Otsego County Planning Commission

Proposed Minutes for December 15, 2014

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, Ms. Corfis, Mr. Mang *(arrived 6:03 pm)*
Absent: *None*

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

Others Present: John Burt, Otsego County Administrator, Haider Kazim, Otsego County Legal Counsel, Joe Duff, City of Gaylord Manager

Public Present: Brian Warner, Wolverine Power, Ken Bradstreet, Joe Hughes, John Ernst, Felix Burdo, Steve Johnson, Justin Kowatch

Consent Agenda: None

Approval of minutes from: November 17, 2014

Motion made to approve minutes as written by Mrs. Jarecki; Seconded by Mr. Hendershot.

Motion approved unanimously.

Other: None

Public participation for items not on the agenda: None

Unfinished applicant business: None

Public Hearing:

Wolverine Power Company, in cooperation with the optioned property owners of the listed parcels, is requesting a special use permit of these same parcels:
060-020-300-010-00/7603 M-32 West Elmira, MI 49730
060-020-300-005-01/M-32 West Elmira, MI 49730
060-020-400-010-00/M-32 West Elmira, MI 49730
060-020-400-005-02/M-32 West Elmira, MI 49730
Currently conditionally rezoned B3/Business, Light Manufacturing
PSUP14-004-*proposed use of the property is the operation of a gas fire power plant.*

Chairperson Hartmann opened the public hearing and asked Ken Bradstreet to begin his presentation.

Public Hearing Open: 6:02 pm

Mr. Bradstreet thanked everyone and began the power point presentation as presented to Elmira Township. He stated Wolverine Power Cooperative had submitted a Special Use Permit (SUP) Narrative along with a supplement to the SUP Narrative proposing conditions for the special use permit in response to input from governmental bodies and the public.

PROPOSED

Wolverine Power had made the decision to use General Electric's 7FA05 twin turbine generators for the proposed plant. He stated these generators were two hundred sixteen (216) mega-watts of power each and were the most efficient peaking units available. Comparable pictures of the turbines were also on exhibit.

He directed everyone to page twelve (12) of the submitted SUP Supplemental Narrative. Wolverine Power had listed five (5) proposed conditions to the special use permit for consideration:

1. Sound Management Plan- Mr. Bradstreet stated monitors had been set up in different areas of the proposed site to acquire day-to-day readings of sound levels. He discussed the information received and stated Wolverine Power had sought expert opinion so as not to be considered a public nuisance. Sound limit guidelines were proposed and additional equipment would be installed to attain those proposed levels. Once the equipment was operational, a verification of sound levels would be performed and measures taken to remain in compliance with maximum standards.
2. Security Fence Heights- Mr. Bradstreet stated two (2) fences were being proposed:
   1) The security fence surrounding the actual power plant and equipment was a seven foot (7') chain link fence with a measured one foot (1'), three- strand (3) barbed wire on top, for a total of eight feet (8') and
   2) The perimeter fence surrounding the property was originally a three foot (3') barbed wire fence but Wolverine was agreeable to Elmira Township's suggestion of a four foot (4') woven wire fence for safety reasons.

   He indicated everything complied with the National Electric Safety Code and stated the main security gate would remain locked electronically at all times and all other gates locked unless in use.
3. Vegetation Management Plan- Two (2) separate aspects described the vegetation plan:
   1) The Forest Health Management Plan would maintain and protect the health of the trees once construction was complete in order to retain the visual buffer and
   2) An alternate Landscaping Plan Wolverine Power was suggesting was a more random planting of natural vegetation and a guarantee of no less visual coverage than what was stated in the Otsego County Zoning Ordinance.

   Mr. Bradstreet said the development of both plans would be in cooperation with the Zoning Administrator and the Soil Conservation District.
4. Height of Structures- According to the Zoning Ordinance, the maximum height of structures is thirty-five feet (35') but a one hundred percent (100%) extension of that height allowance is possible in a B3/Business, Light Manufacturing zoning district for a maximum of seventy feet (70'). The exhaust stacks, also described as chimneys, are exempt from the Zoning Ordinance and all other structures are within the seventy feet (70') maximum. He stated there would be a filter house, an emergency water storage tank (accessible to the Elmira Township Fire Department) and other lightning protection structures, all within the maximum.
5. Site Restoration Plan- Mr. Bradstreet stated the substation on the south side of M-32 would become a part of the grid and a permanent fixture. He also stated should the power plant ever be decommissioned, everything on the north side of M-32 would be removed from the site including the turbines, all the structures, cement and foundations four (4) to five feet (5') in below grade in order to return the property to an agricultural use. An escrow account would be set up with Otsego County for $188,000 and reviewed periodically to assure that funds would be adequate for a full site restoration if necessary.

Mr. Bradstreet stated Elmira Township Planning Commission supported Wolverine Power's Special Use Permit application with conditions. Wolverine Power was agreeable to their conditions. The Elmira Township Board concurred with the conditions and added the condition for the perimeter fencing. Again, Wolverine Power agreed. *(SEE ATTACHMENT #1)*

The County Planning Commission members were given revised site plans before the meeting showing final height elevations of the structures and driveway relocations. The driveway on M-32 was being moved by thirty

PROPOSED

feet (30') to the east and the substation driveway was moved to Flott Road. The Otsego County Road Commission and Michigan Department of Transportation (MDOT) had approved the revised plan.

Mr. Bradstreet requested the Otsego County Planning Commission approve the Special Use Permit application with conditions proposed along with conditions set forth by Elmira Township. He thanked the Commission and asked for questions.

Felix Burdo questioned the sound levels of both turbines running simultaneously.

Mr. Bradstreet stated one (1) turbine running would be assessed at approximately eighty-three (83) decibels and both turbines running together, would be about eighty-five (85) to eighty-six (86), saying two (2) turbines running simultaneously would not double the sound intensity.

Mr. Arndt asked about the security of the plant, questioning whether a security guard would be on site.

Mr. Hughes stated the facility on the north side of M-32 would be manned approximately sixteen (16) hours a day running two (2) shifts, five (5) days a week for maintenance purposes and the substation on the south side of M-32 posed a minimal security risk for damages caused by vandalism, so there would not be anyone on site.

Mr. Warner stated some peaking plants opted to operate remotely but it was not Wolverine Power's policy to do so.

Mr. Burdo asked about the water storage tank and the size of well, questioning if the water table could support it and also questioned if containment ponds were included to prevent leakage into the ground.

Mr. Bradstreet stated the well was high volume but would be only used to fill the water tank, also saying that water would probably be stored for years. The well would not run unless the fire department drained water from the tank. It would then refill quickly and should not affect the water table.

Mr. Warner stated, per research, there were good veins of water on the property and containment ponds were included in the design, per federal and state requirements and it was a matter Wolverine Power took very seriously.

John Burt, Otsego County Administrator questioned what the trigger was to set off the need for testing if proposed levels are exceeded.

Mr. Warner stated the test schedule in the Supplement called for compliance testing within one hundred eighty (180) days after operations began and would be done periodically every three (3) years thereafter. If the County should have complaints, Wolverine Power requested that testing be kept to once a year to remedy any situation.

Chairperson Hartmann closed the public hearing.

Public Hearing Closed: 6:34 pm

Advertised Case:

Wolverine Power Company, in cooperation with the optioned property owners of the listed parcels, is requesting a special use permit of these same parcels:
060-020-300-010-00/7603 M-32 West Elmira, MI 49730
060-020-300-005-01/M-32 West Elmira, MI 49730
060-020-400-010-00/M-32 West Elmira, MI 49730

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060-020-400-005-02/M-32 West Elmira, MI 49730
Currently conditionally rezoned B3/Business, Light Manufacturing
PSUP14-004-*proposed use of the property is the operation of a gas fire power plant.*

Chairperson Hartmann asked Mr. Schlaud's opinion of the plan presented.

Mr. Schlaud stated it was a very well prepared plan; everything that needed to be addressed, Wolverine Power provided the necessary information either in their SUP Narrative, Supplemental to the Narrative or their presentation.

Mr. Arndt questioned how the amount for the Restoration Plan was calculated.

Mr. Warner explained information was gathered from their engineers on the amount of concrete needed for the project, estimates from local contractors on costs for removal of such and the cost of replanting vegetation from the Soil Conservation District to base their total escrow figure of $188,000 on.

Mr. Schlaud stated the break-down of the costs was on page eleven (11) in the Supplemental to the SUP Narrative.

Chairperson Hartmann stated the amount was very close to the cost the County had received prior to last month's meeting.

Mr. Burt stated he had signed a letter of acceptance for the escrowed plan and questioned if it should be added to the exhibit list. It was stated the letter had already been added and the updated list given to Planning Commission members before the meeting. (*SEE ATTACHMENT #2)*

Mr. Warner stated Wolverine Power would detail an escrow account agreement with the County Administrator. They would make sure the County had access to the account, Wolverine would be responsible for the fees and all interest earned on the account would remain with the account.

Chairperson Hartmann read aloud Article 19/Section 19.7 Standards for Special Land Use Approval for compliance.
Conditions met unanimously. *(SEE ATTACHMENT #3)*

Mr. Schlaud stated a revised site plan had been given to the Planning Commission members prior to the meeting depicting the relocation of the main driveway by thirty feet (30') to the east on the north side of M-32 and access to the substation on the south side of M-32 moved to Flott Road. Both drives had been approved by the Otsego County Road Commission and the Michigan Department of Transportation. He reported the other two (2) pages reflected the elevations of the chimney structure showing the final height of eighty-five feet (85').

Mr. Kazim suggested going through the *Specific Finding of Fact* item by item for Planning Commission member approval.

Chairperson Hartmann read aloud the *Specific Finding of Fact* with recommendations from Land Use staff.
Conditions met unanimously. *(SEE ATTACHMENT #4)*

Chairperson Hartmann asked for a motion.

Motion made by Mr. Borton to approve special use permit number PSUP14-004 for Wolverine Power Cooperative with changes and amendments subject to the site restoration plan as presented by the applicant and the conditions imposed by the Elmira Township Board of Trustees. *(SEE ATTACHMENT #3)*

PROPOSED

Motion seconded by Mr. Brown

Roll Call Vote: Ayes-11
Nays-0

Motion approved unanimously.

Unfinished Commission Business:

1. 2014 Master Plan amendment

Mr. Hilgendorf reported the Committee decided to address the new power plant in an amendment to the proposed Master Plan before sending it out for input from other entities.

After discussion, the Planning Commission members decided to leave the paragraphs as written.

Motion made by Mr. Hilgendorf to approve the amended paragraphs to the proposed Master Plan; Seconded by Mr. Arndt

Motion approved unanimously.

New Business:

1. 2015 PC Meeting Dates

Mr. Hartmann presented the meeting schedule for 2015; Commission members approved without objection.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Vice Chairperson Jarecki reported Gina Marchio had been appointed director to the Otsego County Parks & Recreation Department stating she thought she was quite experienced and had many new ideas. She stated John Burt, Otsego County Administrator had updated the Committee on the damage incurred at the Louis Groen Nature Preserve, the Bear Basketball Program was under way being run by Dave Baragrey and July 25, 2015 was the scheduled date for the Mark Mellon Triathlon.

2. Sample Checklist to Guide Decisions on Dimensional Variances/Zoning Training

Adjournment: 7:49 pm by Chairperson Hartmann

Christine Boyak-Wohlfeil, Recording Secretary

PROPOSED

ATTACHMENT #1

ELMIRA TOWNSHIP APPROVAL WITH CONDITIONS

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

OTSEGO COUNTY LAND USE SERVICES
1322 Hayes Road
Gaylord, Michigan 49735

December 11, 2014

CASE #PSUP14-004

Diane Purgiel moved that the Elmira Township Board of Trustees recommend approval of Wolverine Power Cooperative's Special Use Permit Application subject to the proposed conditions listed in Section V. of the Supplemental Information to the Special Use Permit Narrative and Site Restoration Plan dated December 4, 2014. In addition to Elmira Township Planning Commission's conditions, which have been amended by the township board (item 4, The permittee may) and included with this letter, Elmira Township Board would like a four foot, woven wire fence around the property perimeter instead of the four-strand smooth wire fence. Seconded by Leonard Skop.

Ayes: Diane Franckowiak, Susan Schaedig, Diane Purgiel, Leonard Skop, Dale Holzschu
Nayes: None
Absent: None

Sincerely,

Susan Schaedig

Susan Schaedig, Clerk

Exhibit 9

Copy

Gloria Torello moves that case number PREZ-14-001, which is requested by Wolverine Power Cooperative, whose address is 10125 West Watergate Road, Cadillac, MI 49601, which is an application for a Special Use Permit as proposed in the Special Use Permit Narrative dated November 21, 2014, and the Supplemental Information to the Special Use Permit Narrative and Site Restoration Plan dated December 4, 2014 be approved. The approval is based on the following conditions.

1. If testing demonstrates the decibels exceed the sound limits of this permit by more than two decibels at the 400 feet test points, then within 90 days of testing the permittee shall commence writing a sound remediation plan for approval by Otsego County and within 180 days after testing the permittee shall complete implementation of the sound remediation plan.

2. If Otsego County receives complaints from the public and testing at 400 feet test points determines decibels exceed the permitted limits by 5 or more decibels, then the permittee will be fined for non-compliance of the permit limits. Fines are based on the Otsego County schedule found in the zoning ordinance.

3. The permittee shall contact Otsego County in writing (electronic communication is acceptable) within three calendar days of a malfunction that results in excess noise levels. Concurrently the permittee shall commence corrective actions.

4. The permittee ~~shall~~ may ss make modifications to sound attenuation features once actual operating conditions at the Alpine Power Plant can be evaluated. Modifications to improve sound attenuation may include relocating, modifying or adding sound attenuation features. These modifications shall be subject to the approval of the Otsego County Director of Land Use Services.

5. Every five year the permittee shall evaluate the success rate of the land scape plantings of the Alternative Landscaping Plan and replant dead vegetation.

6. The permittee shall keep records and make them available to Otsego County to demonstrate compliance with this permit.

Duane Hoffman seconded the motion.

Number in favor 3: Dale Holzschu, Gloria Torello, Duane Hoffman, Jay Maufort
Number opposed:

Signed by: Gloria Torello & Duane E. Hoffman, J.W. Maufort

Date: 12-19-14 Paul Hartman

P.C. Members Voting in Favor.

Exhibit 9

ATTACHMENT #2

EXHIBIT LIST (UPDATED)

OTSEGO COUNTY
PLANNING COMMISSION
PSUP14-004
SPECIAL USE PERMIT
060-020-300-010-00 /060-020-300-005-01 /060-020-400-010-00 /060-020-400-005-02

Exhibit List

Exhibit #1: Applications for case PSUP14-004 submitted by Applicant *(SEE NARRATIVE)*

Exhibit #2: Otsego County Zoning Map Effective Date March 20, 2010/Amended November 2014

Exhibit #3: Otsego County Zoning Ordinance Effective March 20, 2010/Amended July 2014

Exhibit #4: Copies of four (4) *Property Owner Option Agreements* purchasing properties *(SEE NARRATIVE)*

Exhibit #5: Representation letter from Wolverine Power Cooperative stating Brian Warner as representative *(SEE NARRATIVE)*

Exhibit #6: Site Plan for case PSUP14-004 submitted by Applicant

Exhibit #7: Public Hearing Notice

Exhibit #8: Letter to Elmira Township Planning Commission dated December 1, 2014

Exhibit #9: Response dated December 11, 2014 from Elmira Township

Exhibit #10: Map and list of parties notified

Exhibit #11: Receipt #01305532

Exhibit #12: General Finding of Fact/PSUP14-004

Exhibit #13: Specific Finding of Fact/PSUP14-004

Exhibit #14: Letter from the Elmira Township Fire Department dated November 17, 2014 *(SEE NARRATIVE)*

Exhibit #15: Letter from the Otsego County Sheriff Department dated November 24, 2014

Exhibit #16: Letter with summary list of proposed conditions from Wolverine Power Cooperative dated December 4, 2014

Exhibit #17: Supplemental Information to the Special Use Narrative and Site Restoration Plan

Exhibit #18: Acceptance letter from Otsego County Administration concerning escrow account for Site Restoration Plan

Exhibit #19: Agency Review Form from Otsego County Road Commission

Exhibit #20: Revised overall site plan page C-1.0/Height elevations/Driveways

Exhibit #21: Agency Review Form from Health Department of Northwest Michigan

PROPOSED

ATTACHMENT #3

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.

PROPOSED

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.

PROPOSED

ATTACHMENT #4

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 12

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

SECTION 12.2 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.]

12.2.1 All permitted use or uses subject to special conditions in the B2 General Business District.

12.2.2 Auto repair garages or auto body shops, including wrecker service

12.2.3 Above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids

12.2.4 Concrete and asphalt manufacturing and distribution

12.2.5 Detention Facilities

12.2.6 Power generation plants

12.2.7 Research, experimental, and development establishments

12.2.8 Adult Entertainment

12.2.9 Industrial Laundries

12.2.10 Medical Laboratories

12.2.11 Dirt and aggregate storage, sales and processing

12.2.12 Wireless Telecommunications Towers and Facilities over one hundred ninety (190) feet in height

12.2.13 WTG Small: Permitted as an accessory use to an allowed Principal Use.

12.2.14 Unlisted property uses if authorized under Article 21.44.

PROPOSED

FINDINGS UNDER ARTICLE 17

ARTICLE 17 SCHEDULE OF DIMENSIONS

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

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

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

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

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

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

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

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

PROPOSED

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

Note g: Subject to approval by the Planning Commission, the maximum height of buildings may be permitted to exceed the maximum stated in the Schedule by up to fifty percent (50%) in R1, R2, R3, RR, B1 and B2 Districts, and up to one hundred percent (100%) in all other districts, provided that the applicant can demonstrate that no good purpose would be served by compliance with maximums stated, (as in the case of steep topography, a Planned Unit Development (PUD), or larger site); and further, there is no conflict with airport zoning height restrictions; fire safety is maintained subject to local fire authority approval; and the light, air and/or scenic views of adjoining property is not impaired. The Planning Commission and or Zoning Board of Appeals cannot allow a WTG height greater than allowed in Section 21.47 or a Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS. Also see Article 22 GENERAL EXCEPTIONS FOR AREA, HEIGHT AND USE .

HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 20

SECTION 20.1 PURPOSE

The purpose of this section is to provide reasonable access to the property owner to all roads within Otsego County while protecting the public health, welfare, safety and aesthetics of the County. All Land in a parcel having a single tax code number or contiguous parcels owned by a person as of the effective date of this Ordinance shall meet the requirements of this Ordinance. The intent of this ordinance is to provide standards, which will preserve the traffic capacity, and enhance the safety of the highway by regulating safe and reasonable access, though not always direct access, between public roadways and adjacent land. Access controls provide for orderly growth and development. This in turn will protect the long term viability of existing and new businesses in addition to protecting property values of commercial and residential development along the corridor. It is recognized that existing development may not be able to meet all of the standards contained in this ordinance; Upon expansion or redevelopment, the standards' contained herein shall be applied to the maximum extent possible in conformance with the Otsego County Access Management Map.

The standards of this section are further intended to:

- Minimize traffic conflicts, in order to reduce the frequency of fatal injury and property damage crashes;
- Separate traffic conflict areas by reducing the number of direct access points,
- Provide efficient spacing and size standards between access points and between access points and intersections;
- Establish uniform access standards to ensure fair and equal application;
- Protect the substantial public investment in the roadway system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business;
- Require coordinated access among several landowners;
- Ensure reasonable access to properties, though the access may not always be direct access;
- Coordinate local management decisions on development proposals with access permit decisions by the Michigan Department of Transportation (MDOT) and the Otsego County Road Commission, (OCRC).

SECTION 20.3 LOCATION AND SPACING

20.3.1 All State and County public roads shall be subject to and regulated by the standards of this ordinance.

20.3.2 In order to minimize left turn conflicts, new access points shall be aligned with those across the roadway

PROPOSED

where possible. If alignment is not possible, access points shall be offset a minimum of two hundred fifty-five (255) feet from those on the opposite side of the roadway, measured centerline of access point to centerline of access point. Longer offsets may be required by the Michigan Department of Transportation (MDOT) in accordance with the MDOT Access Management Guidebook.

20.3.3 Where spacing requirements cannot be met for parcels, lots, or building sites having frontage or access on more than one roadway, access shall be provided from the lesser traveled roadway.

20.3.4 In the case of expansion, alteration, change of use or redesign of an existing development where existing access points do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the access point may he required.

20.3.5 Driveway profile shall be designed and constructed according to Michigan Department of Transportation (MDOT) and Otsego County Road Commission (OCRC) standards.

20.3.6 Land access is permitted based on driveway spacing, stopping distance, and land use type.

Driveway Spacing and corner clearance requirements shall be PER MDOT MANUAL

SECTION 20.5 ACCESS

All developments shall have reasonable access to a county or public roadway. Access onto any roadway shall be permitted only upon issuance of an access permit by the MDOT or OCRC in compliance with the site review planning process.

20.5.1 Interconnections of Parking Areas

20.5.1.1 Parking areas shall be designed to facilitate interconnection of parking lots

20.5.1.2 Shared parking is encouraged. Shared parking shall he permitted a reduction in required parking spaces if peak parking demand periods at interconnected developments do not occur at the same time.

20.5.1.3 Shared driveways, cross access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land; Operating and maintenance agreements for these facilities shall be recorded with the deed.

SECTION 20.6 ROAD STANDARDS

20.6.1 All roads proposed to be of public ownership shall conform to the county road standards

20.6.2 All proposed curve radii shall be designed to county road standards for truck turning requirements.
HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 21

SECTION 21.1 ACCESSORY BUILDINGS

21.1.1 Accessory buildings in the R1, R2, R3 & RR Districts shall be subject to the side and front yard setback requirements as regulated in Article 17 SCHEDULE OF DIMENSIONS, but need not be farther than ten (10) feet from the rear property line.

21.1.2 In Residential Districts all accessory buildings and uses shall be in the rear yard except in the case of one detached private garage which may be allowed in the side or front yard, provided it maintains the setback requirements as regulated in Article 17 SCHEDULE OF DIMENSIONS.

21.1.3 Detached accessory buildings for residential use in any district shall not exceed a total ground floor area of: twelve hundred (1,200) square feet in R1, R2 and RR, and two thousand (2,000) square feet in R3, FR and AR, except:

PROPOSED

21.1.3.1 Where the lot is larger than the minimum size for that zoning district, the total accessory building square footage may be increased proportionally to the lot size in the following manner: twenty-five (25) square feet increase in allowable accessory buildings for every one thousand (1,000) square feet that the lot exceeds minimum lot size, up to a maximum of four thousand (4,000) square feet.

21.1.4 Agricultural buildings and structures incident to use for agricultural purposes are exempt from accessory building requirements.

21.1.5 Accessory buildings shall not be used for residences.

21.1.6 Accessory building may not be used for commercial storage.

HAS – HAS NOT BEEN MET

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.

HAS – HAS NOT BEEN MET

PROPOSED

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.

21.18.2.3 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.

PROPOSED

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.

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

PROPOSED

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 21.27 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.

21.27.8 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
Industrial	
Manufacturing Shop	5 plus 1 per employee
Industrial Office or Research	1 ½ per employee
Warehouse and Wholesale	1 per employee, plus 1 per 200 sq. ft. of any office space
Industrial Laundries	5 plus 1 per employee
Medical Laboratories	1 per 50 sq. ft. of waiting room plus 1 per employee

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

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

PROPOSED

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:

21.38.1.3 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.

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.

21.38.4 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.

HAS – HAS NOT BEEN MET (WILL BE ADDRESSED WITH ZONING ADMINISTRATOR AT TIME OF PERMIT)

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.

HAS – HAS NOT BEEN MET

PROPOSED

SECTION 21.43 UNDERGROUND UTILITY WIRES

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

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

HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 22

SECTION 22.3 HEIGHT LIMIT

Height limitations shall not apply to farm silos, chimneys, church spires, flag poles, or public monuments; provided, however, that a height limit for any building or structure permitted as a conditional or special approval use may be set by the Planning Commission upon approval of a Site Plan.

22.3.1 This exemption shall not allow The Planning Commission and or Zoning Board of Appeals to allow a:

22.3.1.1 WTG height greater than allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS and/or Section 21.47 or

22.3.1.2 Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS.

22.3.2 This exemption shall not apply in those instances where the County Airport Zoning Ordinance governs height within airport hazard areas.

HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 23

ARTICLE 23 SITE PLAN REVIEW

Site Plan Review and approval of all development proposals listed below is required by the provisions of this Article. The intent of this Article is to provide for consultation and cooperation between the land developer and the Zoning Administrator so that beneficial utilization of the land is achieved at the same time that adverse effects upon the surrounding land uses are minimized consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Comprehensive Plan of Otsego County will be assured and its communities will develop in an orderly fashion.

SECTION 23.1 SITE PLAN REVIEW REQUIRED

Site plan review is required for the following uses:

23.1.1 Any use or development for which the submission of a site plan is required by any provision of this Ordinance.

23.1.2 Any development for which off-street parking areas in excess of five (5) spaces are provided as required in this Ordinance.

Any use in a B1, B2, B3 and Industrial zone.

Any Special Land Use (See Article 19).

PROPOSED

(Note: An application for a zoning permit for a land use not requiring Site Plan Review shall contain a Plat Plan as outlined in Article 25.3.3.)

SECTION 23.2 APPLICATIONS FOR SITE PLAN REVIEW

An application for site plan review shall be obtained from the Zoning Administrator. The completed application and site plan shall be submitted to the Zoning Administrator along with fifteen (15) copies of each for distribution. The application, site plan and copies shall be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, in order to have the site plan review scheduled for that meeting. The applicant shall also meet requirements of Article 27 Township Participation in County Zoning. The application for site plan review and the site plan shall contain the following information:

23.2.1 The application shall, at a minimum, include the following information:

23.2.1.1 The applicant's name, address, and phone number in full.

23.2.1.2 Proof of property ownership, and whether there are any options on the property, or any liens against it.

23.2.1.3 A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.

23.2.1.4 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).

23.2.1.5 The address and or parcel number of the property.

23.2.1.6 Name and address of the developer (if different from the applicant).

23.2.1.7 Name and address of the engineer, architect and/or land surveyor.

23.2.1.8 Project title.

23.2.1.9 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.

23.2.1.10. A vicinity map drawn at a scale of 1" = 2000' with north point indicated.

23.2.1.11. The gross and net acreage of all parcels in the project.

23.2.1.12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.

23.2.1.13. Project completion schedule/development phases.

23.2.2 The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less for sites of less than 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. All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect and each site plan shall depict the following:

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

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

23.2.2.3 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.

23.2.2.4 Location and type of significant existing vegetation.

PROPOSED

23.2.2.5 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.

23.2.2.6 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.

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

23.2.2.8 Location of existing public roads, rights-of-way 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.

23.2.2.9 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.

23.2.2.10 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.

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

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

23.2.2.13 Location of water supply lines and/or wells, including fire hydrants and shut off valves, and 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.

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

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

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

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

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

23.2.2.19 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.

23.2.2.20 Location, size of all trash receptacles and other solid waste disposal facilities.

23.2.2.21 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.

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

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

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

PROPOSED

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

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 _____.

23.2.3 All projects requiring a site plan shall also require that the professional in charge of the project inspect and certify that the project has been constructed in accordance with the approved plans. The following format shall be used:

FORM FOR CONSULTANT'S CERTIFICATE

Date_____

Project name_____

Section _____, T____N, R____W, _____Township,

Otsego County, Michigan.

I hereby certify that construction of

_____

is complete and that:

1. I have personally directed the supervision or inspection of the construction.

2. To the best of my professional knowledge, understanding and information, all improvements to date have been installed in accordance with the special use permit.

3. The project meets all requirements of the Otsego County Zoning Ordinance.

(seal)

Signed_____

Registered Professional Engineer (or Surveyor,

Architect or Landscape Architect)

23.2.4 The Planning Commission or Zoning Administrator may waive any site plan submittal requirement when any of the following circumstances are found to be in existence:

23.2.4.1 The data will serve no useful purpose. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted. Another reasonable circumstance or condition exists (not including the cost of complying).

23.2.5 Application fees must be paid when the application is submitted and sufficient escrow accounts may be established to cover the projected review costs.

HAS – HAS NOT BEEN MET

SECTION 23.3 PRE-APPLICATION CONFERENCE

A pre-application conference is not mandatory, but it is strongly advised. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant

PROPOSED

with the Zoning Administrator and such other representatives as described in the Planning Commission bylaws. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance. There is no charge or fee to the applicant for this meeting.

HAS – HAS NOT BEEN MET

SECTION 23.4 AGENCY REVIEW

The applicant shall submit a copy of required site plans and a blank comment form supplied by the Otsego County Zoning Administrator to designated Federal, State and Local agencies and departments for review as determined and requested by the Planning Commission or Zoning Administrator.

The applicant may be requested to submit site plans to one or more of the following agencies: the Otsego County Road Commission; the Michigan Department of Transportation; the Michigan State Police, the Otsego County Sheriff; the Otsego County Conservation District; the District Health Department; the Fire Department having jurisdiction; the Michigan Department of Natural Resources; the Michigan Department of Environmental Quality; the Otsego County Airport; or any other agency or department deemed necessary. After delivery of the application, site plans and comment forms the applicant should submit proof of delivery to the Otsego County Zoning Administrator. Comments not received from reviewing agencies by the Zoning Administrator within fifteen (15) of days of delivery shall be considered approved without comment.

HAS – HAS NOT BEEN MET

SECTION 23.10 PERFORMANCE GUARANTEE REQUIRED

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Otsego County and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a performance guarantee as regulated by Article 25.6. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and any other required improvements.

HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 25

SECTION 25.6 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE

In authorizing any Zoning Permit, Special Land Use Permit, Planned Unit Development approval or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the County to complete required improvements or conditions in the event the permit holder does not.

25.6.1 Improvements Covered: Improvements that shall be covered by the performance guarantee or bond include: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The performance guarantee shall meet the following requirements:

25.6.1.1 Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the County Clerk, which names the property owner as the obligor and the County as the obligee.

25.6.1.2 Time when Required: The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of

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performance guarantee submitted, the County shall deposit the funds in an interest bearing account in a financial institution with which the County regularly conducts business.

25.6.1.3 Amount: The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the County Board of Commissioners. If none are specified or applicable to the particular use or development, the County Board of Commissioners shall by resolution establish a guideline which it deems adequate to deal with the particular problem while ensuring the protection of the County and its inhabitants.

25.6.2 Return of Performance Guarantee or Bond: The County Clerk, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.

25.6.3 Withholding and Partial Withholding of Performance Bond: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the County Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Planning Commission and County Board of Commissioners indicating approval, partial approval, or rejection of the improvements or approval with conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

25.6.3.1 The Planning Commission shall approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements.

Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

25.6.3.2 Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the County may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining would be returned to the applicant.

25.6.4 Performance Bond for Razing of Building: The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. The bond shall be determined according to a guideline of one thousand dollars ($1,000.00) for each one thousand (1,000) square feet or fraction thereof of floor area of the structure to be razed. A bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief or the County Board of Commissioners may from time to time prescribe, including filling of excavations and proper termination of utility connections.

25.6.5 Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator and the status thereof reported to the County Board of Commissioners at least quarterly.

HAS – HAS NOT BEEN MET

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