Otsego County Planning Commission

Proposed Minutes for August 15, 2016

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Vice-Chairperson Jarecki, Secretary Arndt, Mr. Borton, Mr. Hilgendorf, Mr. Brown, Ms. Nowak, Mr. Klee, Mr. Bauman, Ms. Corfis

Absent: Mr. Caverson

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

Public Present: Duane Hoffman, Elmira Township Planning Commission, Ken Bradstreet, Wolverine Power, Brian Wagner, Wolverine Power, Gloria Torello, John Arevalo, Pete & Cindy McCutcheon, Alice & Scott McPherson, Michael & Marguerite Craft, Ray Kihn, Barbara Konsek, Todd March, Les & Jackie Brown, Bob & Sue Kenny, Rex Clute, Bob & Valerie Hart, Linda & Art Cosner, Randy Stults

Chairperson Hartmann welcomed Livingston Township's new representative, Steve Bauman to the Otsego County Planning Commission.

Approval of minutes from: June 20, 2016

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

Motion approved unanimously.

Consent Agenda: None

Other: Elmira residents and Wolverine Power Cooperative representatives will discuss noise issues relating to the Alpine Power Plant

Gloria Torella and John Arevalo, Elmira Township residents, read aloud statements concerning the Alpine Power Plant and requested compliance of the special use permit issued to Wolverine Power and the enforcement of that permit by the Planning Commission.

Ken Bradstreet, Wolverine Power representative, read aloud a statement explaining the testing process thus far and upcoming improvements in the months ahead. An invitation was extended to the Planning Commission members to tour the plant in the near future.

Other Elmira residents (Mr. & Mrs. McPherson, Mr. & Mrs. Craft, Mr. & Mrs. Hart, Mr. & Mrs. Kenny, Mr. Kihn) raised their concerns on the noise levels from the plant as well. It was suggested that the County initiate a separate sound test for compliance.

Brian Warner, Wolverine Power VP of Environmental Planning, stated he believed they were in compliance with the conditions placed on the special use permit but would address any problems with reasonable solutions so as to remain a good neighbor. He also assured the residents the final sound testing would be done in the fall, well before the one hundred eighty (180) day timeline.

Chairperson Hartmann thanked everyone for coming.

(STATEMENTS / PICTURES IN LUS FILE)

Public participation for items not on the agenda: None

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Public Hearing:

1) *SECTION 21.46 WIRELESS COMMUNICATIONS/PERSONAL WIRELESS COMMUNICATIONS*

A proposed amendment to sections of the Otsego County Zoning Ordinance to include Personal Wireless Communication towers.

Chairperson Hartmann stated the case before them and opened the public hearing.

Public Hearing open: 6:54pm

Chairperson Hartmann explained the amendment to the Wireless Communications' section stating it would allow the addition of smaller towers on leased property in more rural areas for increased internet services within a three (3) to five (5) mile radius.

Chairperson Hartmann closed the public hearing.

Public Hearing closed: 6:57pm

Advertised Case:

1) *SECTION 21.46 WIRELESS COMMUNICATIONS*

A proposed amendment to sections of the Otsego County Zoning Ordinance to include Personal Wireless Communication towers.

Motion made by Mr. Klee to recommend to the Otsego County Board of Commissioners the addition of the proposed language for *Personal Wireless Communications*; Seconded by Ms. Nowak.

Motion approved unanimously. *(SEE ATTACHMENT #1)*

Public Hearing:

2) *ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT*

A proposed zoning district addition to the Otsego County Zoning Ordinance to include the Schedule of Dimensions and Zoning Map

Chairperson Hartmann stated the case before them and opened the public hearing.

Public Hearing open: 6:59pm

Duane Hoffman, Elmira Township Planning Commission chairperson, explained the process the Township had undertaken to reach the current stage and explained the differences in the new MUZ Zoning District opposed to the current zoning districts. He stated the district strived to allow building on smaller lots with smaller setbacks and for a more walkable community with sidewalks and front porches.

Elmira Township residents questioned topics concerning property taxes, sidewalks and building materials.

It was stated property taxes could possibly increase, sidewalks would be the responsibility of the property owner and building materials would be restricted to new construction and upgrades. Any new construction in the Main Street District would have to include commercial and residential.

Chairperson Hartmann stated the response from Livingston Township suggested the addition of the phrase *'whichever is less'* to prevent confusion pertaining to a recessed front façade in Section 15.3.2.2 and to also clarify the definition for *'Park'* concerning the type of ownership/management.

After discussion it was decided to revise Section 15.3.2.2 with the suggested addition and to eliminate the *'Park'* definition entirely as it was currently in the zoning ordinance and undefined without problem.

PROPOSED

Chairperson Hartmann closed the public hearing.

Public Hearing closed: 7:35pm

Advertised Case:

2) *ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT*
A proposed zoning district addition to the Otsego County Zoning Ordinance to include the Schedule of Dimensions and Zoning Map

Motion made by Mr. Hilgendorf to recommend to the Otsego County Board of Commissioners the addition of the proposed MUZ Multiple Use Zoning District with revisions; Seconded by Mr. Klee.

Motion approved unanimously. *(SEE ATTACHMENT #2)*

Public Hearing:

3) *OTSEGO COUNTY CAPITAL IMPROVEMENT PROGRAM 2017-2022*

Chairperson Hartmann stated the case before them and opened the public hearing.

Public Hearing open: 7:46pm

Chairperson Hartmann explained the additions to the 2017-2022 Capital Improvement Program and revisions the CIP Committee requested concerning the priority of the library.

Chairperson Hartmann closed the public hearing.

Public Hearing closed: 7:54pm

Advertised Case:

3) *OTSEGO COUNTY CAPITAL IMPROVEMENT PROGRAM 2017-2022*

Motion made by Mr. Hilgendorf to recommend the Capital Improvement Program 2017-2022 with Committee members revisions to the Otsego County Board of Commissioners; Seconded by Mr. Brown.

Motion approved unanimously. *(SEE ATTACHMENT #3)*

Unfinished Commission Business: None

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Mrs. Jarecki stated the County Park was very busy; the Community Center tennis courts were under construction and the basketball and pickle ball courts were well used; a proposed fence was discussed for Wah Wah Soo with a survey to be done to establish property lines; the park millage was passed and Mr. Ryan had presented an equipment list entailing the condition of the items along with the possibility of purchasing some new; the Groen Nature Preserve was open again and they continued to work on the County Recreation Plan.

Mr. Brown stated Charlton Township's Master Plan would be completed around the first of the year.

Ms. Corfis stated Otsego Lake Township's Master Plan would also be completed around the first of the year and they were waiting for the language addition to the HX Zoning District so Johnson's could move forward with their request.

Mr. Hartmann stated the County would be at Elmira's meeting on August 23rd to discuss the Township's inclusion in the Recreation Plan.

PROPOSED

Mr. Arndt stated Bagley was working on their Master Plan as well and they would be hearing a case at their next meeting.

Mr. Borton stated the Veteran's Memorial was completed and there would be new members on the Board of Commissioners for the coming year.

2. Selected Planning and Zoning Decisions 2011 Part I/Zoning Information

Chairperson Hartmann adjourned the meeting.

Adjournment: 8:00pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

PROPOSED

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ATTACHMENT #1:

*Proposed Language for Personal Wireless Telecommunications

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

SECTION 2.2 DEFINITIONS…

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

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

Section 322(c)(7) of the Federal Communications Act uses the following definitions:
(i) the term "personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

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

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

SECTION 21.46 WIRELESS COMMUNICATIONS:

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

(1) Protect residential zoning districts from potential adverse impacts of towers and antennas;

(2) Encourage the location of towers in non-residential areas;

(3) Minimize the total number of towers throughout the county;

(4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, sighting, landscape screening, and innovative camouflaging techniques;

(7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;

(8) Consider the public health and safety of communication towers; and

PROPOSED

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

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

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

SECTION 21.46.1 DEFINITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

21.46.2.6.1 Maximum height of guyed and self-supporting towers to be one hundred fifty feet (150').

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

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

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

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

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

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

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

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

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

21.46.2.8 Lighting shall be designed in accordance with Section 21.19 in addition to the following:

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

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

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

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

21.46.2.11 Professional sealed documents are required for all Wireless Communications Towers (Section 23.2.2)

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

PROPOSED

ARTICLE 4 R1 RESIDENTIAL DISTRICT

SECTION 4.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 5 R2 GENERAL RESIDENTIAL DISTRICT

SECTION 5.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 6 R3 RESIDENTIAL ESTATES DISTRICT

SECTION 6.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 7 RR RECREATION RESIDENTIAL DISTRICT

SECTION 7.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 8 FR FORESTRY RECREATION DISTRICT

SECTION 8.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 10 B1 LOCAL BUSINESS DISTRICT

SECTION 10.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

SECTION 12.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 13 I INDUSTRIAL DISTRICT

SECTION 13.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

PROPOSED

Otsego County Planning Commission

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ATTACHMENT #2:

Proposed New Zoning District

ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT

MUZ MAIN STREET MULTIPLE USE ZONING

INTENT:
Main Street Multiple Use Zoning (MUZ) is established for the purpose of accommodating the highest concentration of retail and service establishments. It is designed with the intent to promote a pedestrian-oriented and accessible, central commercial service district where a variety of mutually supporting retail, office, commercial, civic and limited residential uses are permitted. Collectively, the uses permitted in this district are intended to provide a convenient and attractive retail and service center for the community, its rural trade area and tourist traffic. A prime characteristic of this district is the offering of a variety of goods and comparison shopping opportunities directed primarily at the pedestrian shopper.

Each use shall be complementary to the stated function and purpose of the district and shall not have adverse impact upon street capacity, safety and utilities. In an effort to encourage this type of character and provide for the health, welfare and safety of the pedestrian in the area, drive-in and drive-through operations are excluded from this district.

The Main Street MUZ is further designed and intended to:

A. Encourage innovative, traditional and neo-traditional commercial and mixed use developments

B. Encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented setting, with on-street customer parking

C. Extend greater opportunities for traditional community living, working, housing and recreation to all citizens, residents and visitors of the community

D. Encourage a more efficient use of land and public services and to reflect changes in technology of land development by directing new development in a traditional, compact and consolidated pattern of mixed use

E. Promote a walkable community and blend land uses to minimize traffic congestion

F. Prohibit the development of drive-in and drive-through facilities which contribute to traffic congestion and pose a threat to the pedestrian environment

G. Promote the creation of community places which are oriented to the pedestrian, thereby promoting citizen security and social interaction

H. Promote structures that are harmonious in overall design and development pattern

I. Encourage development of a community “Main Street” with mixed land uses, on-street customer parking and a continuous series of building façades and store fronts, which not only serves the needs of the immediate neighborhood but also the surrounding areas

PROPOSED

SECTION 15.1 PRINCIPAL USES PERMITTED

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

15.1.1 Art galleries

15.1.2 Business establishments which perform services on premises such as, but not limited to, banks, savings and loans and credit unions, pedestrian oriented automated teller machine facilities

15.1.3 Dry cleaning establishments or pick-up stations dealing directly with the consumer, limited to two thousand (2,000) square feet of floor area; Central dry cleaning plants serving more than two (2) retail outlets shall be prohibited.

15.1.4 Hotels, bed and breakfast inns and bed and breakfast houses with more than four (4) rooms must meet off street parking requirements of Article 21.18.6.4.

15.1.5 Professional offices: Office for medical, dental, legal, engineering, architectural, accounting services, brokerage houses, insurance, real estate or travel agencies with a footprint of up to seven thousand (7,000) square feet

15.1.6 Mixed-use buildings with business, commercial or service uses on the ground floor and residential or office uses on upper floors. Where there is mixed business/office and residential use in a building, there shall be provided a separate, private pedestrian entranceway for the residential uses.

15.1.7 Newspaper offices and publishers and commercial printers with a footprint of up to seven thousand (7,000) square feet

15.1.8 Restaurants, including those with outdoor eating areas, carry-out and open front restaurants, subject to the following site design standards:

15.1.8.1 Outdoor eating areas may be on a public right-of-way, on a building roof top, as part of a patio or deck or within the boundaries of a parcel or lot.

15.1.8.2. A minimum of four (4) feet of public sidewalk along the entire eating area and leading to the entrance of the establishment shall be maintained free of tables and other encumbrances. The pedestrian area shall also be free from benches, waste receptacles, fire hydrants and similar structures. If the sidewalk is not wide enough to allow for a four (4) foot wide clearance for circulation, the outdoor eating area shall not be permitted on a public sidewalk.

15.1.8.3 The outdoor eating area shall be kept clean, litter-free within and immediately adjacent to the area of the tables and chairs. Additionally, all waste generated on site shall be contained by the owner, which may require outdoor waste receptacles. Owners are responsible for all wastes so generated. Written procedures for cleaning and waste containment and removal responsibilities must be included with all applications.

15.1.8.4 Tables, chairs, planters, waste receptacles and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors. All tables, chairs, umbrellas and other furniture and fixtures must be stored inside the building or in an alternate location other than a public sidewalk, except thirty (30) minutes prior to opening until sixty (60) minutes after closing.

PROPOSED

15.1.8.5 Such areas are permitted seasonally between April 1st and October 31st; The hours of operation for the outdoor eating area shall be established and noted with the application.

15.1.8.6 The owner of an outdoor eating area may apply for two (2) event permits outside of the normal season of not more than ten (10) days combined; All other outdoor eating area requirements apply.

15.1.8.7 The issuance of a permit for an outdoor eating area does not constitute a separate business.

15.1.9 Personal service establishments within a completely enclosed building, provided each occupies a total usable floor area of not more than seven thousand (7,000) square feet, including but not limited to such uses as: repair shops (watches, radio, television, shoes, etc.), tailor and dressmaking shops, beauty parlors and styling salons, barber shops, photographic studios, film processing outlets, copy centers, interior decorators, postal centers and computer services

15.1.10 Public, quasi-public and institutional uses such as, but not limited to, municipal buildings and offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities, parks and playgrounds, post offices and civic centers and schools but excluding storage yards

15.1.11 Retail businesses which supply commodities on the premise with a footprint of up to seven thousand (7,000) square feet, such as but not limited to: groceries, meats, fruits and produce, dairy products, baked goods, candies, wine (specialty wine shops only) and other specialty food products (such products can be produced on the premises as an accessory use provided they are sold on the site at retail prices); and stores selling drugs, dry goods, flowers, clothing, notions, books and magazines, toys, sporting goods, shoes, tobacco products, musical instruments, recorded music, video rentals and sales, gifts and souvenirs, antiques, furniture and hardware

15.1.12 Retail sales with a footprint of up to seven thousand (7,000) square feet in which both a workshop and retail outlet or showroom are required, such as plumbing, electrical, interior decorating, upholstering, printing, photographic-reproducing, radio, and home appliance and similar establishments of similar character subject to the provision that not more than eighty percent (80%) of the total useable floor area of the establishment shall be used for servicing, repairing or processing activities and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located

15.1.13 Cocktail lounges, bars, taverns (pubs) and brewpubs (excluding drive-in restaurants and those with drive-through facilities), where the patrons are served within the building occupied by such establishment

15.1.14 Studios for art, music, dance or theatrical instruction or fitness centers with footprint of up to seven thousand (7,000) square feet

15.1.15 The following in-home uses provided no more than twenty-five percent (25%) of floor area is used for such purpose:

15.1.15.1 Offices and home occupations when operated within the confines of a single family dwelling as an accessory to living quarters Permit criteria for these uses include Article 4 R1 Residential District.

15.1.16 Existing Residences

PROPOSED

SECTION 15.2 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 4.2 and only after the review and approval of the site plan by the Otsego County Planning Commission. See Article 21 for applicable Specific Requirements for Certain Uses, if any, and Article 23 for site plan requirements.

15.2.1 Indoor recreational centers, including the following: bowling alleys, roller and ice skating rinks, pool or billiard halls, pinball and mechanical amusement device arcades and other general indoor recreation facilities, with a footprint of up to seven thousand (7,000) square feet

15.2.2 Hardware, equipment rental and building supplies where the size is limited to seven thousand (7,000) square feet total, of which less than two thousand (2,000) square feet is outdoor storage; The Otsego County Planning Commission may permit outdoor storage for such uses provided it determines the design, placement and screening of such outdoor storage complies with the requirements of this ordinance.

15.2.3 Mortuaries and funeral homes with a footprint of up to seven thousand (7,000) square feet

15.2.4 Party stores (convenience stores) with a footprint of up to seven thousand (7,000) square feet

15.2.5 Senior housing, assisted living facilities or assisted day care facilities with a footprint of up to seven thousand (7,000) square feet

15.2.6 Accessory buildings with a footprint not greater than eight hundred (800) square feet

15.2.7 Utilities: All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded), shall be located underground except where above ground equipment such as transformers, control panels, service connections and meters are required. All above ground equipment shall be located at the rear of the building. Permit criteria includes Article 21.10 regarding screening and fence

15.2.8 Wireless telecommunications towers and facilities one hundred fifty (150) feet or less in height. Permit criteria included in Article 21.46

15.2.9 Unlisted property uses if authorized under Article 21.44

SECTION 15.3 DEVELOPMENT REQUIREMENTS

Buildings in the Main Street MUZ should possess architectural variety and must enhance the overall cohesiveness of the Main Street MUZ character and appearance as determined and described herein. Except as otherwise noted, buildings and uses in the Main Street MUZ shall comply with the following requirements:

15.3.1 The ground floor use shall be considered the main use of the building.

15.3.2 Building Placement: Buildings shall be built so that the front building line is within the Build-to-Area. The Otsego County Planning Commission may require greater setbacks if such space, in their determination, is needed for other requirements.

15.3.2.1 Buildings shall have the greatest portion of front coverage along the primary street(s).

15.3.2.2 Buildings may have up to forty percent (40%) or forty (40) feet, whichever is less, of front façade recessed from the Build-to-Area to allow for courtyards and plazas.

PROPOSED

15.3.2.3 Cantilevered or self-supporting awnings, signs or lights may extend into the setback area; however, they must be a minimum of four (4) feet away from curbs and shall not be within eight (8) feet of the side property lines.

15.3.3 Building Height: New buildings shall contain at least two (2) stories unless the Otsego County Planning Commission determines a single story will not detract from the character and appearance of the Main Street MUZ.

15.3.4 Not more than forty percent (40%) of any given floor other than the basement, may be used for bathrooms, closets, halls, utility or storage spaces and only where incidental to the primary use. All of the basement (100%) may be used for these incidental uses. Storage areas shall be in the rear one-half (1/2) of the building.

15.3.5 Façade Design: All visible building façades from a public right-of-way or public land hall conform to the following design criteria:

15.3.5.1 Architectural Features: Building façades greater than thirty-three (33) feet in length shall contain architectural features, details and ornaments. Elements such as wall clocks, decorative light fixtures and door or window canopies are recommended. Blank, windowless walls are prohibited.

15.3.6 All non-residential buildings must have interior downspout and gutter systems. Exterior downspouts and gutters are not permitted for non-residential buildings, except for those originally constructed for single-family residential purposes.

15.3.7 Fenestration: All façades visible from the street must contain glazed glass windows. Spaces between windows shall be formed by columns, mullions or material found elsewhere on the façade. Clear window glass is recommended; green, blue, bronze or smoke tints are permitted.

15.3.7.1 Glazing on the first floor shall occupy a minimum twenty-five percent (25%) of the façade; No glazing on first floor shall be placed less than two (2) feet six (6) inches above the sidewalk.

15.3.7.2 Glazing on the second or higher floors shall be a minimum of twenty percent (20%).

15.3.8 Building Materials: Building materials must be consistent with the surrounding neighborhood character. Building materials on the front façade or any façade visible from a public right-of-way must be primarily of natural materials (brick, stone, wood, cast stone or other approved material). Each front façade, any façade visible from a public right-of way and any façade with a dedicated public entrance into the building, should contain at least sixty percent (60%) of the recommended materials listed below, excluding window areas:

15.3.8.1 Recommended Materials: Brick, stone, wood and cast stone

15.3.8.2 Acceptable Materials: Split face, scored or ground face block; beveled wood siding (lap, board and batten, shake); exterior finish insulation systems (EIFS)

15.3.8.3 Other synthetic or highly-reflective materials should not be used, except for decorative or accent features and limited to a maximum of ten percent (10%) of any face of a story

15.3.8.4 The following materials are prohibited within ten (10) feet of the building grade: Smooth faced block, smooth concrete, vinyl or metal siding

15.3.8.5 The following materials are prohibited: Opaque and reflective glass, T-111 panels, metal siding including aluminum siding and standing seam panels

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15.3.9 Side or Rear Façade Design: All sides of a building shall be similar in design and material to present a cohesive appearance to neighboring properties. Wherever a side or rear façade is visible from a public right-of-way or if parking is located at the side or rear of a building, the façade shall be designed to create a pleasing appearance or as described within this Article.

15.3.10 Building Entrances: All buildings shall have at least one (1) primary public customer entrance that faces a public street unless a building does not face a public street. Rear entrances are permitted only if there is a primary entrance from a public street.

15.3.11 Mechanical Equipment: All units and appliances for central air conditioning, high voltage electrical (HVAC) systems, exhaust pipes or stacks, elevator housing and satellite dishes or other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fences, roofline elements, penthouse-type screening devices or landscaping. Outdoor burning equipment is prohibited.

15.3.11.1 Fire escapes shall not be permitted on a building's front façade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

15.3.11.2 Solid metal security gates or solid roll-down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed from inside, within the window or door frames; or if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grills shall be recessed and concealed during normal business hours.

15.3.12 Service Access: A designated loading space shall be reserved at the rear of the building. Loading from secondary streets may be permitted by the Otsego County Planning Commission upon demonstration by the applicant that through traffic flow and access to neighboring uses will not be disrupted.

15.3.13 Landscaping: Landscaping is an integral part of this district and shall compliment this district and surrounding uses. Landscaping shall comply with the provisions elsewhere in this ordinance.

15.3.14 Courtyards and Plazas: Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed for function, enhance surrounding buildings and provide amenities for users in the form of textured paving, landscaping, lighting, trees, benches, trash receptacles and other items of street furniture as appropriate. Courtyards shall have recognizable edges defined on at least three (3) sides by buildings, walls, elements of landscaping and elements of street furniture in order to create a strong sense of enclosure.

15.3.15 Sidewalks: Sidewalks shall be provided, maintained, repaired and/or replaced by the property owner. Sidewalks shall conform to placement and level of adjacent neighborhood sidewalks or be located one (1) foot inside of the street right-of-way along all streets abutting the property. Sidewalks shall be a minimum of forty-eight (48) inches wide or the width of adjoining sidewalks as approved during site plan review. Greater width may be required during site plan review. Sidewalk sections shall be maintained, repaired or replaced when they are deemed hazardous. Such maintenance, repair or replacement shall be completed within forty-five (45) days of written notice by Otsego County Building and Zoning.

15.3.16 Utilities: All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded), shall be located underground except where above ground equipment such

PROPOSED

as transformers, control panels, service connections and meters are required. All above ground equipment shall be located at the rear of the building. Permit criteria includes Articles 21.10, 21.18.5 and 21.18.6 regarding screening and fencing.

15.3.17 Enclosed Buildings: Within the Main Street MUZ, all activities, unless specifically provided for herein, shall be conducted entirely within an enclosed building.

15.3.18 Parking Requirements: Parking in this district, except for hotels and bed and breakfast inns with more than four (4) rental rooms, is not subject to the parking requirements elsewhere in this ordinance for land uses that comply with the requirements of this district. On-street parking is encouraged in this district. Off-street parking may be provided to the rear of a building or in publicly owned designated lots.

MUZ TOWN CENTER MULTIPLE USE ZONING

INTENT:

Town Center Multiple Use Zoning (MUZ) is established for the purpose of accommodating moderately heavy residential density with some retail and service business. Collectively the uses permitted in this district are intended to provide a convenient and attractive living community. It is designed and intended to be walkable, thus enhancing the Main Street MUZ and providing a transition from the Main Street MUZ to other land uses. It is further intended to be residential in appearance and character with primarily off street parking. Streets are intended to have sidewalks.

SECTION 15.4 PRINCIPAL USES PERMITTED

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

15.4.1 Single-family and duplex dwellings: These shall be built to the Build-to-Lines in a traditional residential style.

15.4.2 Apartment buildings: Apartment buildings may contain up to eight (8) units per building.

15.4.3 Churches: Churches, temples and similar places of worship, limited to a footprint of thirty-five hundred (3,500) square feet

15.4.4 Utilities: All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded), shall be located underground except where above ground equipment such as transformers, control panels, service connections and meters are required. All above ground equipment shall be located at the rear of the building. Permit criteria includes Articles 21.10, 21.18.5 and 21.18.6 screening and fence.

15.4.5 Laundromats (self-service or coin operated) up to a footprint of one thousand (1,000) square feet

15.4.6 Parks

15.4.7 Community centers or similar places of assembly when conducted completely with enclosed buildings with a footprint of up to seven thousand (7,000) square feet

15.4.8 Senior housing, licensed residential care facilities with a footprint of up to seven thousand (7,000) square feet

15.4.9 The following in-home uses provided no more than twenty-five (25%) of the floor area is used for such a purpose:

PROPOSED

15.4.9.1 Offices and home occupations when operated within the confines of a single family dwelling as an accessory to living quarters Permit criteria for these uses include Article 4 R1 Residential District.

SECTION 15.5 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 4.2 and only after the review and approval of the site plan by the Otsego County Planning Commission. See Article 21 for applicable Specific Requirements for Certain Uses, if any, and Article 23 for site plan requirements.

15.5.1 Apartment buildings with greater than eight (8) units per building

15.5.2 Transitional Shelters: Temporary shelters, overnight shelters and temporary residences

15.5.2.1 A minimum of one hundred twenty (120) square feet of area per individual occupant shall be provided

15.5.2.2 Up to six (6) non-related occupants may be allowed

15.5.2.3 Unlisted property uses if authorized under Article 21.44

SECTION 15.6 DEVELOPMENT REQUIREMENTS

Buildings in the Town Center MUZ shall possess residential style architectural variety but must enhance the overall cohesiveness of the Town Center MUZ's character and appearance as determined and described herein. Except as otherwise noted, buildings and uses in the Town Center MUZ shall comply with the following requirements:

15.6.1 Building placement: Buildings shall be built so that the front building line is within the Build-to-Area. The Otsego County Planning Commission may require greater setbacks if such space, in their determination, is needed for other requirements.

15.6.2 Building Design: Buildings shall be of traditional residential home architecture and style.

15.6.2.1 A porch at the main floor level shall be on the front street façade measuring one hundred twenty (120) square feet or ten percent (10%) of the main floor area, whichever is greater.

15.6.2.2 Main floor level shall be elevated thirty-two (32) inches to forty-eight (48) inches above the grade at the Build-to-Line.

15.6.3 Building Materials: Building materials that produce the traditional style look are required. The following materials are prohibited on the exterior walls: Exposed concrete or cement blocks above the foundation, asbestos siding, tar or felt paper, T-111 panels and standing seam panels.

15.6.4 Sidewalks: Sidewalks shall be provided, maintained, repaired and/or replaced by the property owner. Sidewalks shall conform to placement and level of adjacent neighborhood sidewalks or be located one (1) foot inside of the street right of way along all streets abutting the property. Sidewalks shall be a minimum of forty-eight (48) inches wide or the width of adjoining sidewalks or as approved during site plan review. Greater width may be required during site plan review. Sidewalk sections shall be maintained, repaired or replaced when they are deemed hazardous. Such maintenance, repair or replacement shall be completed within forty-five (45) days of written notice by Otsego County Building and Zoning.

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15.6.5 Mechanical Equipment: All mechanical equipment and appliances for central air conditioning, telecommunications and other such devices shall be located in the rear of the building. Outdoor burning units (stoves/furnaces) are prohibited.

15.6.6 Landscaping: Landscaping is an integral part of this district and shall compliment the district and surrounding uses. Permit criteria are included in Article 21.18

15.6.7 Utilities: All utilities and service structures shall be located underground except such equipment as transformers, control panels, service connections and meters. All above ground equipment shall be located at the rear of the building. Permit criteria includes Article 21.10 regarding screening and fence

15.6.8 Shared driveways: Sharing of driveways is allowed with a written agreement that is recorded at Otsego County on all applicable deeds. Permit criteria includes Article 25

PROPOSED

Otsego County Planning Commission

Proposed Minutes for August 15, 2016

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	**R1 & R2**	**R3**	**RR**	**FR & AR**	**Reserved for future use**	**Reserved for future use**
Min. Lot Area (Sq. feet)	20,000 .46 acre	40,000 .92 acre	20,000 .46 acre	88,000 2.02 acre		
Min. Front Setback *(b)(j)*	25 ft	25 ft	25 ft	50 ft		
Max. Front Setback	NA	NA	NA	NA		
Min. Side Setback	10 ft	10 ft	10 ft	20 ft		
Min. Rear Setback	30 ft (a, h)	30ft (a, h)	30 ft (a, h)	40 ft (a)		
Min. Lot width (k)	100 ft 150 ft Duplex	100 ft	100 ft	150 ft AR 300 ft Duplex		
Max. % lot coverage	25%	25%	25%	30%		
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)		
Min. Ground Floor area of principal structure (Square feet)	720 (i)	720 (i)	720 (i)	720 (i)		
Min. Width of principal structure	20 ft (i)	11ft (i)	20 ft (i)	11 ft (i)		

Zoning District	**B1**	**B2**	**B3**	**I**	**HX**	**MUZ**	
						MAIN ST	**TOWN CENTER**
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	8,000	8,000
Min. Front Setback	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	Build-to-Area	Build-to-Area
Max. Front Setback	NA	NA	NA	NA	NA	NA	NA
Min. Side Setback	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	5 ft	5 ft
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)	10 ft	10 ft
Min. Lot width (k)	100 ft	100 ft	100 ft	150 ft	150 ft	60 ft	60 ft
Max. % lot coverage	NA	NA	NA	NA	NA	NA	NA
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft	35 ft
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	NA	NA	NA
Min. Width of principal structure	NA	NA	NA	NA	NA	NA	NA

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

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ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 2.2 DEFINITIONS…

BUILD-TO-AREA: The space within the Build-to-Line and the Lot Line Sides. The Build-to-Area may vary a distance on either side of the Build-to-Line. The distance is determined by measuring the number of feet between the Build-to-Line and the public right-of-way and multiplying the number of feet by ten percent (10%).

BUILD-TO-LINE: The line of vertical plane formed by the planned building façade that is parallel to the road right-of-way and extends to and coincides with the plane of the front façade of existing or planned buildings along the same right-of-way.

COURTYARD: An unroofed area that is completely or mostly enclosed by the walls of a large building.

FENESTRATION: The arrangement of windows and doors on the elevations of a building.

GLAZING: Furnishing or fitting with glass all surfaces on a fenestration.

NEO-TRADITIONAL: Reviving traditional methods; combining tradition with newer elements.

PLAZA: A public square in a city or town; an open area usually located near urban buildings and often featuring walkways, trees and shrubs, places to sit and sometimes shops.

~~PARK: An area of land, usually in a largely natural state, for the enjoyment of the public, having facilities for rest and recreation, often owned, set apart and managed by a city, state or nation.~~

PROPOSED

ATTACHMENT #3:

Schedule: The Library is planning to put a bond issue before the voters on the November 2016 ballot; if successful, construction could begin in 2017.

Estimated Cost: $2,727,000 plus F & E of up to $250,000

Basis of Cost Estimate: Architect's opinion of probable building cost ; Director estimate of F & E

Alternative Financing:

$548,362 from the Designated Building Fund
$100,000 from the Library's Maintenance Fund
$ 45,501 from the Library's Technology Fund
$ 93,650 from the Otsego County Community Foundation/Library Fund

Potential funding sources for remainder:
Locally voted millage
Local capital campaign
Michigan Council for the Arts and Cultural Affairs Capital Improvement Program
Private foundation grants

Agency Reported Priority: Urgent

Planning Commission Reported Priority: Urgent

Otsego County Six Year Capital Improvement Plan - Appendix A

Project Name	Agency	Project Type	Funding Source(s)	Estimated Cost	P.C. Priority	2017	2018	2019	2020	2021	2022
Gaylord Regional Airport Taxilane Extension	Otsego County	New Construction	90% Federal; 5%State; 5% Local	$370,000	Important	$370,000					
Gaylord Regional Airport Box Hangar	Otsego County	New Construction	85.88% Federal; 4.77%State; 9.35% Local	$437,932	Important				$437,932		
North Central State Trail / Iron Belle Trail Extension	Otsego County	New Construction	Various	$2,340,000	Important	$2,340,000					
North Central State Trailhead	Otsego County	New Construction	Various	$732,180	Important		$732,180				
Otsego County Jail	Otsego County	New Construction	Various	$7,800,000	Important						$7,800,000
Otsego County Library Expansion	Otsego County Library	Facility Expansion	Various	$2,777,000	Urgent	$2,777,000					
Otsego County Road Commission Road Projects	OC Road Commission										
Sparr Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$572,000	Important	$572,000					
Meridian Line Road Project 1	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$532,500	Urgent	$532,500					
Seymore Road and Kujawa Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$935,000	Important		$935,000				
Meridian Line Road Project 2	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	$941,250	Important			$941,250			
Total Costs by Year:				$17,337,862		$6,491,500	$1,667,180	$941,250	$437,932	$0	$7,800,000

APPENDIX A