OTSEGO COUNTY
PLANNING COMMISSION

July 21, 2014
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 June 16, 2014 meeting
5. CONSENT AGENDA: None
6. OTHER:

    1. Dana Bensinger, Executive Director/Otsego County Community Foundation-presentation

7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:
(Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARINGS:

    Article 2/Section 2.2 Definitions, Article 20/Section 20.2.6 Definitions
    The proposed revision of the definition of a 'service road' to the sections of the Otsego County Zoning Ordinance listed above.

    Revised definition:
    Service Roads—Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street

9. ADVERTISED CASES:

    Article 2/Section 2.2 Definitions, Article 20/Section 20.2.6 Definitions
    The proposed revision of the definition of a 'service road' to the sections of the Otsego County Zoning Ordinance listed above.

    Revised definition:
    Service Roads—Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street

10. UNFINISHED COMMISSION BUSINESS:
11. NEW BUSINESS:
12. REPORTS AND COMMISSION MEMBER'S COMMENTS

    1. Sample Checklist to Guide Decisions on PUD's

13. ADJOURNMENT

Otsego County
Planning Commission/Zoning Board of Appeals
Joint Meeting

Proposed Minutes for June 16, 2014

PLANNING COMMISSION:

Call to Order: 6:00 pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

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

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

Public Present: Brittany Stripp, Todd L Seidell Architect representative, Nelson Fairchild, Eland Corp representative/consultant

Consent Agenda: None

Approval of minutes from May 19, 2014:

Mr. Mang suggested the *'service road'* definition itself be incorporated in number two (2) under to page two (2)- *Revised definition of 'service roads'*.

Motion made to approve minutes as amended by Mr. Arndt; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Other: None

Public participation for items not on the agenda: None

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Unfinished applicant business: None

Public Hearing:

Eland Corporation
PSUP14-002
Seidell Architects/Applicant-representative of Eland Corp
Parcel #010-016-200-065-04
2121 Dickerson Rd Gaylord, MI
Request for a propane sale and storage yard with a sales office located in a B3/Business and Light Manufacturing Zoning District

Public Hearing: Open: 6:04 pm

Mr. Schlaud summarized the proposed purpose of case PSUP14-002 and the information received.

Mr. Arndt discussed Bagley Township's views and response to case PSUP14-002. He stated they discussed the updated parking and landscaping in connection with the revised plan presented to the members tonight. They discussed the concerns of safety and stated the state regulated that aspect. Bagley Township did not have any issues with the project and approved it.

Brittany Stripp, representative of Todd L Seidell Architect, presented the site plan with the updates. She stated the two (2) existing driveways off McCoy Road and Dickerson Road would be paved. The drive off Dickerson would be paved up to the sales office along with a concrete ramp and sidewalk for handicap accessibility. The curbing had been approved by the Road Commission and the updated fencing would match the galvanized chain link fencing of the neighboring property of eight (8) feet; a six (6) foot fence with two (2) foot barbed wire.

Chairperson Hartmann questioned the fencing height.

Mr. Schlaud stated a height of six (6) feet was a zoning ordinance requirement but higher fencing could be approved with the site plan.

Nelson Fairchild, Eland Corp representative/consultant stated the property was currently vacant and the fencing would match the existing storage yard fencing adjacent to Eland's property.

Chairperson Hartmann questioned the required distance between tanks should another be added in the future.

Mr. Fairchild stated the Department of Environmental Quality (DEQ) regulated the distance between tanks and he thought it was six (6) feet. He stated the tanks would be empty and had to be empty when transporting.

Mr. Mang questioned the amount of impervious surface.

Mrs. Stripp stated only the two (2) driveways and handicapped parking would be paved. Everything else would be gravel or landscaped.

Public Hearing: Closed: 6:16 pm

New Business:

Eland Corporation
PSUP14-002
Seidell Architects/Applicant-representative of Eland Corp
Parcel #010-016-200-065-04
2121 Dickerson Rd Gaylord, MI
Request for a propane sale and storage yard with a sales office located in a B3/Business and Light Manufacturing Zoning District

Mr. Schlaud presented the following list of exhibits and general finding of facts:

Otsego County
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List of Exhibits:

Exhibit 1: Applications for case PSUP14-002 submitted by Applicant
Exhibit 2: Otsego County Zoning Map
Exhibit 3: Otsego County Zoning Ordinance effective date, *August 2013*
Exhibit 4: Warranty Deed-L 1331/P 693
Exhibit 5: Site Plan w/revision
Exhibit 6: Letter of Authorization of Representative
Exhibit 7: Public Hearing Notice published May 30, 2014
Exhibit 8: Letter to Bagley Township/Article 27 Township Participation
Exhibit 9: Bagley Township response received June 9, 2014
Exhibit 10: Map w/list of property owners within three hundred (300) feet
Exhibit 11: Receipt #01303641 dated May 23, 2014
Exhibit 12: General Finding of Fact
Exhibit 13: Specific Finding of Fact

General Finding of Facts:

1. This is a proposal for a propane sales and storage yard. *Exhibit #1, Exhibit #5*
2. The property is located in a B3/Business & Light Manufacturing Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in the B3/Business & Light Manufacturing Zoning District. *Exhibit #3*
4. The property is currently under the ownership of Eland Corporation. *Exhibit #4*
5. Eland Corporation has authorized Todd L Seidell Architect as the case representative. *Exhibit #6*
6. The Public Hearing Notice was published in the Herald Times on May 30, 2014. *Exhibit #7*
7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
8. All property owners within three hundred (300) feet were properly notified of the public hearing. *Exhibits #10*
9. 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*
10. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
11. The site plan requirements of Article 23 have been reviewed by Otsego Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #11, Exhibit #12*

Chairperson Hartmann reviewed the Specific Finding of Fact: *(See Attachments/Exhibit #13)*

FINDINGS UNDER ARTICLE 21:

SECTION 21.10 FENCING
HAS – HAS NOT BEEN MET

Mr. Arndt noted the eight (8) foot fence height as approved per Section 21.10.5 and suggested adding it to the motion.

SECTION 21.18 LANDSCAPING
HAS – HAS NOT BEEN MET

SECTION 21.19 LIGHTING, OUTDOOR
HAS – HAS NOT BEEN MET

SECTION 21.21 LOADING AND UNLOADING (OFF-STREET)
HAS – HAS NOT BEEN MET

SECTION 21.27 PARKING
HAS – HAS NOT BEEN MET

SECTION 21.28 PERFORMANCE STANDARDS
HAS – HAS NOT BEEN MET

Mr. Schlaud stated LP storage safety was regulated by the state.

SECTION 21.38 SIGNS AND BILLBOARDS
HAS – HAS NOT BEEN MET

As required per Zoning Ordinance.
Mr. Schlaud stated the site plan did not depict any signage. The applicant would need to submit sign designs along with the sign permit and Zoning Ordinance requirements would be met at that time.

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS
HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 19:

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 twenty-five (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.

No conditions imposed on Special Use Permit PSUP14-002.

Motion made by Mr. Arndt to recommend approval of Property ID #010-016-200-065-04, Special Use Permit PSUP14-002, waiving the six (6) foot maximum fencing requirement per Section 21.10.5; Seconded by Mr. Klee.

Motion approved unanimously.

Motion made by Mr. Arndt to rescind previous motion; Seconded by Mr. Klee.

Motion approved unanimously.

Motion made by Mr. Arndt to recommend approval of Property ID #010-016-200-065-04, Special Use Permit PSUP14-002, waiving the six (6) foot maximum fencing requirement per Section 21.10.5 along with the Site Plan presented; Seconded by Mr. Klee.

Motion approved unanimously.

Chairperson Hartmann announced he received notification of Mr. Stults resignation as of noon that day. He stated he was thankful for Mr. Stults expertise and he would be missed.

Unfinished Commission Business:

1. Otsego County Master Plan report

Mr. Hilgendorf stated the Board of Commissioners approved the updating of the Master Plan by Rick Duell, NEMCOG and the Committee would probably hear back from him after July 4th. A Master Plan Committee meeting will be scheduled when the updates are received.

2. Otsego County Parks & Recreation report

Chairperson Hartmann stated he was looking for a member to volunteer as representative to the Parks and Recreation Committee since Mr. Stults had resigned. He said he could be contacted by email or phone.

Reports and Commission Member's Comments:

1. 2015-2020 Capital Improvement Committee appointed

Chairperson Hartmann stated a new Capital Improvement Committee was appointed in November of 2013 but a volunteer was needed since Mr. Stults was a member of that committee also.

Mr. Brown stated he would be willing to volunteer for the position.

Mr. Arndt stated a Planning Commission Secretary needed to be appointed and Chairperson Hartmann asked Mr. Arndt if he was interested. Mr. Arndt accepted the position until elections in September.

2. Sample Checklist to guide Site Plan Review/Zoning Training

Chairperson Hartmann suggested each committee introduce themselves to the other and moved around the table. He then recessed the meeting for refreshments.

Meeting Recessed: 6:45 pm

ZONING BOARD OF APPEALS:

Call to Order: 7:15 pm by Chairperson Sagasser

Roll Call:

Present: Chairperson Sagasser, Vice-Chairperson Hoffman, Secretary Alexander, Mr. McCarthy, Mr. Mang, Mr. Wagar
Absent: Ms. Bono

Otsego County
Planning Commission/Zoning Board of Appeals
Joint Meeting

Proposed Minutes for June 16, 2014

Approval of minutes from June 25, 2013:

Motion made to approve minutes as presented by Mr. Wagar; Seconded by Mr. Alexander.

Motion approved unanimously.

Election of Officers

Mr. Sagasser nominated for Chairperson by Mr. Alexander; Seconded by Mr. McCarthy.
Vote unanimous.
Mr. Sagasser elected Chairperson.

Mr. Hoffman nominated for Vice-Chairperson by Mr. Wagar; Seconded by Mr. McCarthy.
Vote unanimous.
Mr. Hoffman elected Vice-Chairperson.

Mr. Alexander nominated for Secretary by Mr. Hoffman; Seconded by Mr. Wagar.
Vote unanimous.
Mr. Alexander elected Secretary.

The Zoning Board of Appeals welcomed Mr. Mang as the newly appointed Planning Commission representative.

Chairperson Sagasser thanked Mr. Stults for his help and dedication to the Zoning Board of Appeals.

Mr. Schlaud stated Verizon Wireless had applied for the addition of a new cell tower on Old State Road. An existing tower was within a one (1) mile radius.

Discussion ensued on the time frame of cell tower approval.

Staff will contact applicant.

Chairperson Hartmann suggested the ZBA adjourn their meeting in order to move forward with the presentation of the online Zoning Ordinance.

Adjournment: 7:41 pm by Chairperson Sagasser

The online Zoning Ordinance was presented showing the convenience and ease moving from one section to another within the Ordinance.

Chairperson Hartmann thanked everyone for coming.

Adjournment: 7:52 pm by Chairperson Hartmann

Christine Boyak-Wohlfeil, Recording Secretary

ATTACHMENT #1:

OTSEGO COUNTY
PLANNING COMMISSION

PSUP14-002
Special Use Permit/Site Plan Review
010-016-200-065-04

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 21:

SECTION 21.10 FENCING

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.

HAS – HAS NOT BEEN MET

Exhibit #13

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 salvageable 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.
HAS – HAS NOT BEEN MET

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.

HAS – HAS NOT BEEN MET

SECTION 21.21 LOADING AND UNLOADING (OFF-STREET)

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be computed separately from the Off-Street Parking Requirements and shall be provided as follows:

21.21.1 Within a B1 or B2 District, loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building.

21.21.2 Within an I District, loading spaces shall be laid out in the dimensions of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with durable and dustless surface. All spaces in I Districts shall be provided in the following ratio of spaces to floor area:

GROSS FLOOR AREA (In square feet)	LOADING AND UNLOADING SPACE REQUIRED
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space each 20,000 sq. ft., in excess of 20,000 sq. ft.
100,001 - and over	Five (5) spaces

21.21.3 All loading and unloading in I Districts shall be provided only in the rear yard, interior side yard, or exterior side yards that have a common relationship with an industrial district across a public thoroughfare.

HAS – HAS NOT BEEN MET

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.

21.27.7 For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA 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.

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

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

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:

Parking Pattern	Maneuvering Lane width	Parking Space width	Parking Space length
Parallel	12ft	8ft	23ft
30-53°	12ft	9ft	20ft
54-74°	15ft	9ft	20ft
75-90°	20ft	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 uses 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.

HAS – HAS NOT BEEN MET

SECTION 21.28 PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within a Use District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

21.28.1 Smoke, Dust, Dirt, and Fly Ash

It shall be unlawful for any person, firm or corporation to permit the emission or discharge of any smoke, dust, dirt, or fly ash in quantities sufficient to create a nuisance within the unincorporated areas of Otsego County.

21.28.2 Open Storage

The open storage of any equipment, vehicles and all materials including wastes, shall be screened from public view, from public streets, and from adjoining properties. Scrap, junk cars and other junk materials shall not be piled or stacked as open storage to a height in excess of twenty (20) feet, and must meet the requirements of Article 21.3.1 and Article 19.

21.28.3 Glare and Radioactive Materials

Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as x-ray machine operations, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

21.28.4 Fire and Explosive Hazards

The storage, utilization, or manufacture of materials or products ranging from combustible to moderate burning, as determined by the appropriate community fire protection authority, is permitted subject to compliance with all other yard requirements, Article 19, performance standards previously mentioned, and providing that the following conditions are met:

21.28.4.1 Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.

21.28.4.2 The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 as amended.

HAS – HAS NOT BEEN MET

SECTION 21.38 SIGNS AND BILLBOARDS

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 2.5 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.

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.
HAS – HAS NOT BEEN MET

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS
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.
HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 19:

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 rated to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
July 21, 2014

The Otsego County Planning Commission will hold a public hearing on Monday, July 21, 2014 at 6:00pm 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:

Article 2/Section 2.2 Definitions, Article 20/Section 20.2.6 Definitions
The proposed revision of the definition of a 'service road' to the sections of the Otsego County Zoning Ordinance listed above.

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) 731-7420.

The addition of the definition of a ***'service road'*** is being **revised** to the following sections of the Otsego County Zoning Ordinance:

SECTION 2.2 DFINITIONS

ACCESSORY STRUCTURE:...

ROADSIDE STAND: An accessory and temporary farm structure operated for the purpose of selling local agricultural products.

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

SETBACK: The distance required to meet the front, side and rear yard open space requirements of this ordinance as measured from the lot lines or Road Right of Way to the fascia of the roof overhang or to the closest point of a deck or porch, not including steps, whichever is less.

SHOOTING RANGE: An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting at targets.

SHORELAND: Land paralleling the lake shoreline, fifty (50) feet wide as measured from the ordinary high water level. And the land paralleling the banks of all rivers, streams and flowages of water in the County that appear on the most recent U.S. Geological Survey Quadrangle maps, one hundred fifty (150) feet wide, measured from the ordinary high water level, landward, at right angles or radial to the shoreline or bank, on a horizontal plane.

SIGN: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public. Accessory signs pertain to uses, activities or services conducted on the premises where located.

SETBACK: The distance required to meet the front, side and rear yard open space requirements of this ordinance as measured from the lot lines or Road Right of Way to the fascia of the roof overhang or to the closest point of a deck or porch, not including steps, whichever is less.

SHOOTING RANGE: An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting at targets.

SHORELAND: Land paralleling the lake shoreline, fifty (50) feet wide as measured from the ordinary high water level. And the land paralleling the banks of all rivers, streams and flowages of water in the County that appear on the most recent U.S. Geological Survey Quadrangle maps, one hundred fifty (150) feet wide, measured from the ordinary high water level, landward, at right angles or radial to the shoreline or bank, on a horizontal plane.

SIGN:...

SECTION 20.2 DEFINITIONS

Roadways are defined according to the following categories:

20.2.1 Local Roads -- Provide direct property access, do not serve through traffic.

20.2.2 Major Collectors -- Serve traffic traveling from Local Roads or Minor Collectors to Arterials; are public thoroughfares with a lesser degree of traffic than Arterials.

20.2.3 Minor Arterials -- Serve as primary routes for travel within and between community sub-areas and augment the Major Arterial system; accessed primarily from the Collector system.

20.2.4 Major Arterials -- Serve as primary routes for travel between areas of principal traffic generation and major urban activity centers, and for trips between non-adjacent areas.

20.2.5 Regional Arterials -- Freeways and principal routes that move traffic and do not provide direct access to land use activities.

20.2.6 Service Roads—Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street.

Sample Checklist to Guide Decisions on PUD's

1. Does the PUD meet the eligibility requirements? Generally the developer has to demonstrate significant benefits to the community from using the PUD approach, not simply to himself, or the ultimate users of the property in order to be eligible for use of the PUD technique or to be eligible for density bonuses.
2. Is the minimum PUD area requirement of the ordinance met? (Many communities have no area requirements). Are the densities appropriate for the area (especially if bonuses are involved)?
3. Is the location of the proposed PUD appropriate?
4. Are the proposed uses of the PUD permitted in the zoning district in which the PUD is to be located? Many communities only permit uses in an underlying zone to be a part of a PUD. In others, uses not permitted in the underlying district may be permitted in the PUD if explicitly approved.
5. Is the PUD to be developed in multiple stages? If so, which parts are to be developed when?
6. Are all community water and sewer service requirements of all state, county and local agencies complied with?
7. Is all common property proposed in the PUD clearly provided for and adequately protected for the long term? Common property is a parcel or parcels of land, a privately-owned road or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such property may be either public or private but should be specified in writing and approved separately. When the land is privately owned, arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas.
8. Are necessary public easements adequately granted on common property which is privately owned? When common property exists in private ownership, the developers should be required to grant easements, over, under, and through such property (to the community), for various public purposes (such as access for maintenance), prior to final approval.
9. Are all site design standards complied with? These standards typically include:
   - lot area and yard requirements
   - height limitations
   - access
   - building areas (to be in harmony with PUD objectives)
   - boundary setbacks and buffer areas
   - off-street parking and loading
   - residential dwelling unit density (gross and net density)
   - landscaping
   - other local design limitations.
10. Have any necessary performance guarantees been collected to insure required public improvements are installed?
11. Have all conditions required for approval been documented and incorporated into the PUD permit approval?
12. Has a statement of findings and conclusions relative to the PUD proposal been specifically prepared and retained as a part of the record?

Note: Final approvals may be granted on each phase of a multi-phased PUD if each phase contains the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PUD and the residents of the surrounding area. In establishing PUD requirements, the local unit of government may also incorporate by reference, other ordinances or statutes which regulate land development. Violation of the terms of an approved PUD is a violation of the zoning ordinance.

Many communities provide explicit authority for the decision body to waive use, and dimensional standards like setbacks, height, bulk and density. Great care should be exercised when offering increased density in return for more open space. The incentive should be structured so that it will encourage preservation of open space, but not be so great that it *"gives away the farm"*. What land counts as open space and how much open space is required relative to permitted density are the key variables. Hamburg Township in Livingston County has probably had more experience with this issue than any other. Hamburg requires each developer to submit two site plans, one based on permitted density without clustering and one with the clustering. The first establishes the permitted number of units before any bonus density. See *Planning & Zoning News,* October 2004, pages 8-14 for an explanation of what Hamburg Township has learned after 15 years of experience with open space PUDs.