

# OTSEGO COUNTY PLANNING COMMISSION

**AGENDA**  
**June 17, 2013**  
**6:00 PM**

**MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1322 HAYES ROAD**

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From March 18, 2013 meeting
5. CONSENT AGENDA: None
6. OTHER:
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:  
(Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARINGS:
  1. *Michaywe Boundaries-Rezoning area surrounding Michaywe' to coincide with existing zoning*
  2. *Highway Interchange Zoning District as a separate zoning district*
  3. *Otsego Lake Township revisions concerning Highway Interchange District/Article 3, Article 18*
  4. *Proposed changes to Zoning Ordinance/Grammatical/punctuation errors, formatting errors, added sections, obsolete references...*
9. ADVERTISED CASES:
  1. *Michaywe Boundaries-Rezoning area surrounding Michaywe' to coincide with existing zoning*
  2. *Highway Interchange Zoning District as a separate zoning district*
  3. *Otsego Lake Township revisions concerning Highway Interchange District/Article 3, Article 18*
  4. *Proposed changes to Zoning Ordinance/Grammatical/punctuation errors, formatting errors, added sections, obsolete references...*
10. UNFINISHED COMMISSION BUSINESS:
  - 1.
11. NEW BUSINESS:
  - 1.
12. REPORTS AND COMMISSION MEMBER'S COMMENTS
  1. Highway Interchange/Sound Pressure Table Additions/Section 18.47 HX references
  2. Article 14/Schedule of Dimensions-Highway Interchange Addition
  3. Recent Board of Commissioners decisions/Section 9.2.4 Livestock Auction Yard/18.20, Section 18.3.1/Accessory Buildings, Article 14/Schedule of Dimensions/AR & FR setbacks
13. ADJOURNMENT

# Otsego County Planning Commission

PROPOSED Minutes for March 18, 2013/Regular Meeting

**Call to Order:** 6:00 pm

Pledge of Allegiance

**Roll Call:**

Present: Chairperson Stults, Vice Chairperson Anct, Mr. Hilgendorf, Mr. Brown, Ms. Novak, Mrs. Jarecki, Mr. Klee, Mr. Mang

Absent: Secretary Borton, Mr. Hartmann, Mr. Hendershot

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

Others Present: Phil Alexander, Project Manager/Otsego County Quality of Life Assessment Advisory Committee

Public Present: Steven Verduce

**Approval of minutes from January 21, 2013:**

Chairperson Stults requested the addition of a title after Mr. Schlaud's name on page three (3) under *Reports and Commission Member's Comments* and also changing, ...*Chairperson Stults stated with the amount of conditions...* to ...*with the number of conditions...* at the bottom of page one (1).

Motion made to approve minutes as corrected by Mr. Hilgendorf; Seconded by Mr. Klee.

Motion approved unanimously.

**Consent Agenda:** None

**Other:** Phil Alexander *Quality of Life Assessment Presentation*

Mr. Alexander explained the compilation of the survey results assessed the progress of the quality of life in Otsego County and showed which areas were lacking. It is a tool in determining how our community can continue to be a desired place to live. He stated the *Assessment* was in color on the *Otsego Community Connection* website at [www.otsego.org](http://www.otsego.org) and was much easier to read.

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

**Public Hearing:**

AR/Agricultural Resource, FR/Forest Recreation Zoning Districts/Setback Change

Proposed changes to setbacks in the AR/Agricultural and FR/Forest Recreation zoning districts to reflect the same setbacks as in the Residential zoning districts.

Open: 6:22 pm  
Close: 6:22 pm

# Otsego County Planning Commission

PROPOSED Minutes for March 18, 2013/Regular Meeting

## Advertised Cases:

AR/Agricultural Resource, FR/Forest Recreation Zoning Districts/Setback Change

Proposed Changes to the Otsego County Zoning Ordinance concerning setbacks in the AR/FR Zoning Districts (*Listed above*)

Chairperson Stults stated the Township responses showed Charlton and Chester Townships were in favor of the proposed changes to the setbacks in the AR/FR zoning districts and Corwith, Livingston and Otsego Lake recommended they remain the same. After discussion, Mr. Mang made the following motion:

Motion made by Mr. Mang *not to recommend* to the Otsego County Board of Commissioners the proposed changes to setbacks in the AR/Agricultural Resource and FR/Forest Recreation zoning districts; Seconded by Ms. Nowak.

*Roll call vote:* Chairperson Stults: yes, Vice Chairperson Arndt: no, Mr. Hilgendorf: no, Mr. Brown: no, Ms. Nowak: no, Mrs. Jarecki: yes, Mr. Klee: no, Mr. Mang: yes.

*Yes vote:* 3

*No vote:* 5

## *Motion fails, 3-5.*

Chairperson Stults requested another motion be presented for a vote.

Motion made by Mr. Brown *to recommend* to the Otsego County Board of Commissioners the proposed changes to setbacks in the AR/Agricultural Resource and FR/Forest Recreation zoning districts reflect the same as in the Residential districts; Seconded by Mr. Hilgendorf.

*Roll call vote:* Mr. Mang: no, Mr. Klee: yes, Mrs. Jarecki: no, Ms. Nowak: yes, Mr. Brown: yes, Mr. Hilgendorf: yes, Vice Chairperson Arndt: yes, Chairperson Stults: no.

*Yes vote:* 5

*No vote:* 3

*Motion passes, 5-3.* Proposed setback changes recommended to Otsego County Board of Commissioners.

## Unfinished Commission Business:

1. Recommendation to the Board of Commissioners on Section 18.25/Mining/Feedback on language concerning an 'irrevocable letter of credit'.

Motion made by Mr. Mang to recommend to the Otsego County Board of Commissioners proposed language concerning an 'irrevocable letter of credit' in Section 18.25/Mining; Seconded by Ms. Nowak.

Motion approved unanimously.

2. Staff recommendations/Article 24 Township Participation/Time limit response concerning Wireless Communications/Zoning Enabling Act change, May 2012/Seeking approval to forward to Townships

# Otsego County Planning Commission

## PROPOSED Minutes for March 18, 2013/Regular Meeting

After recommendations from the County attorney to address other sections in the Zoning Ordinance concerning wireless communications, Mr. Schlaud and Mr. Mang will construct proposed language for Section 18.46/Wireless Communications to reflect Public Act 143 of 2012, amending the Michigan Enabling Act.

3. Discussion on Otsego County Zoning Ordinance Changes: Numbering issues/Outdated references/Section Additions/Grammatical errors.../Seeking approval to forward to Townships

Chairperson Stults requested the proposed changes to the Otsego County Zoning Ordinance be sent to Townships for comment; Members in agreement.

4. Highway Interchange District/Seeking approval to forward to Townships
  - a. Otsego Lake Township letter recommending addition to zoning districts

The Planning Commission members agreed to send the addition of the Highway Interchange District to Townships for input, also.

### **New Business:**

1. 2012 Planning Commission Annual Report

Chairperson Stults stated the Otsego County Board of Commissioners had approved the 2012 Planning Commission Annual Report.

### **Reports and Commission Member's Comments:**

Mr. Schlaud reported the next Planning Commission meeting will be held in the new Land Use Services location at 1322 Hayes Road, Gaylord, Michigan. The department will be moving the week of April 8<sup>th</sup>.

Chairperson Stults stated the final rezoning issue with Michaywe's boundaries had been sent to Bagley Township for their input and the lengthy process would soon be concluded.

### **Adjournment:** 7:30 pm

Christine Boyak-Wohlfeil, Recording Secretary

Ken Borton, Planning Commission Secretary

**OTSEGO COUNTY  
PLANNING COMMISSION**

**PUBLIC HEARING NOTICE  
June 17, 2013**

The Otsego County Planning Commission will hold four (4) separate public hearings on Monday, June 17, 2013 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Road Gaylord, Michigan.

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

1) Michaywe' Boundaries - The rezoning of properties surrounding Michaywe' keeping them in line with existing zoning.

2) The addition to the Otsego County Zoning Ordinance of a Highway Interchange District as a separate zoning district.

3) Otsego Lake Township's revisions of Article 3 and Article 18 related to the Highway Interchange District.

4) Proposed changes/corrections to the Otsego County Zoning Ordinance regarding *Numbering issues, Section additions, Obsolete references and Grammatical/formatting errors.*

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

Any citizen who has questions regarding or needs assistance to attend this meeting, should contact the Director of Land Use Services at (989) 731.7420.

Chairman Tober recognized Mr. Glen Roberts from the Michaywe Property Owners Association. Mr. Roberts stated that he had received notice and that he was attending the meeting as a representative of the Michaywe' Property Owners Association. Mr. Roberts stated that his association was in agreement with the recommendations as made by the Planning Commission during the March 19, 2007 meeting.

There being no further citizen comments, Chairman Tober closed the public hearing and opened the floor for Planning Commission discussion and action.

Chairman Tober stated that the Planning Commission would review the prior discussions for each of the 14 areas.

1. Properties north of Charles Brink Road at the intersection with Michaywe drive. Zoning map follows the section line not Charles Brink Road. Michaywe' Development is only south of Charles Brink Road. Properties north of Charles Brink have never been part of Michaywe' Development.

Recommend that the County Board adopt an ordinance to amend the zoning map so that the following properties north of Charles Brink Road be zoned RR and not have the PUD designation overlay.

PID	PROPADDRESS	OWNER
011-180-000-003-00	288 CHARLES BRINK RD W	LACROSS, EVELYN M
011-180-000-004-00	250 CHARLES BRINK RD W	BREED, DOUGLAS C & CAROL A
011-180-000-006-00	232 CHARLES BRINK RD W	HOSTMAN, DAVID J & ELIZABETH A
011-180-000-007-00	0 CHARLES BRINK RD W	VARNAS, JAMES & TINA
011-180-000-008-00	0 CHARLES BRINK RD W	LYSON, MATTHEW
011-180-000-009-00	166 CHARLES BRINK RD W	KATFISH, LLC
011-180-000-001-00	328 CHARLES BRINK RD W	RARDIN, MATTHEW J

2. Property on the South side of Charles Brink Road that includes the KOA Campground and parcels that are in the vicinity of the KOA Camp Ground. This property is south of Charles Brink Road and east of Michaywe Drive. This area includes 4 'residential' parcels belonging to Mr. Feldpausch, Mr. Catt, Mrs. Seidell and the Presbyterian Church. These are all prior properties owned by Michaywe developers but have since been sold to other owners. These properties are in no way associated or regulated by the private regulations of the Michaywe Development.

Recommend to table any action on the below listed parcels so the Planning Commission can research the underlying zoning, motion carried unanimously.

PID	PROPADDRESS	OWNER
010-034-200-005-00	513 CHARLES BRINK RD	FIRST PRESBYTERIAN CHURCH
010-034-200-010-01	513 CHARLES BRINK RD	FIRST PRESBYTERIAN CHURCH
010-034-200-010-50	59 CHARLES BRINK RD	FELDPAUSCH, MATTHEW T
010-034-200-025-00	463 CHARLES BRINK RD	CATT, GLEN A & JEANNE M
010-034-200-040-00	5101 CAMPFIRE PKY	UP NORTH CAMPING LLC
010-034-200-040-01	477 CHARLES BRINK RD	SEIDELL, BERNADETTE



## MICHAYWE' BOUNDRIES

Proposed parcels in **BLUE** to be rezoned as RR/Residential Recreation or B1/B2/Business

Proposed parcels in **RED** to be left as PUD/ Planned Unit Development

Proposed properties were a part of the PUD owned by Michaywe' Developers but were sold to other owners and are in no way associated or regulated by Michaywe' Development.

All surrounding parcels currently zoned RR/Residential Recreation.

**Properties Being Recommended for Rezoning-RR/Recreation Residential:**

Up North Camping LLC/010-034-200-040-00  
KOA Kampgrounds  
5101 Campfires Pkwy  
Gaylord, MI 49735

Glen A & Jeanne Catt/010-034-200-025-01  
463 Charles Brink Rd  
Gaylord, MI 49735

Bernadette Seidell/Trust/010-034-200-025-02  
PO Box 189  
Gaylord, MI 49734

Matthew T Feldpausch/010-034-200-010-50  
59 Charles Brink Rd  
Gaylord, MI 49735-9020

First Presbyterian Church/010-034-200-005-00, 010-034-200-010-01  
PO Box 3006  
Gaylord, MI 49734-3006



*Otsego*  
**COUNTY**  
M I C H I G A N

**Department of  
Land Use Services**

1068 Cross St • Gaylord, MI 49735  
Phone (989)731-7420 • Fax (989)731-7429  
[www.otsegocountymi.gov](http://www.otsegocountymi.gov)

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February 22, 2013

To: Bagley Township Clerk

Pursuant to Article 24: Township Participation in County Zoning, proposed changes to the Otsego County Zoning Map are being forwarded for Township comment. The proposed changes to the parcels within Bagley Township are attached.

Please forward your written comments to Otsego County Land Use Services within forty (40) days. If your Township intends to take the additional thirty (30) days allowed for review, please notify me within the original forty (40) day period.

Vern Schlaud, Interim Director  
Otsego County Land Use Services

encl

**Amendment to the PUD designation**

\*Property owners notified

\*Public hearing notice

\*Was a part of the PUD/Properties owned by Michaywe Developers but sold to other owners and are in no way associated or regulated by Michaywe Planned Unit Development

**Resolution:**

The Planning Commission recommends the Otsego County Board of Commissioners amend the zoning map so that the following properties south of Charles Brink Road do not have the PUD designation overlay and the zoning for these parcels would be amended to RR/Residential Recreation, the zoning of the surrounding area to the north and east.

010-034-200-025-01

010-034-200-025-02

010-034-200-010-50

010-034-200-005-00

010-034-200-010-01

## ARTICLE ZZ HIGHWAY INTERCHANGE COMMERCIAL DISTRICT

### INTENT:

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

### **ZZ.1 PRINCIPAL USES PERMITTED** anywhere in the zoning district.

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

- ZZ.1.1 Existing residences
- ZZ.1.2 Banks and financial institutions
- ZZ.1.3 Office buildings for administrative, professional, governmental and sales offices
- ZZ.1.4 Medical and dental offices, including clinics
- ZZ.1.5 Public Schools under the jurisdiction of the Michigan superintendent of public instruction
- ZZ.1.6 Indoor theaters, halls, and similar places of assembly
- ZZ.1.7 Bowling alleys, pool parlors or billiard parlors
- ZZ.1.8 Indoor archery range
- ZZ.1.9 Tavern/night clubs
- ZZ.1.10 Restaurants without drive-through service
- ZZ.1.11 Bus stations and passenger terminals

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

- ZZ.1.12 Any generally recognized retail business within an enclosed building under one hundred thousand (100,000) square feet.
- ZZ.1.13 Offices and showrooms of plumbers, electricians, decorators or similar trades, without outdoor storage
- ZZ.1.14 Rental shops without outdoor storage
- ZZ.1.15 Athletic or sports facilities and health clubs, indoor only
- ZZ.1.16 Places of worship
- ZZ.1.17 Lumber yards and building material suppliers within enclosed building(s)
- ZZ.1.18 Businesses and restaurants with drive-through service
- ZZ.1.19 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height without lights. Permit criteria include Article 18.46.2
- ZZ.1.20 Wholesale sales, storage and distribution facilities including accessory retail sales, but excluding storage of flammable or hazardous materials Outside storage shall be fenced and screened.
- ZZ. 1.21 Truck and rail freight terminals, including warehousing
- ZZ. 1.22 Vehicle service and storage centers for trucks, watercraft, truck trailers, and miscellaneous motorized vehicles Outside storage shall be fenced and screened.

- ZZ.1.23 Lumber yards, building, construction material suppliers and home improvement centers without outside storage
- ZZ.1.24 Bottling works, food packaging and freezer plants
- ZZ.1.25 Equipment reconditioning indoors on an impervious surface
- ZZ.1.26 Nursery sales and garden supply centers within enclosed building and without outside clay area(s)
- ZZ.1.27 Construction and utility service contractors storing heavy equipment with inside storage only
- ZZ.1.28 Storage buildings consisting of building(s) with the purpose of commercial and/or private storage. A storage building shall not be used in any form as a residence.
- ZZ.1.29 Mini-storage buildings consisting of separate storage rooms rented or leased by the month
- ZZ.1.30 Utilities - All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded) shall be located underground except where above ground equipment such as transformers, control panels, services connections and meters are required. All above ground equipment shall be located at the rear of the building. Permitted criteria includes Article 18.10 regarding screening and fences

**ZZ.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS** anywhere in the zoning district. The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of Article 16 and only after the review and approval of the site plan by the Planning Commission. (See Article 18 for applicable specific Requirements for Certain Uses, if any and Article 20 for site plan requirements.)

- ZZ.2.1 Motels, hotels, motor inns, cabin courts, bed and breakfast facilities, tourist lodging facilities and museums
- ZZ.2.2 Gasoline service stations for sale of motor fuels, oil and minor accessories
- ZZ.2.3 Car wash subject to waste water treatment conditions
- ZZ.2.4 Sales, rental, and service centers for vehicles, watercraft, and/or motor homes and travel trailers, including new or used automobiles, motor bikes, bicycles, watercraft, ATV's, campers, snowmobiles, utility trailers provided:
  - ZZ.2.4.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two streets.
  - ZZ.2.4.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.
  - ZZ.2.4.3 No sales or display shall occupy any public street or road right-of-way and further, must be set back at least twenty (20) feet from the front property line.
  - ZZ.2.4.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department.
  - ZZ.2.4.5 Emergency access routes must be maintained in the display area.

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

- ZZ.2.5 Retail uses over one hundred thousand (100,000) square feet

- ZZ.2.6 Offices and showrooms of plumbers, electricians, decorators or similar trades, with outdoor storage
- ZZ.2.7 Rental shops with outdoor storage
- ZZ.2.8 Nursery sales and garden supply centers with outdoor display areas
- ZZ.2.9 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage
- ZZ.2.10 Rifle or pistol ranges when within a completely enclosed building as an accessory use
- ZZ.2.11 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view
- ZZ.2.12 Sales, rental, and service centers for mobile home, modular home, manufactured homes, or farm equipment provided:
  - ZZ.2.12.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two streets.
  - ZZ.2.12.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off street parking lots.
  - ZZ.2.12.3 No sales or display shall occupy any public street or road right-of-way; and, further, must be set back at least twenty (20) feet from the front property

### **ZZ.3 DEVELOPMENT REQUIREMENTS**

- ZZ.3.1 Mechanical Equipment. All units and appliances for air conditioning, HVAC systems, high voltage electrical systems, exhaust pipes or stacks, elevator housing and satellite dishes or telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roofline elements, penthouse-type screening devices or landscaping. Outdoor wood burning equipment (stoves/furnaces) is prohibited.
- ZZ.3.2 Services Access. A designated loading space shall be reserved at the rear of the building. The Planning Commission upon demonstration by the applicant that through traffic flow and access to neighboring uses will not be disrupted may permit loading from secondary streets.
- ZZ.3.3 Landscaping. Landscaping is an integral part of this district and shall compliment the district and surrounding uses. Landscaping shall comply with the provisions elsewhere in this ordinance.
- ZZ.3.4 Sidewalks. The property owners shall provide sidewalks. Sidewalks shall conform to placement and level of adjacent neighborhood sidewalks or be located one (1) foot inside the street right- of-way along all streets abutting the property. Sidewalks shall be a minimum of sixty (60) inches wide, or the width of adjoining sidewalks as approved during site plan review. Greater width may be required during site plan review.

February 27, 2013

Mr. Vern Schlaud  
Interim Director County Land Use Service  
1068 Cross St.  
Gaylord, Mi 49735

Mr. Randy Stults  
Chairperson Otsego County Planning Commission

Dear Mr. Schlaud and Mr. Stults:

At its February 3, 2013 meeting, the Otsego Lake Township Planning Commission reviewed the Otsego County Zoning Ordinance for compatibility and incorporation with the proposed Highway Interchange District. To implement the Highway Interchange District, our commission recommends the proposed changes to the Otsego County Zoning Ordinance:

1. Section 3.1, the Highway Interchange District (HX) should be included in the list of non-residential districts.
2. Section 18.38, the recommended changes are not intended to modify or change the sign ordinance other than to incorporate or include the Highway Interchange District (HX) into this section.
  - 18.38.1.3, add HX; add HX to 18.38.1.3 section A
  - 18.38.1.5, add HX
- ~~3. Section 18.42.2.1, add HX~~
4. Section 18.47.2e, the Sound Pressure Table needs to be updated for HX
5. Section 18.47.3f, the Sound Pressure Table needs to be updated for HX
6. Section 18.47.4g, the Sound Pressure Table needs to be updated for HX

We hope these suggestions help the county with its review of the proposed Highway Interchange District.

Sincerely,



Nora Corfis  
Secretary  
Otsego Lake Township Planning Commission

## ARTICLE 3 ZONING DISTRICTS AND MAPS

### SECTION 3.1 DISTRICTS

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

#### RESIDENTIAL DISTRICTS

R1 Residential

R2 General Residential

R3 Residential Estates

RR Recreation Residential

#### OTHER DISTRICTS

FR Forest Recreation

AR Agricultural Resource

#### NON-RESIDENTIAL

B1 Local Business

B2 General Business

B3 Business & Light Manufacturing

I Industrial

HX Highway Interchange

### SECTION 3.2 DISTRICT BOUNDARIES

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

- 3.2.1 Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
- 3.2.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3.2.3 Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
- 3.2.4 Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks. Where an abandoned rail line is developed as a parcel, the more restrictive zoning shall apply to the entire parcel.
- 3.2.5 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- 3.2.6 Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- 3.2.7 Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Board of Appeals shall interpret the district boundaries.

- 18.35.2 The site plan for the use must be accompanied with the recommendations and/or approval of the County animal control officer, regarding the effects of establishing the use in each specific case. The site plan shall be submitted under provisions of [Article 20.2](#).
- 18.35.3 Riding facilities in all other Districts may be allowed on farms of one hundred (100) acres or more on a temporary permit basis, subject to a finding by the Planning Commission that there is protection for developing residential uses including seasonal home areas.

### **SECTION 18.36 RECYCLING, FACILITIES, AND SOLID WASTE HAULERS**

For the purpose of administering this Section, the following definition of terms and provisions are:

- 18.36.1 Recycled materials means clean source separated materials, site separated materials, high grade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper, and other materials that may be recycled excluding tires.
- 18.36.2 Recycling facilities means a facility that accepts and processes recycled materials, which are stored in buildings or containers.
- 18.36.3 Solid Waste Hauler means any person primarily engaged in the business of collecting, transporting, and delivery or transferring of solid waste within the County to a solid waste transfer station of landfill by the person so hauling.
- 18.36.4 Solid waste means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludge, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry. Solid waste does not include source separated material or site separated material.
- 18.36.5 Operators of recycling facilities may arrange the establishment of satellite recycling facilities at commercial facilities, which are appropriately zoned with controlled access.
- 18.36.6 Satellite recycling facilities shall be exempt from [Article 20](#) Site Plan Review. The site plan shall be reviewed and approved by the Zoning Administrator.

### **SECTION 18.37 SHOOTING RANGE**

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

### **SECTION 18.38 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:

#### **18.38.1 Signs Permitted**

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

#### **18.38.1.3 Accessory Signs in B, I and HX 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:**

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

#### 18.38.1.5 Sign Lighting (also see SECTION 18.19 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.

#### 18.38.2 Signs Prohibited

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

18.38.2.2 Signs with moving or revolving parts.

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

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

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

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

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

#### 18.38.3 Signs Not Requiring a Zoning Permit

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

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

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

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

18.46.4.2 At such time that removal is required, the property owner or persons who had used the facility shall immediately apply or secure the application that require demolition or removal and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

18.46.4.3 If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the County may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and /or enforced from or under the security posted at the time application was made for establishing the facility.

#### **SECTION 18.46.5**

All towers in [Section 18.46](#) must comply with FCC and FAA regulations.

#### **SECTION 18.47 WIND GENERATION**

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

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

#### **18.47.1 ZONING DISTRICT LOCATIONS**

WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use in all Zoning Districts. (See [Section 18.47.2](#))

WTG Small: Permitted as an accessory use to an allowed Principal Use in all zoning districts. (See [Section 18.47.3](#))

WTG Medium: Permitted as an accessory use to an allowed Principal Use in AR, FR & I Zoning Districts. (See [Section 18.47.4](#))

WTG Large: Permitted Subject to Special Conditions in AR, FR. (See [Section 18.47.5](#))

Anemometer Tower: Permitted Subject to Special Conditions in AR, FR. (See [Section 18.47.6](#))

#### **18.47.2 WIND TURBINE GENERATOR— BUILDING-MOUNTED**

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

- a. Zoning District: Permitted as an accessory use to an allowed Principal Permitted Use in all zoning districts.
- b. Height: The height of the WTG – BUILDING-MOUNTED shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and similar protuberances, to the highest point of the wind turbine generator, regardless whether that point is on a fixed or mobile part of the wind turbine generator.

- c. **Property Line Setback:** Shall be no closer than the minimum specified in [Article 14](#). No portion of the wind turbine generator shall encroach into the required property line setback. If guy wires are used, their anchors may not be closer than the minimum setback specified in [Article 14](#).
- d. **Number of Units:** All lots shall be allowed one (1) WTG – Building-Mounted provided all the requirements for WTG – Building-Mounted are met.
  - 1. Lots located in R1, R2, R3, RR, B1, B2 & B3 zoning districts shall be allowed up to two (2) WTG – Building-Mounted on a single lot if the lot meets or exceeds the Minimum Lot Area requirements of [Article 14](#), and provided all the requirement for WTG – Building-Mounted are met.
  - 2. Lots located in FR, AR & I zoning districts shall be allowed up to four (4) WTG – Building-Mounted on a single parcel if the parcel meets or exceeds the Minimum Lot Area requirements of [Article 14](#), and provided all the requirements for WTG – Building-Mounted are met.
  - 3. WTG – Building-Mounted shall only be located on buildings greater than two hundred (200) square feet in area.
  - 4. The Number of Units may be increased, in all zoning districts, by a rate of one (1) per each twenty thousand (20,000) square feet a lot is larger than the minimum lot size required in [Article 14](#) provided all the requirements for WTG – Building-Mounted are met.
  - 5. WTG – Building-Mounted shall be sited no closer than the height of the taller WTG from its base to the base of an adjacent WTG. For this purpose the base of a Building-Mounted WTG is considered to be the point at which the WTG tower attaches to the building.
- e. **Sound Pressure Level:** Maximum sound pressure level emanating from the WTG and measured on the dB(A) scale at any adjacent property line or any adjoining public or private road with respect to the property on which the WTG is located shall be dependent on the zoning district in which the adjacent property or road is located per the following schedule:

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

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

- f. **Code Requirements:** Shall meet all applicable state and local construction and electrical codes, and all other permits required by law.
- g. **Safety:** WTG shall have an automatic braking, governing, or feathering system and shall be maintained in accordance with Underwriters Laboratories (UL) listed standards.
- h. **Tower:** Shall meet or exceed tower specifications provided by the manufacturer of the generator, or have a design approved by an independent professional engineer licensed in the State of Michigan.
- i. **WTG Unit:** Shall be Underwriters Laboratories (UL) listed.

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

### **18.47.3 WIND TURBINE GENERATOR — SMALL**

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

- a. Zoning District: Permitted as an accessory use to an allowed Principal Use in all zoning districts.
- b. Height: Shall have a WIND TURBINE GENERATOR HEIGHT less than sixty (60) feet.
- c. Property Line Setback: Shall not be closer than one and one-half (1½) times the WIND TURBINE GENERATOR HEIGHT to the nearest property line from the base of the WTG.
- d. Riparian Zone Setback: Shall not be closer than one and one-half (1½) times the WIND TURBINE GENERATOR HEIGHT to the nearest ordinary high water mark of lakes in the County that appear on the most recent US Geological Survey Quadrangle maps.

Shall not be closer than one and one-half (1½) times the WIND TURBINE GENERATOR HEIGHT to the nearest banks of rivers, streams, and flowages of water in the County that appear on the most recent US Geological Survey Quadrangle maps. These setbacks are measured on a horizontal plane.

- e. Number of Units: Lots located in R1, R2, R3, RR, AR, FR, B1, B2, B3, and I zoning districts may be allowed one (1) WTG – Small on a single lot if the lot meets or exceeds the Minimum Lot Area requirements of Article 14, and provided all the requirements for WTG – Small are met.
  - 1. The Number of Units may be increased to a density not to exceed one (1) WTG-Small per five (5) acres (217,800 square feet).
  - 2. WTG – Small shall be sited no closer than one and on-half (1½) times the height of the taller WTG from its base to the base of an adjacent WTG.
- f. **Sound Pressure Level:** Maximum sound pressure level emanating from the WTG and measured on the dB(A) scale at any adjacent property line or any adjoining public or private road with respect to the property on which the WTG is located shall be dependent on the zoning district in which the WTG is located per the following schedule:

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

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

- g. Code Requirements: Shall meet all applicable state and local construction and electrical codes, and other permits required by law. Wiring for WTG-Small shall be underground or enclosed in the tower.
- h. Safety: WTG-Small shall have an automatic braking, governing, or feathering system and shall be maintained in accordance with Underwriters Laboratories (UL) listed standards.
- i. Blade clearance: The minimum blade tip clearance from grade, structure, or appurtenance shall be fifteen (15) feet.
- j. Tower: Shall be a free-standing monopole (guy wires are not permitted) that shall meet or exceed tower specifications provided by the manufacturer of the generator, or have a design approved by an independent professional engineer licensed in the State of Michigan.
- k. Shadow flicker: The WTG – Small shall be designed, sited and operated in such a manner to minimize shadow flicker on a roadway. In addition the WTG – Small shall be designed, sited and operated in a manner to prevent shadow flicker on any existing structures located off the property on which the WTG – Small is erected. The owner and/or operator shall prohibit shadow flicker on any future lawfully constructed structure located off the property on which the WTG-Small is erected.
- l. Sale of electric power via net metering is permitted per applicable state law.
- m. The WTG – Small shall, subject to any applicable standards of the FAA, be a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the WTG – Small is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.

- n. The WTG – Small shall not be artificially lighted unless required, in writing, by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA.
- o. The WTG – Small shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only.
- p. The WTG – Small shall be constructed and operated so that it does not interfere with television, radio, cellular telephone or microwave reception in neighboring areas. If degradation of television, radio, cellular telephone or microwave reception occurs as the result of the WTG – Small, the owner and/or operator shall take such action as to correct the television, radio, cellular telephone or microwave reception.
- q. The WTG – Small shall have no advertising painted on or attached to the tower or any other structure of the WTG.
- r. A WTG – Small that is not operated for a continuous period of twelve (12) months shall be removed by the owner of the WTG within ninety (90) days of receipt of a notice from the county requiring removal.
- s. The owner shall be responsible for the ongoing compliance with the standards of this ordinance.

#### **18.47.4 WIND TURBINE GENERATOR — MEDIUM**

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

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

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

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

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

- h. Code Requirements: Shall meet all applicable state and local construction and electrical codes, and other permits required by law. Wiring for WTG – Medium shall be underground or enclosed in the tower.
- i. Safety: WTG – Medium shall have an automatic braking, governing, or feathering system and shall be maintained in accordance with Underwriters Laboratories (UL) listed standards.
- j. Blade clearance: The minimum blade tip clearance from grade, structure, or appurtenance shall be twenty (20) feet.
- k. Tower: Shall be a free-standing monopole (guy wires are not permitted) that shall meet or exceed tower specifications provided by the manufacturer of the generator, or have a design approved by an independent professional engineer licensed in the State of Michigan.
- l. Shadow flicker: The WTG – Medium shall be designed, sited and operated in such a manner to minimize shadow flicker on a roadway. In addition the WTG – Medium shall be designed, sited and operated in a manner to prevent shadow flicker on any existing structures located off the property on which the WTG – Medium is erected. The owner and/or operator shall prohibit shadow flicker on any future lawfully constructed structure located off the property on which the WTG-Medium is erected.
- m. Sale of electric power via net metering is permitted per applicable state law.
- n. The WTG – Medium shall, subject to any applicable standards of the FAA, be a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the WTG – Medium is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
- o. The WTG – Medium shall not be artificially lighted unless required, in writing, by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA.

**ARTICLE 14 SCHEDULE OF DIMENSIONS** (updated 1-2011)

14.1 Table 1 - LIMITING HEIGHT, DENSITY, AND AREA BY ZONING DISTRICTS (See also Article 18.1 Accessory Buildings and Article 19 General Exceptions for Area, Height, and Use)

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

<i>Zoning District</i>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>I</b>	<b>Reserved for future use</b>	<b>Highway Interchange Commercial</b>
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000		40,000
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)			
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 25% may be approved by the Zoning Administrator for nonconforming lots, as described in Article 18.26.1 and 18.26.2.

Note a: Lots within 500 ft. of lakes, ponds, flowages, rivers, streams: see Article 15, LOTS NEAR WATER.

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

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

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

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

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

Note g: Subject to approval by the Planning Commission, the maximum height of buildings may be permitted to exceed the maximum stated in the Schedule by up to 50% in R1, R2, R3, RR, B1 and B2 Districts, and up to 100% in all other districts, provided that the applicant can demonstrate that no good purpose would be served by compliance with maximums stated, (as in the case of steep topography, a Planned Unit Development, or larger site); and further, there is no conflict with airport zoning height restrictions; fire safety is maintained subject to local fire authority approval; and the light, air and/or scenic views of adjoining property is not impaired. The Planning Commission and or Zoning Board of Appeals cannot allow a WTG height greater than allowed in Section 18.47 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 19 general Exceptions for Area, Height, and Use.

Note h: Section 18.1 allows a rear setback of 10 feet for accessory buildings.

Note i: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

Note j: In instances where the property is adjacent to a public right of way or ingress egress easement dedicated as permanent adequate access to 1 or more lots, the setback shall be measured from that right of way or ingress egress easement.

Note k: Specific allowable uses have greater minimum lot widths as required in the Zoning District allowable use lists.

Note l: Specific allowable uses have greater allowable heights as stated in the Zoning District allowable use lists, Article 18 and Article 19, Section 19.3 Height Limits, of this ordinance

April 19, 2013

Mr. Vern Schlaud  
Director Otsego County Land Services  
1068 Cross Street  
Gaylord, Mi 49735

Dear Mr. Schlaud,

At its April 4, 2013 meeting the Otsego Lake Township Planning Commission supported the following proposed changes to the Otsego County Zoning Ordinance:

- Proposed changes to the Ordinance which pertain to formatting, grammatical errors, punctuation and outdated references as outlined in your March 22, 2013 letter
- Proposed Highway Interchange Commercial District
- Proposed changes to the Zoning Ordinance, as recommended by the Otsego Lake Township Planning Commission in its February 27, 2013 letter, to provide compatibility with the Highway Interchange Commercial District.

Thank you for the opportunity to review these proposed changes.

Sincerely,

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

Nora Corfis  
Secretary  
Otsego Lake Township Planning Commission

CHARLTON TOWNSHIP  
OTSEGO COUNTY

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

To: Vern Schlaud, Director  
Land Use Services

11 April 2013

From: Ivan H. Maschke

Dear Vern,

Received your letters of March 22 and April 2, 2013, regards to Township Participation in County Zoning and the proposed changes to the Otsego County Zoning Ordinance.

It was determined at our April 8, 2013, regular meeting that the Charlton Township Planning Commission had not acted upon the proposed changes. Therefore, the Charlton Township Board was unable to act, either.

The board is requesting an additional 30 days for review of this item. The board will act after the township planning commission reviews the changes.

Also, the township planning commission has requested that you send a copy of the zoning ordinance that pertains to this.

Thanks for your time and consideration.

Sincerely,



Ivan H. Maschke  
Charlton Township Clerk

Cc: Charlton Twp. Planning  
File

CHARLTON TOWNSHIP  
OTSEGO COUNTY

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

To: Vern Schlaud, Director  
Otsego County Land Use Services

13 May 2013

From: Ivan H. Maschke  
Charlton Twp. Clerk

Subject: Proposed changes to Zoning Ordinance

Dear Mr. Schlaud,

At the May regular meeting of the Charlton Township Board, there was discussion regards to proposed changes to the Otsego County Zoning Ordinance. Willard Brown was present at the meeting and stated that the Charlton Township Planning Commission wishes to recommend approval of the proposed changes.

Therefore, the Charlton Township Board recommends approval of the following changes to the Zoning Ordinance: Change on an addition of the highway interchange as a new zoning district; the list of proposed changes pertaining to formatting, grammatical errors, punctuation, outdated references and recent changes recommended to the Board of Commissioners.

Thank you very much for your time and consideration.

Sincerely,



Ivan H. Maschke  
Charlton Twp. Clerk

Cc: Charlton Twp. Planning Commission  
File

## Christine Boyak-Wohlfeil

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**From:** Vern Schlaud  
**Sent:** Tuesday, April 30, 2013 2:16 PM  
**To:** Christine Boyak-Wohlfeil  
**Subject:** FW: Highway Interchange Commercial District Review

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**From:** Kelly Cunningham [mailto:beltonkelton@yahoo.com]  
**Sent:** Tuesday, April 30, 2013 1:29 PM  
**To:** Vern Schlaud; rstults@chartermi.net  
**Cc:** Norman Brecheisen; Paul Beachnau  
**Subject:** Highway Interchange Commercial District Review

Dear Mr. Schlaud and Mr. Stults:

At our April 9, 2013 meeting, the Livingston Township Planning Commission reviewed the proposed language for Article ZZ - Highway Interchange Commercial District. Our comments/suggestions follow:

1. INTENT 2nd to last sentence - The wording "automobile dependent uses" and "larger Interstate dependent uses" is confusing and not clearly defined. Also, "service drives" are later referred to as "service roads". Suggest this sentence be deleted since permitted uses of each type are spelled out in Section ZZ.1.
2. Section ZZ.1 PRINCIPLE USES PERMITTED in the zoning district only when access is from a service road - Delete the word "of" in the second sentence to read: "Access shall not be off Marlette Road in Otsego Lake Township..."
3. Section ZZ.2 PRINCIPLE USES SUBJECTED TO SPECIAL CONDITIONS in the zoning district only when access is from a service road - Delete the word "of" in the second sentence to read: "Access shall not be off Marlette Road in Otsego Lake Township..."
4. Section ZZ.3.2 Services Access - Revise the second sentence to read as follows: "The Planning Commission may permit loading from secondary streets if the applicant demonstrates that traffic flow and access to neighboring uses will not be disrupted."
5. Section ZZ.3.3 Landscaping - Revise the first sentence to read as follows: "Landscaping is an integral part of this district and shall complement the district and surrounding uses."

We hope these comments/suggestions help the County with its review of the Highway Interchange District.

Sincerely,

Kelton Cunningham, Chairman  
Livingston Township Planning Commission

# Corwith Township Planning Commission Minutes -Draft

April 29, 2013 Meeting

Township Hall 7:00 PM

Meeting Call to Order: Chair John LaFave called the meeting to order at 7:05 p.m.

Pledge of Allegiance 7:05 p.m.

Roll Call:

Tom Loshaw - absent  
John LaFave  
Lori LaFave

Judi Jarecki  
Tom Kellogg

Others present:

none

Approval of March 25, 2013 Minutes:

Judi made a motion to approve the minutes as written. Tom K. seconded, and the motion carried by voice vote.

Public Comment

none

Planning Commission Items:

Correspondence

- MTA Capitol Currents news, Livingston Twp. submitted a copy of its Master Plan/Rec. Plan for Corwith Twp.

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

Tom K. attended the VPC meeting on April 15<sup>th</sup>. There was also a special meeting of the Village Council at that time. Their Agenda included a discussion of an offer from the owner of the Quigley Office Building to donate the building to the Village for its use. The Council tentatively accepted the offer.

Music in the park. The date for this event will always be the next Saturday after the week of the Fourth of July. That Saturday would be the 13<sup>th</sup>. Lori will draft a letter requesting use of the Village Memorial Park again for the event. Tom K. will ask Vern if some of the "open mic" musicians would be interested in participating again. Tom K. will also attend the May VPC meeting and ask for their help again, with electricity and the ice barrel. Tom K. made a motion to allow the expenditure of up to \$225 for supplies for the event. Judi seconded, and the motion carried by voice vote.

Otsego County Planning Commission activities:

The Otsego County Land Use Services office distributed proposed language changes to the County Zoning Ordinance. Most of the changes involved grammar, punctuation, and numeric headings. The Corwith TPC has no comments or further recommendations for this.

Otsego Lake Township, through County zoning, is proposing one new zoning district: the Highway Interchange Commercial District. The District would primarily serve through traffic and tourism needs adjacent to highways. The district addresses types of permitted uses, ingress and egress, setbacks, and sidewalk and landscaping requirements. The Corwith TPC does not have any comments or further recommendations for the proposed new district.

Otsego County Housing Committee activities:

The 10-unit low income housing project in Gaylord is nearly completed, and all 10 units are rented. The 5-unit project on 1<sup>st</sup> street in Gaylord is in progress. The Committee will discuss how it intends to implement the State's "My Place" (MP) program as required by the Michigan State Housing Development Authority (MSHDA). 50% of the funds must be used for MP "neighborhood" projects and 50% would be used for other projects Countywide. The City of Gaylord, or the Village of Vanderbilt may qualify. The Committee must decide which community would be able to participate in the 2013 funding.

Other Planning Commission Items:

The TPC members reviewed the list of tasks for completing the Recreation Plan. Each of the members present volunteered to work on several of them and bring the results to the next meeting.

Regarding mailing and printing costs, John made a motion to move forward on the best available estimates that the TPC can get. Lori seconded, and the motion carried. Lori made a motion to request that the Township Clerk adjust the TPC budget items as necessary so there will be adequate funds to complete the Recreation Plan. Judi seconded, and the motion carried.

Public Comment:

none

Adjourn: There being nothing further to discuss, the meeting was adjourned at 8:31 PM. The next scheduled meetings of the Planning Commission are at 7:00 PM on June 24, July 29, August 26, September 30, October 28, and November 25, 2013.

# Otsego County Zoning Ordinance Proposed Changes

March 1, 2013

## Proposed Changes

## New Section Numbers

Three (3) new sections were added/Section 14, 15 and 16 [Reserved for Future Zoning Districts]  
All following sections renumbered, advanced by three (3)

Table of Contents corrected/Page numbering corrected/Document name and version added to footer

4.1.8.1:	Indention	
4.2.5.1:	Formatting	
4.2.5.2, 4.2.5.5:	Indention	
4.2.8:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
5.1.4.1:	Reference 18.12.5 through 18.12.9 – 18.12.5 through 18.12.7 Linked to 18.12	(21.12)
5.2.7:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
6.1.5:	Reference Article 5.1.5 – 5.1.4	
6.1.7:	Travel trailers - Temporary Recreational Housing/Travel trailers Permit criteria include Article 18.33	(21.33)
6.2.6:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
7.1.5:	Article 5.1.4 changed to Article 4.1.8 and 5.1.4	
7.2.2:	Article 18.12 changed to 18.11	(21.11)
7.2.9:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
8.1.16:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
8.2.13:	Article 4.2.7 and 18.11 changed to 4.2.5 and 18.11	(4.2.5 and 21.11)
8.2.16:	Surface mining (gravel, sand, etc) - Surface mining gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]	(24.25)
9.1.24:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
9.2.17:	Surface mining (gravel, sand, etc) - Surface mining gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]	(24.25)
9.2.20:	Spacing	
9.2.21:	[See Article 18.46]	(21.46)
9.2.23:	[See Article 18.46]	(21.46)
10.1.18:	[See Article 18.46]	(21.46)
10.2.6:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
11.1.13:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
11.1.15:	[See Article 18.46]	(21.46)
11.2.11:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
12.1.23:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
13.1.5:	Deleted item-Renumbering follows	
13.1.11:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)
13.1.12:	[See Article 18.46]	(21.46)
13.2.3:	County Rural Zoning Enabling Act – Michigan Zoning Enabling Act (Public Act 110 of 2006)	
13.2.7:	Special Use added-Surface mining of gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria] –Renumbering follows	
13.2.18:	Permit criteria include Article 18.46.2 - Permit criteria include Article 18.46	No brackets (21.46)

- 14.1 Table: Note a – Formatting
- 15.2: **SECTION 15.2 SHORELAND BUILDING SETBACKS (18.2)**  
Buildings and structures, including satellite dishes, shall not be constructed or placed within the shoreland. - Buildings and structures, with the exception of satellite dishes, shall not be constructed or placed within the shoreland.
- 15.10.6: Reference 15.10.6 – 15.11 S-2 (18.11 S-2)
- 16.2: **SECTION 16.2 APPLICATION AND FEES (19.2)**  
An application for a special use permit shall be made by filing with the zoning administrator seven (7) copies of a completed application form, including all required information and the fees established by the County Board of Commissioners to cover the costs of processing the application. No part of any fee shall be refundable. - An application for a special use permit shall be made by filing with the zoning administrator one (1) paper copy and one (1) PDF electronic copy (or similar file format) of a completed application form, including all required information and the fees established by the County Board of Commissioners to cover the costs of processing the application. No part of any fee shall be refundable.
- 16.3.6, 16.3.7: Reference Section 16.8 – Section 16.7 (19.7)
- 16.6: Reference Section 16.8 – Section 16.7 (19.7)
- 16.9: Reference Section 16.12 – Section 16.10 (19.10)
- 16.10.1.6: Reference to (a) through (e) - 16.10.1.1 through 16.10.1.5 (19.10.1.1 through 19.10.1.5)
- 16.10.2, 16.11.2: Reference to subsection (a) above – 16.10 above (19.10 above)
- 17.3.4: Change the word 'he' in the last sentence - be
- 17.3.6: Period added
- 18.5-18.9: New language added **18.8 Drive through Facilities...**-Renumbering follows (21.4-21.9)
- 18.11: **R1, R2, R3 and RR added**
- 18.18: **18.18.1 PURPOSE – 18.18.1 Purpose (21.18.1 Purpose)**
- 18.18.2.1: Font size 'mulched' -mulched
- 18.18.2.2: Indention
- 18.21: Table centered after 18.21.2 (21.21.2)
- 18.27.9: Spacing
- 18.27.11: Table centered after 18.27.11 (21.27.11)
- 18.27.13, 18.27.14: Formatting
- 18.27.15: New language-**All parking in the Highway Interchange Commercial District...** (21.27.15)
- 18.32.2: Change the word 'fifth' – fifty and 'foot yards' - feet
- 18.38: Indention
- 18.46.2.7: Reference to *Type A site plan* – site plan
- 18.46.7: Conditions lettered (a-e)
- 18.46.2.7: Conditions lettered (a-e)
- 18.46.5: Section 18.45 – Section 18.46 (21.46)
- 18.47.5.2: Reference in f. /2. – 18.47.5.1 (s) - deleted/non existent
- 19.4.4: Indention
- 20.2: Applicant - **Planning Commission**
- 20.2.3: Reference to *Type A site plan* – site plan
- 20.6: Numbering
- 22.3.1: Formatting
- 22.3.2.1, 22.3.2.2, 22.3.2.3, 22.3.2.4: Formatting
- 22.4.2: Number adjustment
- 24.1.2: Spacing
- 24.2: Reference to Article 2.2/typo– **Article 23.2 (26.2)**
- Preamble, Definitions, 18.46, 20, 21.1.1.3, 21.1.10, 21.2.5: **Comprehensive Plan - Master Plan (21.46, 23, 24.1.1.3, 24.1.10, 24.2.5)**

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- 18.46.7:
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- 22.4.2: Number adjustment
- 24.1.2: Spacing
- 24.2: Reference to Article 2.2/typo– Article 23.2 (26.2)
- Preamble, Definitions, 18.46, 20, 21.1.1.3, 21.1.10, 21.2.5: Comprehensive Plan - Master Plan (21.46, 23, 24.1.1.3, 24.1.10, 24.2.5)

**HYPERLINKS:**

Article 2 Definitions:

APARTMENTS: [SEE DWELLING, MULTIPLE FAMILY]

MANUFACTURED HOME: [SEE MOBILE HOME]

Article 3.1: Districts linked individually

Article 3.7: Article 2 – *Article 21*, Article 20 linked (Now 23, Article 21/Now 24)