

**Otsego County Planning Commission
4-19-2010 Meeting**

- 1) 6:00pm Call to Order
- 2) Pledge of Allegiance
- 3) Roll Call

Present: Mr. Stults, Ms. Backenstose, Mrs. Jarecki, Mr. Colosimo, Mr. Ernst, Ms. Nowak, Mr. Mang, Mr. Borton

Excused: Mr. Hilgendorf, Mr. Arndt, Mr. Klee

- 4) Consent Agenda
None

- 5) Approval of Minutes from Feb. 22, 2010 regular meeting with corrections.

Motion made by Mr. Mang. Supported by Mr. Borton.

Motion approved unanimously. Motion carries.

- 6) Other
None

- 7) Public Participation for Items Not On the Agenda.
None

- 8) Unfinished Applicant Business.
None

- 9) Public Hearings.
None

- 10) Unfinished Commission Business.

Mr. Stults welcomed Commissioner Bruce Brown.

- 11) New Business.

- 1) Zoning Ordinance Enforcement (screening of dumpsters)

Allen West the zoning enforcement officer showed the Planning Commission members pictures of 3 examples of non-compliant dumpsters.

There were multiple discussions on the subject of dumpster enclosures.

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Mr. Stults commented that the number of non-compliant dumpsters is very large and that bringing them into compliance is going to be a political nightmare. He thinks that as a planning commission, we need to do something with that part of the ordinance because it's not clear and it's not workable for the enforcement people.

There were more discussions among Commission members and the public.

Mr. Klee arrived at 6:39pm.

Mr. Stults asked for suggestions for the best way to address this problem.

Mrs. Jarecki suggested that a sub-committee be made to address the changes needed in this part of the ordinance.

Mr. Borton said that we either need to rewrite it or get rid of it.

Allen West addressed the Commission.

There were more discussions among Commission members and the public.

Mr. Mankowski and Mr. Ensing volunteered to help with a sub committee to possibly change the portion of the Zoning Ordinance that concerns dumpster enclosures.

Per Mr. Stults, Beth Dipzinski would like to chair this sub-committee. Mr. Ferrigan, Ms. Nowak, Mrs. Jarecki, Mr. Colosimo, Ms. Backenstose, Dave Matelski and Kam Ensing will all sit in on this sub-committee.

2) Non-Conforming Use (review Section 18.26)

On March 9 at the Board of Commissioners meeting there was a motion by Bruce Brown to change the Zoning Ordinance to allow rebuilding if loss of a dwelling is more than 60% on the same footprint. There was a motion by Paul Beachnau to postpone this motion, and then a motion by Commissioner Bruce Brown to amend the above motion to review the Ordinance to allow rebuilding if loss of a dwelling is more than 60% on the same footprint. Motion to postpone is withdrawn by Paul Beachnau and then vote on the amended motion by Mr. Brown was unanimous, and vote on the vote was unanimous.

Commissioner Bruce Brown addressed the Commission. He would like to see the Ordinance changed to allow a homeowner to rebuild on the same footprint due to a loss of a dwelling unit.

There were multiple discussions among Commission members and the public.

Mr. Stults explained the method in the Ordinance that a person could apply to build or rebuild on a non-conforming lot.

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12) Reports and Commission member comments.

Mr. Mang had a few items to review and discuss.

Mrs. Jarecki had a few items to discuss.

Mr. Ernst had a few questions regarding old business.

Mr. Ferrigan gave an update on the status of the changes to the Zoning Ordinance.

Mr. Borton announced that he will be running for the County Commissioner seat that will be vacated by Mike Hyde.

Mr. Ferrigan announced that Judge Allen revised her decision and is requiring Mr. Matelski to submit a reclamation plan. Mr. Delaney was sent a letter giving them until May 3rd to submit a reclamation plan.

Mr. Stults stated that in reviewing the Commissioners meeting from March 9th, also review pets and farm animals on the wind turbine generator other changes, and the motion passed. He didn't realize that that had been done so it wasn't on the agenda tonight. We have also not been contacted to do that.

At the April 13th Commission meeting there was a motion to revisit the sign ordinance regarding flashing signs, particularly rate of messages. A motion to amend the motion by Commissioner Robert Harkness to include a review of signage size. Vote on the amendment –unanimous. Vote on the amended motion – unanimous. Motions carried.

There were multiple discussions regarding the motions from the Commissioners meeting.

Mr. Stults read a letter concerning temporary signs and they're enforcement under Section 18.38.2.5 and 18.38.2.6 from John Burt County Administrator.

There were multiple discussions on Mr. Stults' announcements.

Mr. Arndt arrived at 8:24pm.

Meeting adjourned at 8:33pm.

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 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.

3. Businesses within the development or PUD shall be permitted exterior wall signs; the total area of the exterior wall signs shall not exceed 20% of the area of the largest wall.
4. All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than 20% of the total window area.
5. An automobile service station located on an outlot or on an individual lot within the development or PUD may have one (1) free standing sign in addition to the free standing sign utilized for the development. The free standing sign shall be for the purpose of advertising gasoline prices and other services provided on the premises. The service station sign shall comply with the regulations for a single business on its own lot as noted in section 18.38.1.3(A) above.

18.38.1.4 Non Accessory Signs and Billboards

Billboards, poster boards, and non accessory signs may be permitted in B2, B3, & I Districts provided the area of the sign does not exceed an area of 200 square feet in B2 & B3 Districts and 300 square feet in I Districts. A non accessory sign or billboard shall not measure longer than three times its width.

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

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, 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 hour after sunrise and continuing until one hour before sunset, shall not be greater than 3,000 nits, nor greater than 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 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 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 that are 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 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 90 day period.

The storage, utilization, or manufacture of materials or products ranging from combustible to moderate burning, as determined by the appropriate community fire protection authority, is permitted subject to compliance with all other yard requirements, Article 16, performance standards previously mentioned, and providing that the following conditions are met:

- 18.28.4.1 Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.
- 18.28.4.2 The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 as amended.

SECTION 18.29 PETS AND OTHER ANIMALS

- 18.29.1 The keeping of farm animals (horses, mules, cows, goats, chickens, pigs, etc.) for domestic purposes on residential lots or in business districts shall require a permit from the Zoning Administrator. The Zoning Administrator shall provide the applicant with a checklist showing which plot plan specifications of 22.3.3 need to be provided. Based on that application, the Zoning Administrator shall determine whether the keeping of animals meets the criteria of this Zoning Ordinance, and, if so, issue a permit.
- 18.29.2 The review requirements of 18.29.1 shall not apply to active farms.
- 18.29.3 Any structures, pens or containment areas shall be set back at least thirty (30) feet from any property line. Adequate food and water shall be provided.
- 18.29.4 Domestic household pets, including dogs, cats, birds, and fish, but not including poisonous or dangerous reptiles, wild or dangerous animals, may be kept as an accessory residential use on any premises without a permit.
- 18.29.5 Subject to a hearing, the Zoning Board of Appeals shall limit, restrict, and if deemed necessary, order a reduction in the number of pets or other animals kept on any premises where it is determined that nuisances exist, the residential environment is impaired, health hazards are involved, or the animals are housed in an improper or unsanitary manner.

SECTION 18.30 RACE TRACK (Including Midget Auto, Snowmobile, and Horse Carting Track)

Special Use Permits may be granted by the Planning Commission in AR, FR, B2 and B3 Districts subject to the following conditions and such other controls as the Planning Commission, after holding a hearing, deems necessary to promote health, safety, and general welfare of the surrounding community area.

- 18.30.1 All parking shall be provided as off-street parking within the boundaries of the development.
- 18.30.2 All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points shall be granted by the police or sheriff authority having jurisdiction.
- 18.30.3 All sides of the area devoted to the use except access points shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.

SECTION 18.31 RAILROADS

Railroads are permitted by Right in an Industrial (I) Zone. Primary railroad right-of-ways are permitted in an I Zone. Switching yards, terminal buildings, storage facilities, are permitted in Districts B3 & I.

SECTION 18.32 RECREATION CAMP AND RESORT

Recreation camps and resorts including those operated for profit may be permitted to locate in RR, AR and FR Districts by the Planning Commission provided the following conditions are met:

- 18.32.1 The use is established on a minimum site area of forty (40) acres.