mr. Glasser; Seconded by Mr. Sagasser
Vote unanimous

Mr. Hoffman elected Vice-Chairperson

Mr. McCarthy nominated for Secretary by Ms. Bono; Seconded by Mr. Hoffman
Vote unanimous

Mr. McCarthy elected Secretary

2. Expiring Terms/Reappointment

- a. Bono
- b. McCarthy

Ms. Bono and Mr. McCarthy completed applications to be submitted to the County. They will be reappointed by the Board of Commissioners at term end.

Old Business: None

Communications: None

Adjournment: 6:42 pm by Chairperson Sagasser

Mike McCarthy, ZBA Secretary

Christine Boyak-Wohlfeil, Recording Secretary

June 6, 2016

To whom it may concern:

Since we last wrote, I have spoken to Dennis Freeman. I told him of our concerns for loud noises coming from his wedding venue, especially music - whether band or disc jockey. He asked if we heard noise from the family weddings they had at their farm last summer. I said we were only in town for two of them and "yes, we heard noise". Those also had fireworks but he assured me there would be no fireworks with his business. I told him if they made the buildings soundproof and the doors and windows were kept closed there should be no problem. I indicated that sometimes we could hear noise from the K of C Hall, which is further away, when the doors are open and there is a party.

Mr. Freeman indicated that the partying will be over at 11:00 P.M. , however we go to bed long before that. We would like to be able to keep our windows open and not have to wear ear plugs.

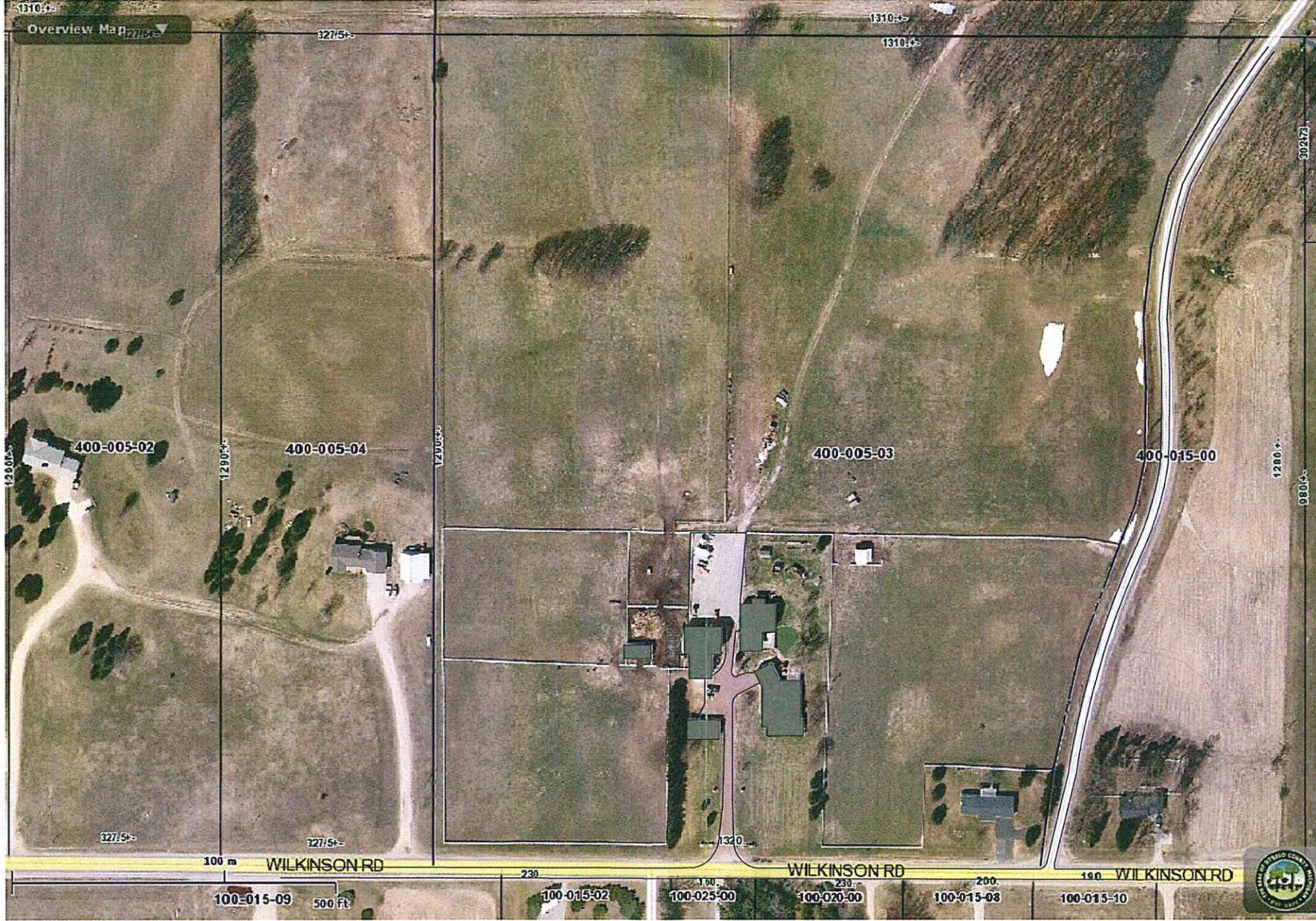
We did not get concerned over the noise at the family weddings because we knew they were rare occasions. However, as a business there can potentially be a lot of noise, especially every summer weekend. We have lived in Gaylord for 40 years in our present home. The quietness of our neighborhood is one of the things we thoroughly enjoy. Hopefully it will continue.

Karen Olson



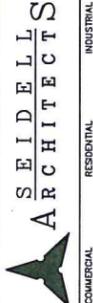
David Olson

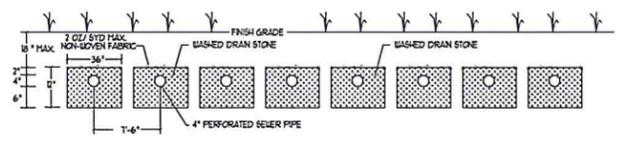
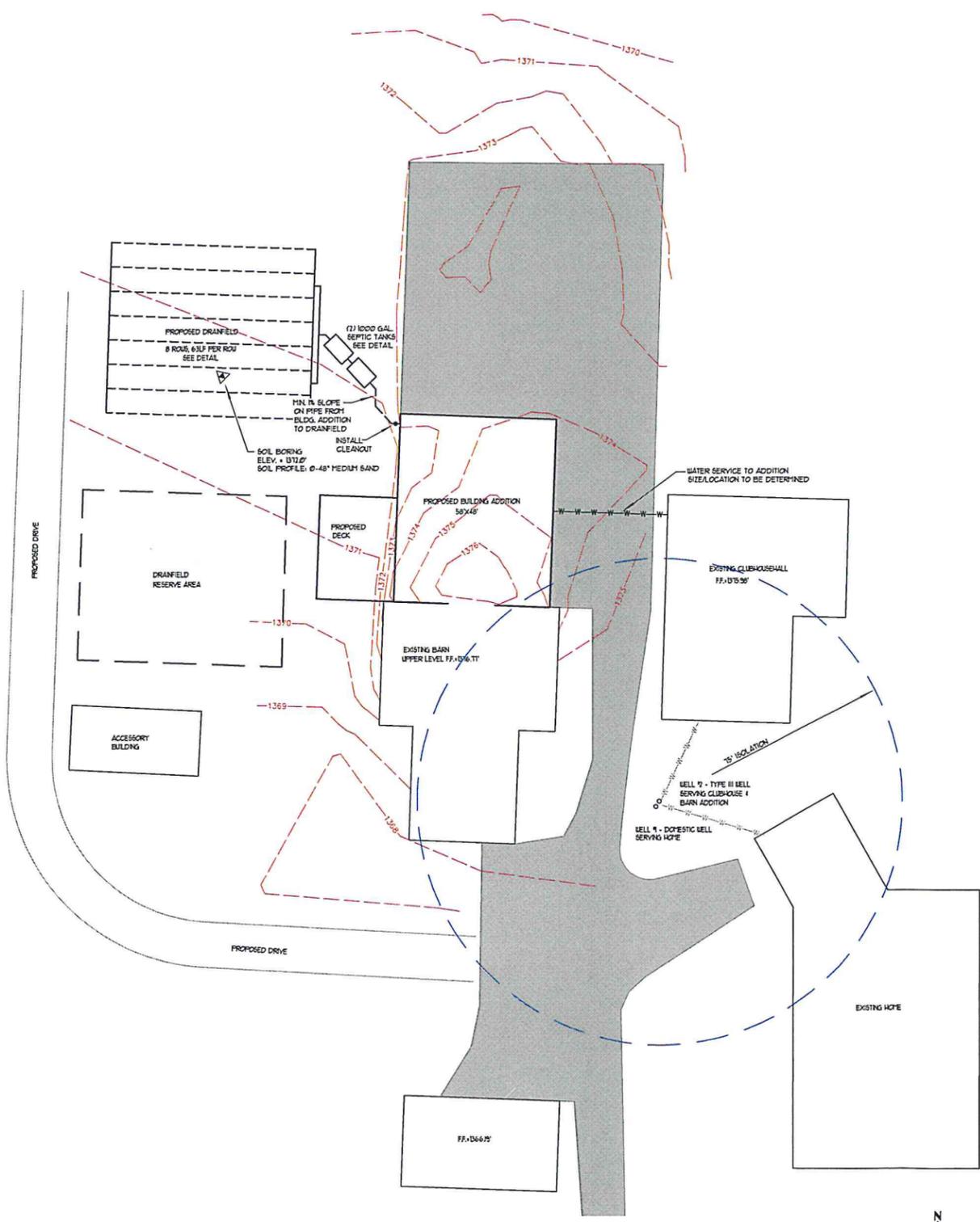




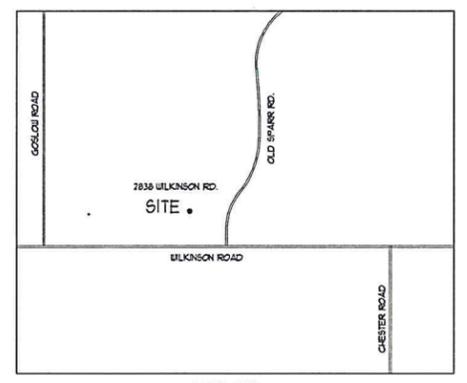
EXISTING OVERALL SITE PLAN

SCALE: NO SCALE

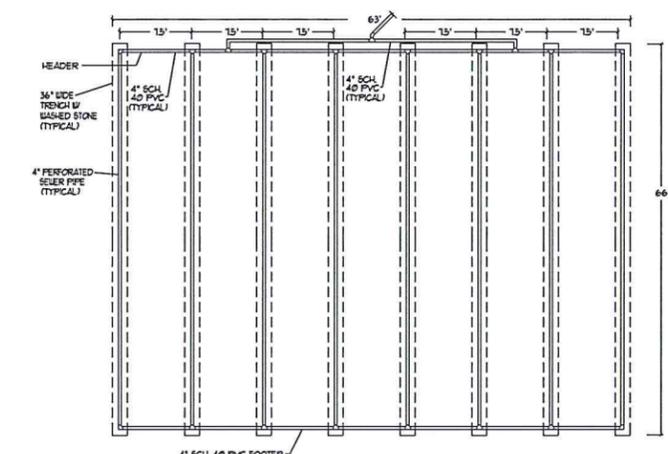
PROJECT WALK BY GRACE BUILDING RENOVATION 2838 WILKINSON ROAD GAYLORD, MICHIGAN 49735			DRAWN BY S.E.H.	RISED 	DATE 4/18/14	DATE
	COMMERCIAL 114 N. COURT AVE., STE. 201 GAYLORD, MICHIGAN 49734 PHONE (888) 731-5332 FAX (888) 731-5332		CHECKED T.L.S.	ZONING REVIEW 	DATE 4/18/14	DATE
PROJECT NO. 15-310	SHEET SP 2		APPROVED BY T.L.S.	PRINT DATE 		



TRENCH DRAINFIELD DETAIL
NOT TO SCALE



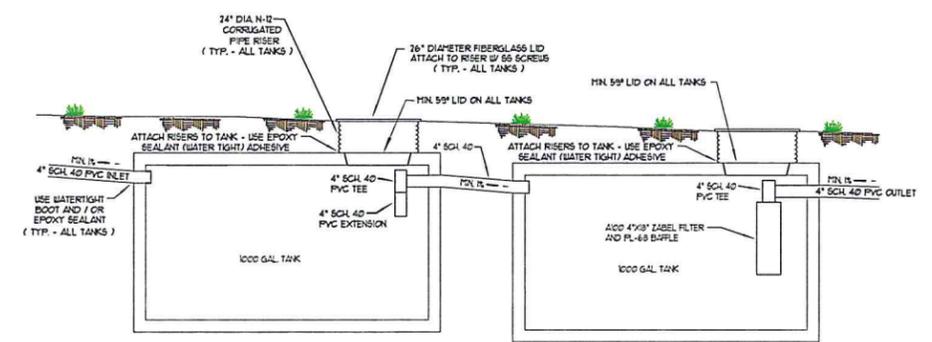
VICINITY MAP
NOT TO SCALE



TRENCH DRAINFIELD DETAIL
NOT TO SCALE

SITE DATA
 LEGAL DESCRIPTION
 SE 1/4 OF SE 1/4 LYING WEST OF COUNTY ROAD,
 SECTION 36, T3N, R2E
 PARCEL ID: 000-036-400-005-03
 PROPOSED USE: BANQUET HALL FOR WEDDING PARTIES
 MAXIMUM SEATING: 300 PERSONS
 FREQUENCY OF USE: AVERAGE LESS THAN ONE EVENT
 PER WEEK, LESS THAN 60 EVENTS PER YEAR

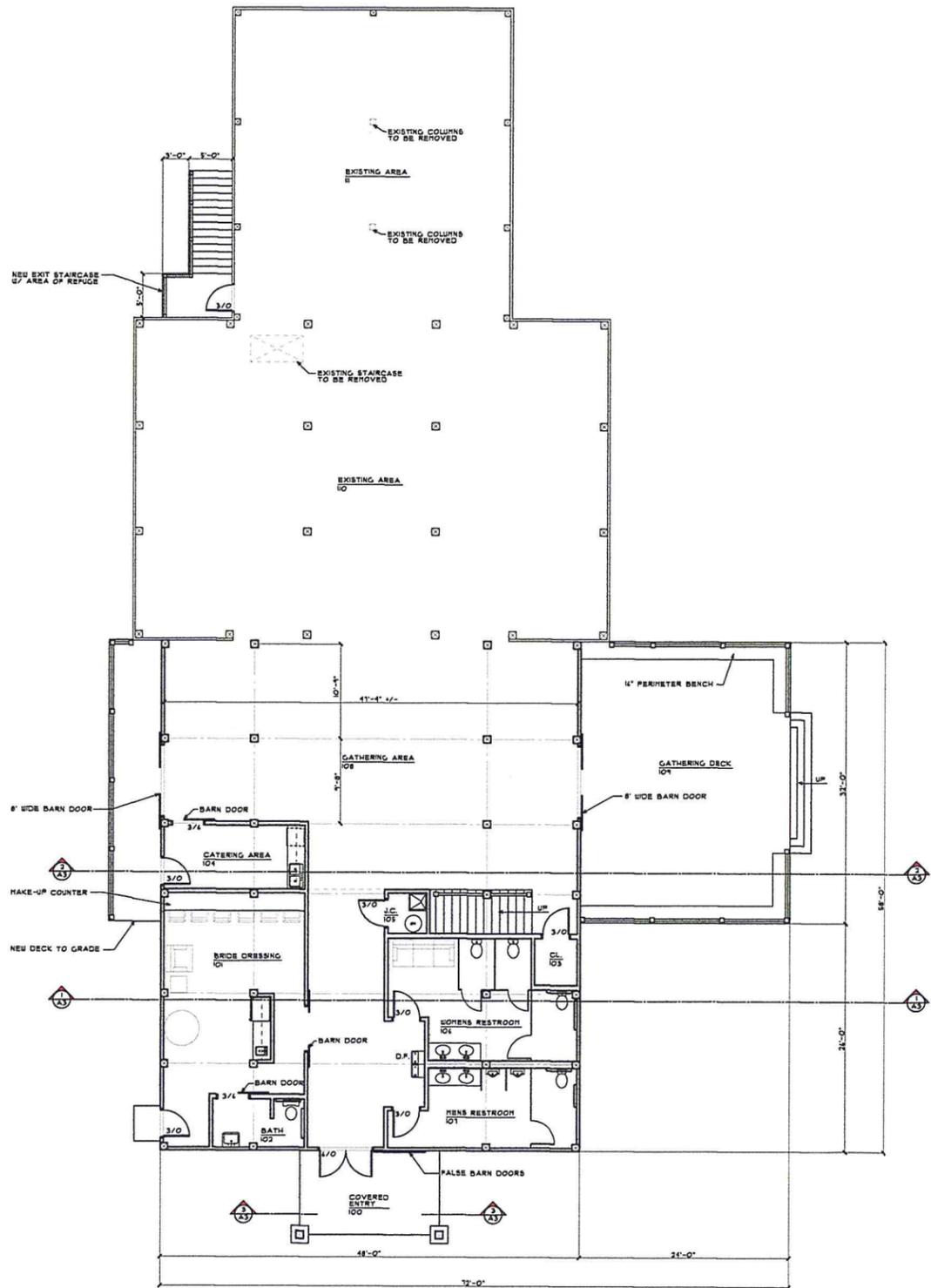
DRAINFIELD NOTES
 SANITARY DRAINFIELD DESIGN IS BASED ON THE MICHIGAN CRITERIA
 FOR SUBSURFACE DISPOSAL FOR BANQUET HALLS.
 BASIS OF DESIGN CONSIDERATIONS:
 1. 799 SEAT BANQUET HALL X 5 GAL PER SEAT = 3995 GPD, SAY 500 GPD.
 2. ASSUMED COURSE MEDIUM SAND, 1 GAL/SF APPLICATION RATE
 3. MINIMUM BOTTOM AREA OF TRENCHES = 8600 SF.
 CONSTRUCT 8 TRENCHES, 3 FT WIDE X 66 FT LONG = 864 SF.
 * OWNER AND/OR CONTRACTOR TO REVIEW AND COMPLY WITH
 ALL PERM REQUIREMENTS.



SEPTIC TANK DETAIL
SCALE: NO SCALE

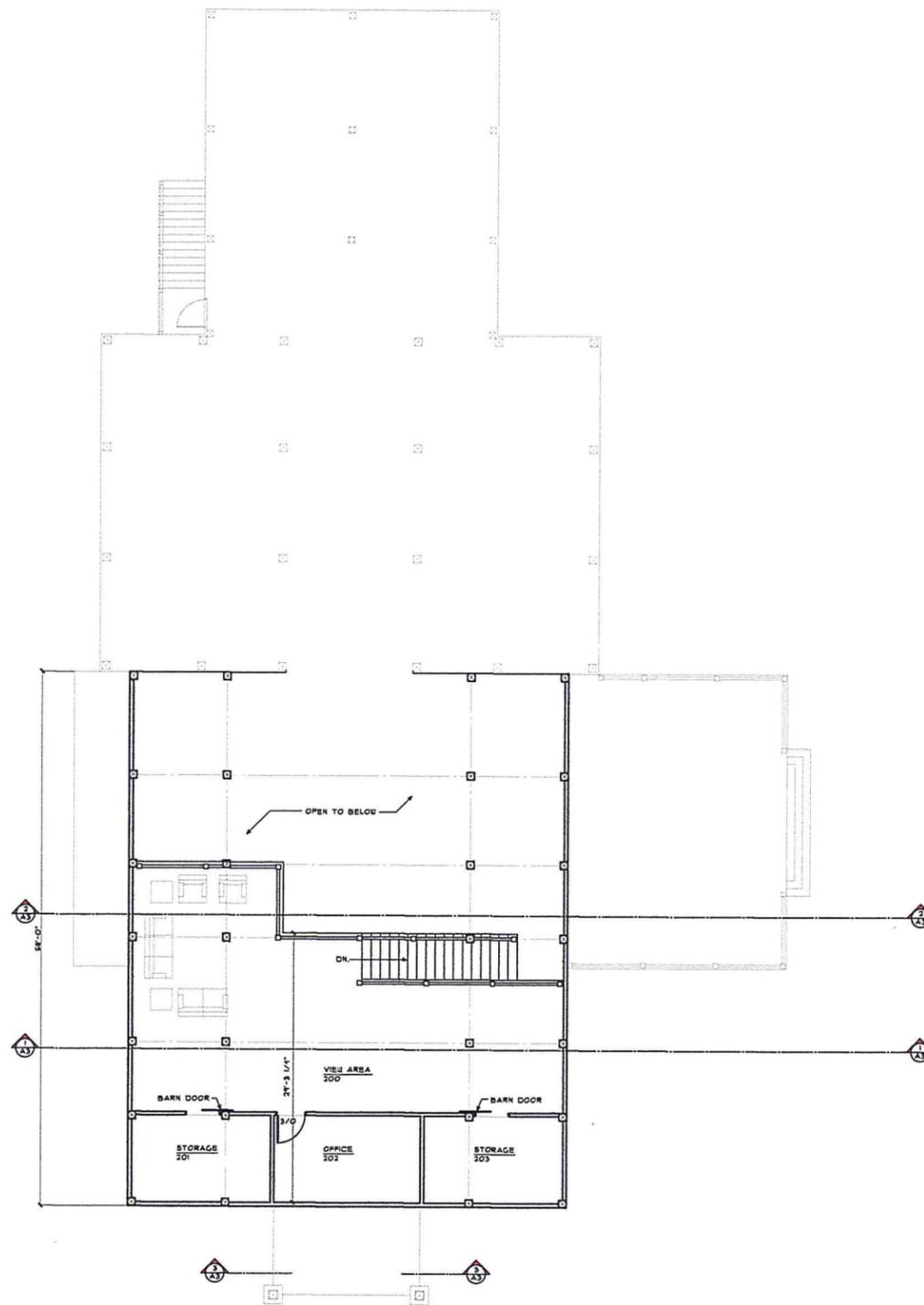
WATER DEMAND CALCULATIONS
 FIXTURE COUNT BASED ON ARCHITECTURAL PLANS PROVIDED:
 * ALL VALUES ARE WATER SUPPLY FIXTURE UNITS (WSFU)
 6 LAVATORY SINKS = 3 x 42
 5 WATER CLOSETS = 22 x 10
 1 LAUNDRY TUB = 14 x 14
 2 URINALS = 7 x 4
 TOTAL = 206 WSFUs = 19 GALLONS PER MINUTE DEMAND
 * SIZING OF WATER SUPPLY AND LOCATION TO BE DETERMINED BY OTHERS.

PROJECT	WALK BY GRACE ADDITION (FREEMAN)		DATE	1/28/16	BY	DCD
	SANITARY SYSTEM PLAN			REVISION DIMENSION ON DRAINFIELD SECTION		DCD
SHEET	C1		DRAWN BY	DCD	CHECKED	TDZ
				APPROVED BY		TDZ
			DATE	9/14/2015	PRINT DATE	9/14/2015
			THOMAS D. ZIPP, P.E. M.I. LICENSE #19025			
			 NORTHERN MICHIGAN ENGINEERING, INC. 200 FAIRVIEW AVE. PETOSKEY, MI 49770 (989) 370-8429 (231) 838-3003			



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"
 EXISTING BARN : 3,044 SF
 NEW BARN ADDITION : 2,184 SF

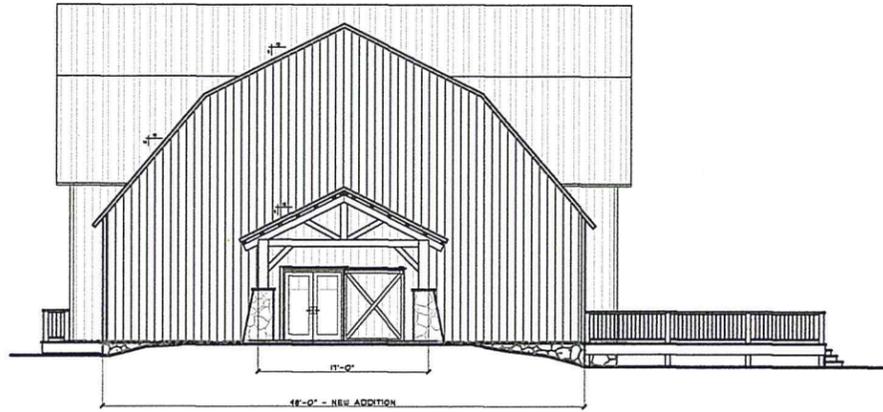


SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"
 VIEW AREA : 1,288 SF

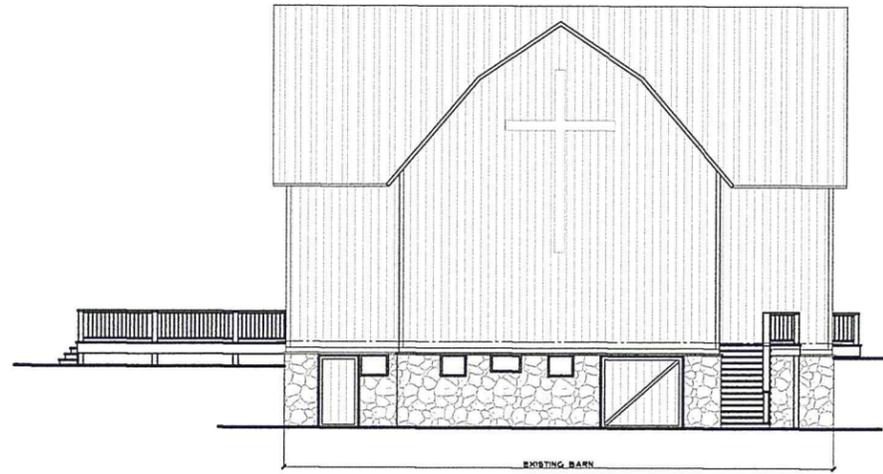


 SEIDELL ARCHITECTS COMMERCIAL RESIDENTIAL INDUSTRIAL 111 N. COURT AVE., STE. 201 EAST LANSING, MICHIGAN 48206 PHONE (888) 731-8372 FAX (888) 731-8932		DRAWN BY: S.E.H. CHECKED: T.L.S. APPROVED BY: T.L.S. DATE: 4/18/14 PRINT DATE:	ISSUED: ZONING REVIEW DATE: 4/18/14	DATE:
PROJECT WALK BY GRACE BUILDING RENOVATION 2898 WILKINSON ROAD GAYLORD, MICHIGAN 49735		PROJECT NO. 15-310		
SHEET A1				



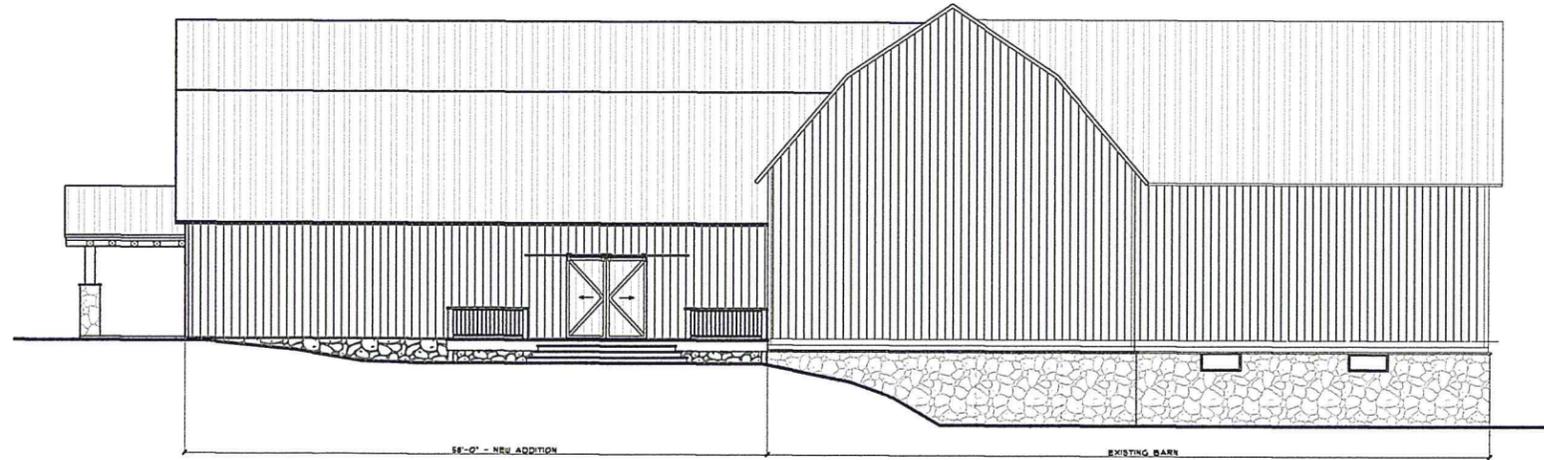
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



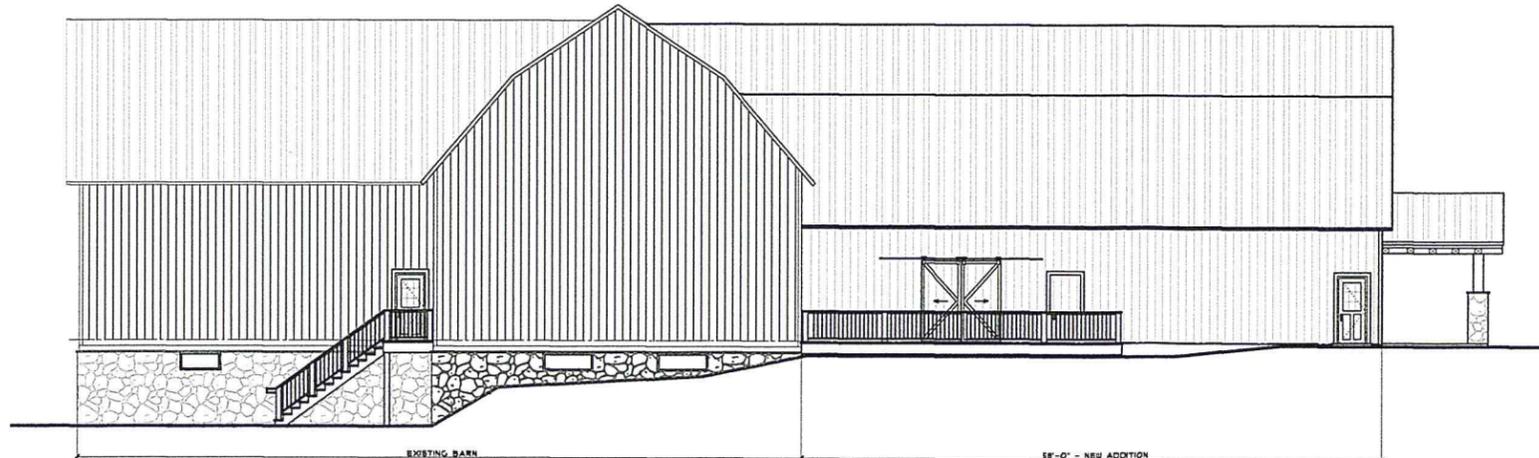
SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"

DATE	1/18/14
REVISION	
ZONING REVIEW	
DATE	1/18/14
PRINT DATE	

DRAWN BY	S.E.H.
CHECKED	T.L.S.
APPROVED BY	T.L.S.
DATE	1/18/14

SEIDELL ARCHITECTS
 COMMERCIAL RESIDENTIAL INDUSTRIAL
 114 N. GERRY AVE., STE. 201
 POST OFFICE BOX 289
 GAYLORD, MICHIGAN 49734
 PHONE (689) 731-0372
 FAX (689) 731-0932

PROJECT
WALK BY GRACE
BUILDING RENOVATION
 2858 WILKINSON ROAD
 GAYLORD, MICHIGAN 49735

PROJECT NO.
 15-310

SHEET
A2

Proposed Language for Personal Wireless Services

- **BLUE:** All text in **blue** is new or revised language.
- **BLACK:** All text in **black** is current language.
- **ORANGE:** New subsections

ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 2.2 DEFINITIONS

... CARE FACILITY, GROUP: A facility in which care or supervision is provided for at least seven (7) but not more than twelve (12) minor children or adults.

CLIMBING BARRIER: Material attached to the lowest eight feet (8') of a lattice tower for the prevention of using structural cross members as a ladder; a safety feature to discourage climbing by unauthorized individuals

CLUB: An organization of persons for the promulgation of sports, arts, sciences, literature, politics, or the like.

CO-LOCATION: The location of two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas with the County...

... PARKING SPACE: An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the storage or parking of permitted vehicles

PERSONAL WIRELESS SERVICES TELECOMMUNICATIONS TOWERS AND FACILITIES: Self-supporting or guyed towers of one hundred fifty feet (150') or less that provide data and internet access within a three to five (3-5) mile radius. These low wattage towers are a Permitted Use Subject to Special Conditions. (Section 21.46)

Section 322(c)(7) of the Federal Communications Act uses the following definitions:

(i) the term "personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services; and

(iii) the term "unlicensed wireless service" means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

PLANNING COMMISSION: Shall mean the Otsego County Planning Commission

POLLUTING MATERIALS: Materials which are capable of adversely affecting air or water resources by altering odor, taste, color, or physical or chemical composition to a degree that public health or biological communities are threatened Examples of Polluting Materials include fertilizers and pesticides...

SECTION 21.46 WIRELESS COMMUNICATIONS

Reference the Telecommunication Act (Act 104 of 1996 as amended) and the Michigan Zoning and Enabling Act (Act 110 of 2006 as amended including Act 143 of 2012). These set forth provisions concerning placement, location and construction of towers and related facilities for wireless services, provide rules for changes to existing towers and set time frames for municipality action. The purpose of this Section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of the section are to:

- (1) Protect residential zoning districts from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the county;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;
- (8) Consider the public health and safety of communication towers; and
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Wireless and cellular phone service are specially determined to not be essential services, nor to be public utilities as such terms are used in this Ordinance.

It is not the intent to create "antennae farms" with a number of monopoles and antennae in a small area. Also, it is not the intent to regulate ham radio antennae under this section, or to regulate towers installed at single family dwellings for personal television reception.

SECTION 21.46.1 DEFINITIONS:

As used in this section, the following terms shall have the meanings set forth below:

1. Antenna means any exterior transmitting or receiving device mounted on a tower, building structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
2. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
3. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting (lattice) towers, guyed towers, or monopole towers (including telephone poles). The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

4. Co-location shall mean the location by two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the County.

SECTION 21.46.2 WIRELESS COMMUNICATIONS TOWERS OF ONE HUNDRED NINETY (190) FEET OR LESS AND RELATED FACILITIES:

Construction of Wireless Telecommunication Antenna Towers of one hundred ninety (190) feet or less and Equipment Shelter Buildings are allowed in Otsego County subject to the following provisions:

21.46.2.1 Prior to approval of any new tower to be located within one (1) mile of an existing tower or other structure of equal or greater height than the proposed tower, applicant shall contact owner(s) of all said towers or structures and request permission to locate or co-locate in lieu of construction of a new tower. No new tower request shall be granted until proof of contact(s) has been provided to the zoning administrator.

21.46.2.1.1 As an alternative to contacting owners of all towers or structures, as described in the above paragraph, location or co-location on existing towers or structures shall be approved by the Zoning Administrator under applicable provisions, including [21.46.2.7.1](#).

An accessory equipment shelter building shall meet all normal requirements of accessory buildings. Any location or co-location shall not result in a height of more than twice the height of the existing structure.

21.46.2.2 Wireless Telecommunication Antenna Towers and Equipment Shelter Buildings shall not be placed in any road right-of-way or in any easement for road purposes.

21.46.2.3 Such towers and facilities shall be placed on parcels (whether the land is owned or leased by the tower owner) that have an area no less than the minimum parcel size for the district, as listed in [Article 17](#). No variances shall be granted to reduce this size limit.

21.46.2.4 All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer than one hundred percent (100%) of the tower's height from any property line or any residence.

21.46.2.5 A tower proposal of more than thirty-five (35) feet shall be submitted to the Otsego County Airport Manager and FAA for review and approval prior to issuance of a zoning permit.

21.46.2.6 The tower itself must be of monopole design. Guyed and self-supporting towers may be considered by the Planning Commission and require a special use permit. (Section 19.7)

[21.46.2.6.1](#) Maximum height of guyed towers to be one hundred fifty feet (150').

[21.46.2.6.2](#) Guyed towers must have a clear area radius of one hundred twenty percent (120%) of their height to protect surrounding properties/structures should a tower collapse.

[21.46.2.6.3](#) Eight (8) foot climbing barriers are required on guyed towers.

21.46.2.7 All such tower location proposals shall be submitted with a site plan ([Section 23.2](#)).

21.46.2.7.1 The following conditions are required for approval of an application.

Antennas may or may not be mounted on existing structures. The tower and antenna are painted or screened as to blend into the background.

The service building shall be constructed of material such as wood, brick, or stucco, and shall be designed to blend into the natural setting and surrounding buildings. In no case will metal exteriors be allowed for service buildings.

Unless technically impossible, all connecting wires from towers to accessory buildings shall be underground.

Unless technically impossible, all electrical and other service wires to the facility shall be underground.

The service building shall be no larger than necessary to house the equipment and shall meet all setback requirements of this Ordinance.

21.46.2.8 Lighting shall be designed in accordance with [Section 21.19](#) in addition to the following:

Lights shall not be permitted on the tower or antennae unless FAA regulations require them.

Light poles and fixtures shall be located as low as practical; a greater number of low “area” lights are favored over higher lights. Incandescent lights are favored over sodium or mercury-type street lighting.

21.46.2.9 The tower and its accessory buildings shall be fenced with no less than a six-foot (6) safety fence with a locked gate. For towers with guy wires, anchor points must have individual six foot (6’) fencing or yellow guy protection “sleeves” for high visibility. The Otsego County Planning Commission will determine which of the two (2) will be required based upon the site chosen for the tower. Signage must be installed on the six foot (6’) fence with locked gate stating the owner’s name and contact information, including an emergency telephone number.

21.46.2.10 The application shall include a description of security. Security shall be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned for more than twelve (12) months or is no longer needed. In this regard, the security shall, at the selection of the applicant, be in the form of cash or letter of credit to remove the tower in a timely manner as required under [Section 21.46.4](#), with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney’s fees incurred by the County in securing removal. The amount of the security bond or letter of credit is to be determined by the Planning Commission. ([Section 25.6](#))

21.46.2.11 Professional sealed documents are required for all Wireless Communications Towers ([Section 23.2.2](#)).

21.46.2.12 For projects involving less than twenty (20) square feet of soil disruption, soil samples and water flow analysis will not be required.

...SECTION 21.46.3 WIRELESS TELECOMMUNICATION ANTENNA TOWERS OVER ONE HUNDRED NINETY (190) FEET AND RELATED FACILITIES:

Construction of Wireless Communications Towers over one hundred ninety (190) feet and Equipment Shelter Buildings are a Permitted Use Subject to Special Conditions under [Article 19](#). Requirements include all those in [Section 21.46.2](#), plus the following:

ZONING DISTRICTS:

ARTICLE 4 R1 RESIDENTIAL DISTRICT

SECTION 4.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

4.2.8 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

ARTICLE 5 R2 GENERAL RESIDENTIAL DISTRICT

SECTION 5.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

5.2.7 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

ARTICLE 6 R3 RESIDENTIAL ESTATES DISTRICT

SECTION 6.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

6.2.6 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

ARTICLE 7 RR RECREATION RESIDENTIAL DISTRICT

SECTION 7.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

7.2.9 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

ARTICLE 8 FR FORESTRY RECREATION DISTRICT

SECTION 8.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

8.2.22 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

9.2.25 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

ARTICLE 10 B1 LOCAL BUSINESS DISTRICT

SECTION 10.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

*10.2.6 Wireless Services Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height [Permit criteria include [Article 21.46](#)]

10.2.11 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

11.2.15 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

SECTION 12.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

12.2.15 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

ARTICLE 13 I INDUSTRIAL DISTRICT

SECTION 13.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

13.2.20 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

CHARLTON TOWNSHIP
OTSEGO COUNTY

P.O. Box 367 • Johannesburg, Michigan 49751 • Phone: (989) 731-1920 • Fax (989) 731-1070

To: Vern Schlaud, Director
Otsego Land Use Services
1322 Hayes Rd.
Gaylord, MI 49735

From: Ivan H. Maschke, Clerk

Dear Vern,

At the May meeting of the Charlton Township Board there was discussion regards to proposed language for Personal Wireless Services Telecommunications Towers and Facilities.

After discussion and a report from Willard Brown of the Charlton Township Planning Commission, Huff moved, McCarthy supported, to recommend approval of the proposed changes to the Otsego County Zoning Ordinance for Personal Wireless Services Telecommunications Towers and Facilities according to the letter received from you dated April 11, 2016. Motion passed unanimously.

Thank you very much for your time and consideration.

Sincerely,



Ivan H. Maschke
Charlton Township Clerk

Cc: Charlton Twp. Planning Commission

Township of Corwith
COUNTY OF OTSEGO
P.O. Box 100
8170 MILL STREET
VANDERBILT, MICHIGAN 49795-0100
PHONE 989-983-2865
FAX 989-983-3978

May 18, 2016

Otsego County Land Use Services Department
Vern Schlaud, Director
1322 Hayes Road
Gaylord, MI 49735

Dear Vern,

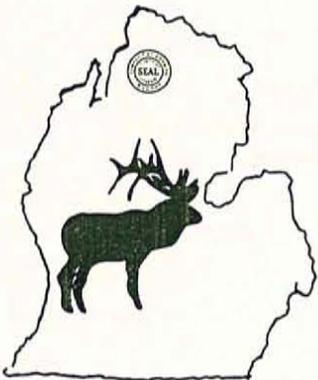
The Corwith Township Planning Commission has met and reviewed the proposed zoning language regarding Wireless Services Telecommunications Towers and Facilities. No issues were found with the proposed changes.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Debbie Whitman
Corwith Township Clerk



HOME OF MICHIGAN'S LARGEST ELK HERD IN BEAUTIFUL PIGEON RIVER COUNTRY

Corwith Township Planning Commission Minutes - *DRAFT*

May 12, 2016 Special Meeting

Township Hall 5:00 PM

Meeting Call to Order: meeting called to order by Chair Judi Jarecki Pledge of Allegiance 5:00 pm

Roll Call:

Tom Loshaw – ab
Judi Jarecki
Tom Kellogg

Bernie Matelski
Billye Thatcher

Others present:

Josh Clark, software engineer

Correspondence: April 11 request from Otsego County Land Use Services to review proposed zoning language regarding Wireless Services Telecommunications Towers and Facilities.

Email from Jim Conboy, board member of Tip of the Mitt Trails Council

Public Comment:

Planning Commission Items:

Tom K. received a request from Jim Conboy to join a "Friends" group, volunteers to assume responsibility for the North Central State Trail from Vanderbilt to Wolverine, an 8-mile long section. Planning Commission members expressed an interest, but had questions on the scope of the commitment. For example, is it trash pickup, similar to adopting a section of highway? Does it include trimming vegetation? Fallen tree removal? Would a vehicle, such as a garden tractor, be allowed on the trail to haul out debris? Tom offered to contact Jim Conboy to ask these questions.

Regarding the proposed zoning language changes, the discussion was joined by visitor Josh Clark who is familiar with the wireless services towers issue. Tower companies, such as the Cherry Capital telecommunications company in Traverse City, erects antenna towers for the purpose of providing Internet connectivity within a radius of 3 to 5 miles. If spaced correctly, the installation of multiple towers can provide nearly complete coverage of an area's population. The proposed County zoning language changes will standardize and ease some of the regulatory burden on the installation of these relatively modest 150-foot high towers. Tom K. made a motion to notify the Department of Land Use Services that the Corwith Township Planning Commission has reviewed said proposed language and does not have any issues with the proposed changes. Bernie seconded the motion, which carried by voice vote.

1. Township Planning Commission (TPC) activities in coordination with the Village of Vanderbilt Planning Commission (VPC):

The Township has received a May 10 email from the Michigan DNR grants office stating that our Michigan Natural Resources Trust Fund (MNRTF) grant application has moved to the next stage of review. The MNRTF grants staff will be visiting the proposed site. A date and time will be provided to the community once it is scheduled. After the site visit, there will be a further opportunity to add any relevant information to the grant application which could increase its scoring. Tom K. indicated that an additional 10 points would be available if the grant applicant (Twp) had an advisory "parks committee." The TPC discussed the differences between a parks commission (which is an elected board) and an advisory committee which is appointed by resolution of the Township Board. Tom K. suggested an unpaid, volunteer group of 5 to 7 community members as an advisory committee to the Township Board on parks and recreation matters. Bernie made a motion to discuss the idea of an advisory committee with the Township Board, seconded by Billye, and carried by voice vote.

3. Otsego County Planning Commission (OCPC) and the Parks and Rec Committee:

No meeting was held in April.

3. Music in the Park:

Music in the Park will be on Saturday, July 9th. Neither Tom K. nor Judi will be available to assist with the setup and management of the event this year. Arrangements will have to be made between the TPC and the VPC for the food, cooking, musicians, and other tasks. There will be a June TPC meeting at which final arrangements can be made.

Public Comment: None

Adjourn: There being nothing further to discuss, the meeting was adjourned at 6:12 pm. The next TPC meetings will be held on June 27, July 25, August 29, September 26, October 31, November 28, 2016, and January 30, 2017.

Paul:

I will be in Ludington this date and will head back in the afternoon. If I run late I will call on the phone and leave a message. I won't be sleeping in my easy chair if I miss.

Bagley likes the wireless concept and your work. What little my guys had to say about it could be called typos and I will bring them when next we meet or drop them off.

Thanks for all the work on the concept—I think it will benefit our constituents. I can also vote my cell phone ☺ if you need me to—989-619-0630.

Ken Arndt

Diane Franckowiak,
Supervisor
P.O. Box 117
Elmira, MI 49730
231-546-3241

Susan Shaedig, Clerk
7252 Alba Road
Gaylord, MI 49735
989-732-2920



Township of Elmira

Leonard Skop, Trustee • Dale Holzschu, Trustee

Diane Purgiel, Treasurer
1404 N. Townline Road
Gaylord, MI 49735
989-732-4446
989-732-9702 Fax

D & D Assessing
P.O. Box 117
Elmira, MI 49730
989-732-1099

Department of Land Use Services
1322 Hayes Rd
Gaylord, Michigan 49735

June 9, 2016

RE: PERSONAL WIRELESS SERVICES

The Elmira Township Board recommends to the Otsego County Planning Commission approval of Proposed Language for Personal Wireless Services from Section 2.2 Definitions to thru Article 113.2.18.

Sincerely,

A handwritten signature in cursive script that reads "Susan Schaedig".

Susan Schaedig, Clerk
7252 Alba Road
Gaylord, MI 49735
(989)732-2920

OTSEGO COUNTY PLANNING COMMISSION
BYLAWS
APRIL 2009

Adopted, effective immediately, April 7, 2009
(Amended May 16, 2016)

ARTICLE I

Name

Section 1 The name shall be the Otsego County Planning Commission, hereafter known as the "Commission".

ARTICLE II

Purpose

Section 1 These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, (MCL 125.3801 *et seq.*), hereinafter "the Planning Act."

Section 2 These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in PA 110 of 2006 as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 *et seq.*), hereinafter "the Zoning Act."

ARTICLE III

Membership

Section 1 Members: Members of the Commission are appointed by the Otsego County Board of Commissioners pursuant to the Otsego County Planning Commission Ordinance of July 3, 2003, as amended.

Section 2 Membership shall be 11 members:

- A. One member shall be a member of the Otsego County Board of Commissioners.
- B. One member shall be a member of a public school board or an administrative employee of a school district included in whole or in part, within the county's boundaries.
- C. Other members shall be representatives of important segments of the community such as economic, governmental, educational, and social development of the local unit of government, in accordance with major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
- D. The members shall be representative of the entire geography of the county with one residing in each township of the county.

Section 3 First priority each member shall represent and advocate what is best for the Otsego County as a whole, putting aside personal or special interests.

Section 4 Liaisons: The purpose of liaisons is to provide certain Otsego County officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Article III, Section 3 of these bylaws. Liaisons, if not already appointed Commission members, are:

- A. Planning Department staff and their agents and consultants
- B. The Commission's consultants
- C. Otsego County Attorney
- D. Otsego County engineering, water, sewer, DPW or similar department heads
- E. Otsego County attorney and corporate council
- F. Otsego County Administrator
- G. Chairman of the Otsego County Board of Commissioners
- H. Manager of the County Road Commission and village or city road agency

- I. The County Emergency Management Coordinator
- J. The County Soil Erosion and Sedimentation Control Officer
- K. District Health Department senior or supervisory Registered Sanitarian
- L. The County Surveyor, except when the issue before the Commission is to review his or his client's work
- M. The County Register of Deeds
- N. The County Extension Director
- O. The Otsego Conservation District Administrator
- P. Regional (multi-county) Planning Staff

Section 5

Attendance: If any member of the Commission is absent from three (3) consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Otsego County Board of Commissioners to remove a member from the Commission for nonperformance of duty or misconduct, after holding a public hearing on the matter. The Commission secretary or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Otsego County Board of Commissioners whenever any member of the Commission is absent from three (3) consecutive regularly scheduled meetings, so the Otsego County Board of Commissioners can consider further action allowed under law or excuse the absences.

Section 6

Incompatibility of Office:

- A. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include but not necessarily be limited to, the following:
 - 1. Issuing, deliberating on, voting on or reviewing a case concerning him or her;
 - 2. Issuing, deliberating on, voting on or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her;
 - 3. Issuing, deliberating on, voting on or reviewing a case involving a corporation, company, partnership or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss;
 - 4. Issuing, deliberating on, voting on or reviewing a case which is an action which results in a pecuniary benefit to him or her;
 - 5. Issuing, deliberating on, voting on or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law or members of his or her household;
 - 6. Issuing, deliberating on, voting on or reviewing a case where his or her employee or employer is:
 - a. an applicant or agent for an applicant or
 - b. has a direct interest in the outcome
- B. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
- C. When a conflict of interest exists, the member of the Commission or committee shall do all of the following immediately upon first knowledge of the case and determining that a conflict exists:
 - 1. declare a conflict exists or at the first available meeting of the Commission or committee;
 - 2. cease to participate at the Commission or committee meetings or in any other manner or represent one's self before the Commission, its staff or other; and
 - 3. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit until that agenda item is concluded
- D. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the

Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

ARTICLE IV
Duties of all Members

- Section 1 *Ex Parte* contact
- A. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
 - B. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.
- Section 2 Not Voting on the Same Issue Twice
- Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include but not necessarily be limited to, the following:
- 1. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals;
 - 2. When the appeal is of an administrative or other decision by any committee of the Commission, Otsego County Board of Commissioners or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals;
 - 3. When the case is an administrative decision which was decided by the Commission and sent to the Otsego County Board of Commissioners for further action and the member of the Commission sits both on the Commission and Otsego County Board of Commissioners.
- Section 3 Accepting gifts
- A. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
 - B. As used here, gifts shall mean cash, any tangible item or service, regardless of value; and food valued over \$10.
 - C. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to MCL 125.3823(3), §23(3) of the Planning Act.
- Section 4 Spokesperson for the Commission
- A. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
 - B. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
 - C. From time-to-time or on a specific issue, the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

ARTICLE V
Officers

- Selection 1 At the regular meeting in September of each year, the Commission shall select from its membership a Chair, Vice-Chair and Secretary. Candidates shall require the support of a majority of Commissioners present and voting. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Commission shall select a successor to the office of Secretary for the

unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.

- A. Tenure: The Chair, Vice-Chair and Secretary shall take office October 1st following their selection and shall hold office for a term of one (1) year or until their successors are selected and assume office.
- B. Chair's Duties: The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
 1. Preside at all meetings with all powers under parliamentary procedure;
 2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs or similar topics; profanity; or other remarks which are not about the topic before the Commission;
 3. Restate all motions as pursuant to Article VI, Section 5 A, of these Bylaws;
 4. Appoint committees;
 5. Appoint officers of committees or choose to let the committees select their own officers;
 6. May call special meetings pursuant to Article VI, Section 2, of these Bylaws;
 7. Act as member and Chair of the Executive Committee pursuant to Article VIII, Section 1, of these Bylaws;
 8. Act as an Ex-Officio member of all committees of the Commission;
 9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting;
 10. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
 11. Periodically meet with the Director of Land Use Services and/or other Planning Department staff to review Planning Department operation, procedures and to monitor progress on various projects;
 12. Assist in the interview and selection process for a Director of Land Use Services;
 13. Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional and state government levels;
 14. Represent the Commission, along with the Otsego County Board of Commissioners' Commission member, before the Otsego County Board of Commissioners; and
 15. Perform such other duties as may be ordered by the Commission
- C. Vice-Chair's Duties:
 1. Act in the capacity of Chair, with all the powers and duties found in Article V, Section 1 B, of these Bylaws, in the Chair's absence;
 2. Act as member and Vice Chair of the Executive Committee pursuant to Article VIII, Section 1, of these Bylaws; and
 3. Perform such other duties as may be ordered by the Commission
- D. Secretary's Duties:
 1. Execute documents in the name of the Commission;
 2. Be responsible for the minutes of each meeting, pursuant to Article VII of these Bylaws if there is not a recording secretary;
 3. Review the draft of the minutes, sign them and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
 4. Receive all communications, petitions and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
 5. Keep attendance records pursuant to Article III, Section 3, of these Bylaws (the Secretary may delegate this duty to Commission staff);
 6. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, PA 267 of 1976, as

- amended, MCL 15.261 *et seq.* (the Secretary may delegate this duty to Commission staff);
- 7. Prepare an agenda for Commission meetings pursuant to Article VI, Section 11, of these Bylaws (the Secretary may delegate this duty to Commission staff);
- 8. Act as member and Secretary of the Executive Committee pursuant to Article VIII, Section 1, of these Bylaws; and
- 9. Perform such other duties as may be ordered by the Commission
- E. Recording Secretary's Duties The Recording Secretary shall not be a member of the commission or any of its committees and shall:
 - 1. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to Article VII of these Bylaws for review and signature by the Secretary; and
 - 2. Perform such other duties as may be ordered by the Commission or secretary.

**ARTICLE VI
Meetings**

- Section 1 Regular meetings: Meetings of the Commission will be held the third (3rd) Monday of every month at 6 pm in the Planning and Zoning meeting room located in the Land Use Services Building at 1322 Hayes Rd Gaylord Michigan. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice of regularly scheduled Commission meetings shall comply with PA 267 of 1976, as amended, (being the Michigan Open Meeting Act MCL 15.261 *et seq.*)
- Section 2 Special Meetings: Special meetings shall be called in the following manner:
 - A. By the Chair
 - B. By any two members of the Commission
 - C. By the Chair at the request of any non-member of the commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be calculated as follows: The current amount of per diem paid times the total number on the Commission, regardless if they attend the meeting or not, plus the sum of travel reimbursement of each member, regardless if they each attend the meeting or not, plus the total Planning Department budget, which represents the costs of operating the Planning Department, divided by 365.
 - D. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition notices shall comply with PA 267 of 1976, as amended, (being the Michigan Open Meetings Act MCL 15.261 *et seq.*).
- Section 3 Recess: The Chair or the Commission, after the meeting has been in session for two (2) hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn) or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. No agenda item may be started after 9:00 pm. If applicable, such action shall include the time, day, month, date, year and location the Commission will reconvene. If more than eighteen (18) hours will pass before the reconvened Commission, public notice shall be given to comply with PA 267 of 1976, as amended, (being the Michigan Open Meeting Act MCL 15.261 *et seq.*). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.
- Section 4 Quorum: More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

- Section 5 Motions:
- A. Motions shall be restated by the Chair before a vote is taken
 - B. Findings of Fact: All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts:
 1. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant and untrue statements;
 2. Conclusions to list reasons based on the facts for the Commission's action, often directly related or not, to a finding of compliance or noncompliance to standards;
 3. The Commission's action; recommendation or position, approval, approval with conditions or disapproval.
- Section 6 Voting: Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for Commission members, regardless of the existence of vacancies and/or absences, shall be necessary for the adoption or recommendation for adoption, of any plan or amendment to a plan.
- Section 7 Commission Action: Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
- Section 8 Parliamentary Procedure: Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised*, (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.
- Section 9 Public Participation: All regular and special meetings, hearings, records and accounts shall be open to the public.
- A. Public comment on all non-agenda items should be presented at the beginning of the meeting where provided during the agenda item for public comment.
 - B. Public comment on agenda items shall only be given during the public comment period of the agenda item. After that point, public comment is normally not allowed however sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.
 - C. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.
- Section 10 Consensus Business: Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can

be made, in effect adopting all agenda items still included as Consent Items. The approval of minutes and the expense report shall be proposed on the agenda as Consent Items. Consensus business can be proposed for any item on the agenda but shall never include any of the following:

- A. Items of business which are listed in Section 18 of these Bylaws
- B. Review of plans and zoning ordinances or any part or amendment thereto
- C. Action on special use permits, planned unit developments, site plans and similar administrative actions
- D. Election of officers
- E. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting
- F. The motion to adopt Consent Items in the minutes shall clearly list each item and indicate its action/disposition.

Section 11 Order of Business: Agenda: The Secretary or designee shall prepare an Agenda for each meeting and the order of business shall be as follows:

- A. Call to order
- B. Roll call
- C. Pledge of Allegiance/Housekeeping business
- D. Approval of Minutes
- E. Consent Business
- F. Public participation for items not on this agenda
- G. Advertised Public Hearings: The Chair will declare such a public hearing open and state its purpose. The petitioner or proponent of the action advertised will be heard first.
- H. Advertised Cases (from public hearing(s))
- I. Unfinished Commission business
- J. New business (other business and communications)
- K. Reports and Commission Member's comments
- L. Adjournment

Section 12 Delivery of Agenda: The agenda and accompanying materials shall be mailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be but not always, mailed by first class mail on the Tuesday of the week prior to the Commission meeting, pursuant to Article VI, Section 1.

Section 13 Placement of Items on the Agenda:

- A. The Department of Land Use Services shall be the office of record for the Commission.
- B. The Director of Land Use Services may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight (8) business days prior to the next regularly scheduled Commission meeting.
- C. Items received by the Director of Land Use Services between seven (7) business days prior to the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or set aside action to the subsequent regular or special Commission meeting. Those items of a major nature or items normally receiving staff review, analysis or recommendation, shall be postponed until the subsequent regular or special Commission meeting.
- D. The deadline to add items to the Commission's meeting agenda shall be seven (7) business days prior to the next regularly scheduled Commission meeting.

ARTICLE VII Records

Section 1

Minutes and Record: The Commission Secretary shall keep or cause to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:

- A. Copy of the meeting posting pursuant to PA 267 of 1976, as amended, (being the Michigan Open Meetings Act, MCL 15.261 *et seq.*)
- B. Copy of the minutes and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
 1. Time and place the meeting was called to order
 2. Attendance
 3. Indication of others present (listing names if others choose to sign in and/or a count of those present)
 4. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
 5. Summary of all points made in public participation or at a hearing by the applicant, officials and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition or letter if it is provided in written form.
 6. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
 - a. Who testified and a summary of what was said
 - b. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
 - c. The location of the property involved (tax parcel number and description, legal description is best);
 - d. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes)
 - e. What evidence was considered (summary of discussion by members at the meeting)
 - f. The administrative body's findings of fact
 - g. Reasons for the decision made (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
 - h. The decision (e.g. approve, deny, approve with modification)
 - i. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any
 - j. List of all changes to the map/drawing/site plan that was submitted (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black.)
 - k. Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix 'A' and made a part of these minutes...")
 7. Who called the question
 8. The type of vote and its outcome; If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."
 9. That a person making a motion withdrew it from consideration
 10. All the Chair's rulings
 11. All challenges, discussion and vote/outcome on a Chair's ruling
 12. All parliamentary inquiries or point of order
 13. When a voting member enters or leaves the meeting

14. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting
 15. All calls for an attendance count, the attendance and ruling if a quorum exists or not
 16. The start and end of each recess
 17. All Chair's rulings of discussion being out of order
 18. Full text of any resolutions offered
 19. Summary of announcements
 20. Summary of informal actions or agreement on consensus
 21. Time of adjournment
- C. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes
- D. Retention: Commission records shall be preserved and kept on file according to the following schedule:
1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications:
Permanent
 2. Correspondence: Permanent

ARTICLE VIII Committees

- Section 1 Executive Committee:
- A. The Executive Committee shall be a standing committee of the Commission. Its membership shall be the Chair, Vice-Chair and Secretary of the Commission and they shall hold the same offices on the committee. The Executive Committee may deal with recommendations to the Commission on matters of the Commission budget; employment of a Director of Department of Land Use Services/Zoning Administrator; overseeing the Department of Land Use Service's day-to-day administration of the Department of Land Use Services/Office of the Zoning Administrator; office and personnel policy and anything else directed to the Executive Committee by the Commission.
 - B. The Executive Committee has limited power to act only on housekeeping matters, budget, office policy and overseeing contracts and personnel when time constraints require action prior to the next regularly scheduled Commission meeting. Such actions shall be reported at the next regularly scheduled Commission meeting and are subject to the Commission's review and/or veto.
 - C. All members of the Commission shall be notified of Executive Committee meetings and are encouraged to attend.
- Section 2 Ad Hoc Committees: The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary; Less than a quorum may serve on an ad hoc committee at any given time.
- Section 3 Citizen Committees: The Commission, Chair or Director of Land Use Services/Zoning Administrator may establish and appoint citizen committees with the consent of the Commission. Membership can be any number so long as less than a quorum of the Commission serves on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the Otsego County.

ARTICLE IX Rules of Procedures for All Committees

- Section 1 Subservient to the Commission: All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

Section 2

Same Principles: The same principals of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:

- A. Officers: Officers of committees are appointed by the Chair of the Commission at the time the committee is created or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
- B. Quorum: A committee's quorum shall be at least half the total appointed membership of the committee.
- C. Voting: Only those appointed members of a committee, who are present at the time of a vote shall be eligible to cast a vote.
- D. Attendance: If any member of a committee is absent from three (3) consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee Secretary-Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary-Vice-Chair, shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).
- E. Minutes: The Secretary-Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and filed in the same office as the Commission's minutes.
- F. Staff: Committees have reasonable use of Department of Land Use Services/Zoning Administrator staff time and assistance and direction for performing the work of the committee.
- G. Public: All committee meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principals found in PA 267 of 1976, as amended, (being Michigan Open Meetings Act, MCL 15.261 *et seq.*).
- H. Subcommittees: Citizen Committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes or public participation. Subcommittee membership shall consist of less than half the parent committee's membership.

ARTICLE X

Otsego County Department and Subdivisions; and Intergovernmental Coordination

Section 1

The Commission shall be responsible for coordination of all related plans between departments or subdivisions of Otsego County and intergovernmental coordination of all related planned activities among the state, federal and municipal governments concerned. The Commission may use committees (pursuant to Article VII, Section 2 of these rules), Department of Land Use Services/Zoning Administrator staff, citizen committees (pursuant to section 7C of these rules) and interagency staff teams for purposes of accomplishing coordination. If a staff team is used, the team shall not be a committee of the Planning Commission or any other public body and shall not be a public body. The team shall be an employee level technical review with only powers to recommend.

ARTICLE XI

Mileage and Per Diem

Section 1

Mileage and per diem shall be paid to members of the Commission at rates established by the Otsego County Board of Commissioners for attending Commission meetings and Executive Committee meetings and other authorized meetings and trips to represent the Otsego County, if those Commission members bill the Otsego County for the same. Only mileage shall be paid for attendance at ad hoc committee meetings, if those Commission members bill the Otsego County for the same. No mileage or per diem is paid to any members of a citizen committee, unless authorized and budgeted by the Otsego County Board of Commissioners with recommendation by the Commission.

**ARTICLE XII
Hearings**

- Section 1 Plan Hearings: Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan or recommending approval of an amendment to the Otsego County Board of Commissioners, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than fifteen (15) days prior to such hearing, by at least one (1) publication in each newspaper of general circulation.
- Section 2 Special Hearings: Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem or discussion of a particular problem with interested parties will be given in the most practical manner and to persons or group representatives most interested and as required by the Planning Act, Zoning Act and relevant local zoning ordinance.
- Section 3 Notice of Decision: A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

**ARTICLE XIII
Zoning Responsibilities**

- Section 1 All powers of the zoning commission have been transferred to this Commission, pursuant to MCL 125.3301 of the Zoning Act.
- Section 2 Zoning adoption or amendment (including PUD zoning amendments): The Commission shall review and act on all proposed zoning ordinances or zoning amendments pursuant to the Zoning Act. At least one (1) hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the legislative body. At a minimum, the recommendation shall include:
- A. Zoning plan for the areas subject to zoning or zoning amendment of the local unit of government;
 - B. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
 - C. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and
 - D. The manner of administering and enforcing the zoning ordinance.
- Section 3 Special Use Permit (including PUDs): The Commission shall review and act on all special use permits pursuant to the Zoning Act and zoning ordinance. At least one (1) hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action and the Commission's action, pursuant to Article VI, Section 5B of these Bylaws.
- Section 4 Site Plan Review: The Commission shall review and act on all site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action and the Commission's action, pursuant to Article VI, Section 5B of these Bylaws.
- Section 5 Appeals: The Commission shall not act or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

**ARTICLE XIV
Plan Reviews**

- Section 1 The Commission shall review all adjacent or contiguous, local government plans (township, village, and city), adjacent county plans, local governments' government plans (township, village, and city plans) within the boundaries serviced by the Commission and the County plans in which the Commission's service area is located.

- Section 2 Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action and the Commission's advisory action, pursuant to Article VI, Section 5B of these Bylaws.
- Section 3 The review should focus on:
- A. Increasing coordination of planning between governments.
 - B. Consistencies or inconsistencies with your government's plan(s) for matters such as:
 - C. Border issues
 - 1. Issues of greater than local concern
 - 2. Comparison with local plan contents
 - 3. Comparison with county/regional plan contents
 - 4. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.).
 - 5. Comparison to various implementation strategies
 - D. If the County Planning Commission considered the proposed plan inconsistent with the plan of any city, village, township or region that received a copy of the draft plan (or amendment)
 - E. If the County Planning Commission considers the draft plan (or amendment) to be inconsistent with a county plan(s), if any.
 - F. Action by the Commission shall be based on, in part, a review of possible boundary conflicts between the plans of two (2) municipalities. If a boundary conflict is found to exist, the following shall apply:
 - 1. The assumption is made that there should not be any provision of a municipal plan which is in conflict with the county plan.
 - 2. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed plans with the plans of municipalities having a common boundary. If a conflict is found to exist, it is not proper to assume the proposed plan is the problem. The problem could be the municipality which is adjacent to the municipality for which the plan is being reviewed. The problem could be both plans.
 - 3. The criteria to determine which municipality has the plan which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the plan which contributes to the boundary conflict.
- Section 4 The review shall be in the form of a letter and shall take into account:
- A. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
 - B. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 - C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
 - D. Include mutual respect of others so the comments are factual, objective and based on sound planning principles.

ARTICLE XV
Township Zoning Reviews

- Section 1 The Commission shall review all zoning ordinances and zoning amendments for townships within the County.
- Section 2 Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action and the Commission's advisory action, pursuant to Article VI, Section 5B of these Bylaws.
- Section 3 Township zoning, to be submitted with the following information:
- A. The text of the proposed ordinance,
 - B. The map for the proposed ordinance,
 - C. A letter from the township's attorney of their choice indicating:

1. proper procedure for adoption;
 2. the reviewed ordinance against all other applicable statutes and law;
 3. an appropriately drafted ordinance for use as a legal/ordinance document.
- Section 4 Action by the Commission shall be based in part, on a review of possible boundary conflicts between the zoning of two municipalities. If a boundary conflict is found to exist the following shall apply:
- A. The assumption is made that there should not be any provision of the township plan which is in conflict with the county plan. Thus the proposed zoning, which is based on the township plan, should also comply with the county plan.
 - B. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed zoning ordinances with the zoning ordinances of other municipalities having a common boundary with the township. If a conflict is found to exist, it is not proper to assume the Township's proposed zoning is the problem. The problem could be the township or municipality which is adjacent to the township for which the zoning is being reviewed. The problem could be both zoning ordinances.
 - C. The criteria to determine which municipality has the zoning which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the zoning which contributes to the boundary conflict.
- Section 5 The review shall be in the form of a letter and shall take into account:
- A. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt, and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
 - B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 - C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
 - D. Include mutual respect of others so the comments are factual, objective and based on sound planning principles.

ARTICLE XVI

Capital Improvements Review

- Section 1 Capital Improvements (the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings or properties before work is started and after municipal capital improvement planning approval is obtained). If the funding for the capital improvement project is from a grant, this approval must be obtained prior to applying for the grant or done as part of the state or federal grant clearinghouse process.
- Section 2 All preliminary plans and reports for the physical development of Otsego County, including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals.
- Section 3 Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Article VI, Section 5B of these Bylaws.
- Section 4 When reviewing the proposed project, the Planning Commission should at a minimum consider the following issues. If the answer to any of the below is "no", then the Planning Commission's review of the project should not be favorable.
- A. Is the proposed project consistent with adopted plans?
 - B. Is the project consistent with other governmental management plans?
 - C. Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?
 - D. Is the project consistent with adopted, if any, capital improvement plans?

- Section 5 The review shall be in the form of a letter, sent within thirty-five (35) days after the proposal is filed for review and shall take into account:
- A. Respect for the idea that the submission and review stages are near the end of a process. A community may be ready to start construction and others may be waiting for the task to be done.
 - B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
 - C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments or agencies of governments.
 - D. Include mutual respect of others so the comments are factual, objective and based on sound planning principles.

ARTICLE XVII

Capital Improvements Program

- Section 1 Annually, a capital improvement program (CIP) of public structures and improvement shall be adopted.
- Section 2 To do so, the Commission shall establish a committee consisting of volunteers from the community or a combination of volunteers and representatives from each department within the local unit of government.
- Section 3 The planning commission should also include the following individual, individuals, agencies and departments in preparing the CIP.
- A. Chief Executive (city manager, department heads, township manager, county controller/administrator, supervisor, city mayor, village president, etc.);
 - B. All departments within the government;
 - C. Finance and budget department: The financial office or the person responsible who conducts the financial analysis and projections on costs and revenues for a capital improvement program and determines the best possible means to finance each capital project.
 - D. The planning department staff (if any exist).
- Section 4 The committee shall cause to be requested from each agency or department of the local unit of government (with authority for public structures or improvements) for an annual inventory of desired public improvement projects with lists, plans and estimates of time and cost involved.
- Section 5 The committee or planning staff shall organize the proposed public structures and improvements in the general order of their priority, that in the committee's judgment will be needed or desired or can be undertaken in the ensuing six (6) year period.
- A. In doing so, the committee may make use of expert advice and information from staff from the planning department or private consultants:
 1. Governmental Accounting Standards Board (GASB) Statement No 34, Basic Financial Statements –and Management's Discussing and Analysis– For State and Local Governments.
 2. Population studies
 3. Economic studies
 4. Land Use Maps
 5. Future Plans
 - B. In doing so, the committee shall develop a formal set of criteria or use other techniques to organize the proposed public structures and improvements in order of importance. The following issues at a minimum should be considered:
 1. Description, location and purpose of project;
 2. Justification for the need for project;
 3. An explanation of its relationship to other projects;
 4. The cost of project (submit detailed budget);
 5. Estimated annual income from projects;
 6. Estimated annual operation costs for the project;

- 7. Status of plans/specifications for the project and the expected length of time the capital project will last;
 - 8. Year construction of project should start;
 - 9. The rank/importance of project within department submitting it;
 - 10. Environmental, health and safety impacts and energy consumption.
- C. The proposed public structures and improvements in order of importance shall be considered a draft CIP, which shall be presented to the Commission.
- Section 6 The planning commission shall review the CIP:
- A. The review shall include each project to determine the conformance of the projects with community comprehensive plans, development policies and the objectives and goals of the community.
 - B. The review shall include an opportunity for agencies to present their arguments for why any given project should be included in the program and at what order of priority.
 - C. Upon completion of the review, a second draft of the CIP shall be prepared.
- Section 7 The planning commission shall hold a public hearing on the second draft of the CIP.
- Section 8 After the hearing, if needed, a third draft of the CIP shall be prepared. The planning commission then:
- A. Formally adopts the CIP in the form of a recommendation to the legislative body for adoption; or
 - B. Adopts an amended version of the CIP in the form of a recommendation to the legislative body for adoption; or
 - C. Does not approve, thus does not adopt the ranked listing/project priorities and proceeds to further revise the CIP until the Commission is prepared to adopt the CIP.
- Section 9 If the legislative body refers the CIP back to the Commission, the Commission shall further review the CIP, make modifications and submit another version of the CIP to the legislative body.

Article XVIII
Subdivision Review

- Section 1 Prepare a Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), or amendments to the same, to submit to the legislative body.
- Section 2 Proposed Subdivisions:
- A. Staff for the Commission is to receive a plat and determine that the submission is complete. If incomplete, the plat shall be returned to the applicant with a list of deficiencies. If complete, the plat shall be received on behalf of the Commission.
 - B. Conduct a review of plats of proposed subdivisions (and/or site-condominium).
 - C. Hold a hearing on a proposed subdivision (and/or site-condominium) with notice of the hearing sent not less than fifteen (15) days before the date of the hearing.
 - 1. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, the time, the place of the hearing, where written comments may be submitted and the deadline for those written comments.
 - 2. The notice shall be sent to the person indicated on the plat (and/or draft site-condominium master deed) as the proprietor or other person(s) to whom notice of the hearing shall be sent, the property owner and adjacent property owners.
 - 3. The notice shall be published in a newspaper of general circulation in the Otsego County
 - 4. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).
 - D. Within sixty-three (63) days of a complete plat (and/or draft site-condominium master deed) being submitted, act on the proposed subdivision (and/or site-condominium) in the form of a recommendation to the legislative body of the municipality in which the proposed subdivision (and/or site-condominium) is located.
 - 1. If applicable standards under the Land Division Act (M.C.L. 560.101 *et seq.*), Condominium Act (M.C.L. 559.101 *et seq.*) if applicable, and Subdivision

Ordinance (and/or Subdivision, Land Division, Site- Condominium Ordinance), the Commission shall recommend approval.

2. Grounds for any recommendation of disapproval of a plat (and/or Site- Condominiums) shall be stated upon the record of the Commission.
3. If the Commission does not act within the sixty-three (63) day period, the plat (and/or Site- Condominiums) shall be considered to have been recommended for approval and a certificate to that effect shall be issued by the Commission upon request of the applicant. The applicant may waive the sixty-three (63) day period and grant an extension.

Section 3 Master Plan Amendment: Commission approval of a subdivision shall be considered to be an amendment to the master plan and a part thereof. The Commission shall cause the official copies of the master plan to be modified to reflect the amendment to the master plan within thirty (30) days of the subdivision approval.

ARTICLE XIX

Other Matters to be considered by the Commission

Section 1 Commission Action: The following matters shall be presented for consideration at a meeting of the Commission:

- A. At least annually, the adoption of priorities for the Commission's plan of work
- B. Annually, preparation of an annual report of the Commission
- C. Office or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff
- D. The general character, extent and layout of the re-planning and redevelopment of blighted districts and slum areas
- E. Land subdivision plats
- F. All Planning reports and plans before publication
- G. Matters which properly come before the Otsego County Designated Solid Waste Planning Agency, pursuant to Part 115 of PA 451 of 1994, as amended, (being the Solid Waste Management part of the Natural Resources and Environmental Protection Act, MCL 324.11501 *et seq.*)
- H. Soil and Sedimentation Control Board of Appeals cases
- I. All matters of business of the Otsego County Resource Conservation and Development Committee, with the Commission acting as that committee
- J. All matters of business of the Otsego County policy committee as created by the Otsego County/County Remonumentation Plan
- K. Such other matters as the Director shall find it advisable or essential to receive consideration by the Commission

Section 2 Staff Policy: From time to time the Commission shall publish policy to further define and categorize work done by staff for municipalities in Otsego County as:

- A. Tasks which are a basic purpose of the County Planning Commission and for which no charge or fee shall be charged.
- B. A secondary purpose of the Commission, which is to include "assistance" to municipalities in Otsego County for which a fee may or may not be charged, as may be established from time to time by the Commission.

ARTICLE XX

Commission Staff

Section 1 General Responsibility: The Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Commission, appropriate for the Otsego County and its environs and are within the scope of the Planning Act and the Zoning Act.

Section 2 Advocacy: The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to the Commission in person, through an agent or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein

is intended to prevent staff from helping an individual or group be better informed and to present their own views. Nothing herein is intended to prevent staff from expressing their own views as private citizens.

Section 3

Coordinated Enforcement: To further supplement the small number of staff responsible for inspections and enforcement of various regulations, staff shall report all suspected problems or violations seen during the course of their work. Staff shall follow the following procedures and guidelines:

- A. When observing a problem or suspected violation, do not assume a violation exists or confront the suspected perpetrator. Avoid a situation where discussion or confrontation exists in an area outside the staff person's jurisdiction.
- B. Report the problem or suspected violation to the Otsego County department, county, state, or federal agency which has jurisdiction, as quickly as possible.
- C. When observing or receiving a report from another Otsego County department, county, state, or federal agency of a problem or suspected violation, pursue enforcement or its resolution through normal procedures for the particular situation.

Section 4

Conflict of Interest:

- A. All members of the Commission's staff shall avoid situations which are conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 1. Issuing, deliberating on, voting on or reviewing a case concerning him or her
 2. Issuing, deliberating on, voting on or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her
 3. Issuing, deliberating on, voting on or reviewing a case involving a corporation, company, partnership or any other entity in which he or she is a part owner or any other relationship where he or she may stand to have a financial gain or loss
 4. Issuing, deliberating on, voting on or reviewing a case which is an action which results in a pecuniary benefit to him or her
 5. Issuing, deliberating on, voting on or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law or members of his or her household
 6. Issuing, deliberating on, voting on or reviewing a case where his or her employee or employer is:
 - a. an applicant or agent for an applicant or
 - b. has a direct interest in the outcome
- B. When a conflict of interest exists, staff shall do all of the following immediately, upon first review of the case and determining a conflict exists:
 1. declare a conflict exists;
 2. cease to process the case any further and;
 3. forward the case and all pertinent records to an alternate, assistant or manager so the case is dealt with by someone else
- C. Other than as part of work for the Commission, staff shall not (1) provide private consultation services or advise on similar related services for clients, (2) provide work in professions or services which is or could be regulated by the Commission (such as, but not limited to planning, zoning, real estate, land development, solid waste, land surveying, architecture, professional and civil engineering, landscape architecture, sociology, economics, geography, political science, public administration consulting or work) within a site within the boundaries of Otsego County or for clients who are, or may be applicants before the Commission, Zoning Board of Appeals or the Commission's staff. This is not intended to prevent a staff person from assisting residents, municipalities or others seeking help from the Commission, which are normally part of an employee's duties.
- D. Public Relations: Director of Land Use Services shall:
 1. Officially present the Commission's recommendations to the governing body.

2. Officially represent the Commission and its staff at planning conferences, interdepartmental meetings of the county government and serve generally as a liaison between the Commission and the public.
 3. Encourage private development or investment in accord with comprehensive plans.
 4. Cooperate with public and private agencies and with individuals for the development, acceptance and effectuation of plans.
 5. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding of, and government cooperation with planning efforts.
 6. Accept other responsibilities as may be directed by the Commission, Governing Body or Chief Executive.
- E. Commission duties delegated to the Director of Land Use Services:
1. To oversee and coordinate Commission staff teams, pursuant to Article X of these rules as directed.

ARTICLE XXI

Adoption, Repeal, Amendments

- Section 1 Upon adoption of these Bylaws of April 2009, they shall become effective and all previous Bylaws shall be repealed.
- A. The Commission may suspend any of these Bylaws for the duration of, not more than one (1) agenda item or meeting.
 - B. These Bylaws may be amended at any regular or special meeting by a two-thirds ($\frac{2}{3}$) vote of the appointed members.
 - C. Proposals to amend these Bylaws may be made at a regular meeting of the Commission. However, the final vote on proposed amendments shall be delayed until the next regular meeting of the Commission.

June10, 2026

Mr. Vern Schlaud
Director, Land Use Services
1322 Hayes Road
Gaylord, Mi 49735

Dear Mr. Schlaud:

The Otsego Lake Township Planning Commission is making this request in response to a business located in the Highway Interchange District which has asked to store and dispense propane in the district. The Planning Commission proposes the following changes be made to the Otsego County Zoning Ordinance and Master Plan to permit above ground storage and distribution of propane in the Highway Interchange District.

The Otsego Lake Township Planning Commission proposes the following change to the County Master Plan. In the Land Use Definitions, Commercial section on page 77, the Highway Interchange Zoning District definition be revised as follows:

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. The automobile dependent uses should ideally be located along roadways, with the other larger Interstate dependent uses located behind and accessed by service drives. These areas may require water and sewer services and/or other comparable forms of water and sewer services with approval by the municipality and the District Health Department. **Above ground storage of flammable or hazardous material will not be permitted in the district except for the storage of propane in limited quantity and under special conditions.**

We also recommend the following change of the Otsego County Zoning Ordinance language for the Highway Interchange Zoning District:

14.2.13.1.

- Aggregate storage above 5000 gallons up to 20,001 gallons shall be in a single tank.
- Signage on the tank shall be limited to that which is statutorily required by law. Advertising signage of any type will be prohibited on the tank.
- Tank location is to be a minimum of 50 feet from the traffic pattern on the site.

We appreciate the County's consideration of this proposed change to the Highway Interchange Zoning District.

Sincerely,

A handwritten signature in cursive script that reads "Kara Corfis".

Secretary

- **BLUE:** All text in **blue** is new or revised language.
- **BLACK:** All text in **black** is current language.

CURRENT LANGUAGE OF OTSEGO COUNTY MASTER PLAN:

Page 77, 78...

Commercial

Retail / Business / Office (Mixed Use)

The Retail / Business / Office land use category includes areas with small-scale retail stores, businesses, personal services, professional offices, food services, lodging facilities, residential, and light-manufacturing. When adjacent to residential neighborhoods, these areas shall include buffering and screening techniques to maintain the integrity of the residential area and minimize any negative impacts. Appropriate pedestrian access from nearby residential neighborhoods and commercial areas shall also be provided whenever possible.

Large Commercial

The Large Commercial land use category includes areas designated for commercial developments larger than those typically found in the Retail / Business / Office land use category. Large Commercial uses are also primarily automobile dependent. Uses which are consistent with these areas include, but are not limited to, large retail service establishments (e.g. shopping centers / home improvement centers) or clusters of small retail and service businesses accompanied by large parking lots. These areas will 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.

Highway Interchange Commercial

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. The automobile dependent uses should ideally be located along roadways, with the other larger Interstate dependent uses located behind and accessed by service drives. 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.

Industrial

The Industrial land use category is designated for, but not limited to, wholesale facilities, warehouses, manufacturing facilities, mechanical repair shops, and other similar industrial related uses. With appropriate buffering and screening, this category may be sited adjacent to compatible uses...

PROPOSED LANGUAGE FOR OTSEGO COUNTY MASTER PLAN:

Highway Interchange Commercial

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. The automobile dependent uses should ideally be located along roadways, with the other larger Interstate dependent uses located behind and accessed by service drives. 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. **Above ground storage of flammable or hazardous material will not be permitted in the district except for the storage of propane in limited quantity and under special conditions.**

CURRENT LANGUAGE FOR HX/HIGHWAY INTERCHANGE ZONING DISTRICT:

ARTICLE 14 HX 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.

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.
 - 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

PROPOSED LANGUAGE FOR HX/HIGHWAY INTERCHANGE ZONING DISTRICT:

ARTICLE 14 HX 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...

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
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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

14.2.13 Above-ground storage of flammable or hazardous material

- 14.2.13.1 Aggregate storage above 5000 gallons up to 20,001 gallons shall be in a single tank**
- 14.2.13.2 Signage on the tank shall be limited to that which is statutorily required by law. Advertising signage of any type will be prohibited on the tank.**
- 14.2.13.3 Tank location is to be a minimum of fifty (50) feet from the traffic pattern on the site**

Gapinski Forestry Products Inc
Dean and Sara Gapinski
PO Box 1978
Gaylord, MI 49734
989-731-4225
Gapinskiforestryproducts@gmail.com

June 7, 2016

Vern Schlaud
Otsego County Land Use Services
1322 Hayes Rd
Gaylord, MI 49735

Dear Vern Schlaud:

I am writing in response to your letter on April 14, 2016 concerning 210 Meecher Rd. We understand that the Special use Permit will expire on June 14, 2016. We would like to request an extension on this permit. The logging market is declining rapidly with no turn around appearing to come in the future. We have had to lay off 3 employees since fall of 2015. We do not have the financial means to build the new shop right now. We do have intentions move forward on the project in the future as soon as the markets come back around. This property as it is is a very important part of our business used as a transfer site.

Thank you for your time and consideration.

Sincerely



Dean and Sara Gapinski

How ruling could impact Michigan's vacation rental business

Alex Shabad, WZZM 8:43 p.m. EDT June 2, 2016



(Photo: WZZM)

SAUGATUCK, Mich. — A judge's ruling in Allegan County could impact Michigan's tourism industry. A circuit court judge ruled that vacation rentals are a commercial activity, which violate a local zoning ordinance.

It started from a neighborhood dispute in Casco Township, near South Haven. A group of homeowners sued to end short-term rentals -- they say it was because of constant partying in their neighborhood.

Some communities, like Saugatuck, have specific ordinances allowing short-term rentals. Now, other cities might decide to do the same because of the judge's ruling

If the lake is at the heart of the Saugatuck Community, then tourists and vacation rentals make the town come alive, says Kevin Tringali, owner of Bellavita Vacation Rentals.

"It's a primary lifeline of our economic development," Tringali said. "It's what feeds our stores are retail shops and restaurants."

Tringali says vacation rentals and smaller stores, rather than the big chains, help attract visitors.

"You don't see a lot of national chains in our area, and I think that just adds to the charm," Tringali said.

Unlike some other communities, Saugatuck's city ordinance specifically allows short-term rentals. A judge's recent ruling could lead to other communities doing the same.

"This really clarifies that short term rentals are a commercial activity," says Cindy Osman, Saugatuck planning and zoning administrator.

That means cities now have to choose whether to allow rental homes in residentially zoned areas.

"The community would have to change the ordinance if they want to allow them in their different zoned districts, if they didn't change their ordinance and just passively allowed them, that would give the other property owners standing to file a lawsuit," Osman said.

Tringali is thankful he's in a town where the vacation rental business is accepted with open arms.

"If we did not have this, our town would be dead," Tringali said.

Saugatuck's planning and zoning administrator says a few other cities already have similar rules to allow vacation rentals. That includes South Haven, Douglas and Saugatuck Township.

She says a short-term rental is considered less than 30 days.

WZZM learned that the owners of the vacation rentals in Casco Township have appealed the judge's decision.

Alex Shabad is a reporter for WZZM.

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