

OTSEGO COUNTY  
PLANNING COMMISSION

AGENDA  
MARCH 19, 2012  
6:00 PM

MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1066 CROSS STREET.

1. CALL TO ORDER
2. PLEDGE OF ALLEGENCE
3. ROLL CALL
4. CONSENT AGENDA:
5. APPROVAL OF MINUTES: From the 2-16-2012 meeting
6. OTHER: Correspondence from Village of Vanderbilt (medical marijuana ordinance)
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA  
(Please identify yourself for the record. All comments will be limited to two minutes)
8. UNFINISHED APPLICANT BUSINESS:  
  
None
9. PUBLIC HEARINGS: None
10. UNFINISHED COMMISSION BUSINESS:
  1. Louis M. Groen Nature Preserve: Letter recommending approval to County Board of Commissioners & County Parks and Recreation Commission.
  2. Section 18.18 Table I: Planting Buffer yard (seeking approval to forward onto Townships)
  3. Section 18.27 Parking (seeking approval to forward onto Townships)
  4. Article 14 table 14.1 (seeking approval to forward onto Townships)
11. NEW BUSINESS:
  1. Planning Commission By-laws update (first reading)
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
13. ADJOURNMENT:

# Otsego County Planning Commission

PROPOSED Minutes for February 16, 2012

**Call to Order:** 6:01 pm by Vice-Chairperson Arndt

Pledge of Allegiance

Mr. Hartmann arrived at 6:01 pm.

**Roll Call:**

Present: Vice-Chairperson Arndt, Secretary Borton, Mrs. Jarecki, Mr. Hartmann, Mr. Klee, Ms. Nowak, Mr. Hendershot

Absent: Chairperson Stults, Mr. Hilgendorf, Mr. Colosimo, Mr. Mang

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

Others Present: John Burt, Otsego County Administrator, Mike Tarbutton, Otsego County Parks & Recreation Director, Haidir Kazim, Otsego County Attorney, Tom Siedell, Architect

Public Present: Erma Backenstose, Ben Ducharme, Mrs. Ducharme

**Consent Agenda:** None

**Approval of minutes from January 23, 2012:**

Motion made to approve minutes as corrected by Mr. Borton; Seconded by Mr. Hendershot.

Motion approved unanimously.

**Other:** None

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

**Unfinished applicant business:** None

**Public Hearing:**

Owner/Applicant: Otsego County  
SPR12-001/Groen Nature Preserve/Phase One  
Parcel #020-017-100-005-05  
Section 17/Charlton Township  
10324 M32 East Johannesburg, MI

Public Hearing: Open: 6:05 pm

Mr. Burt presented Phase One (1) of the Groen Nature Preserve donated to Otsego County by the Louis M Groen Charitable Trust. Phase One (1) includes the construction of two (2) movable buildings: a temporary check in building and storage building and a permanent restroom. The roof of an existing building will also be repaired. The project is totally funded by the Trust. The County is anticipating completion in June.

# Otsego County Planning Commission

PROPOSED Minutes for February 16, 2012

Phase Two (2) of the Groen Nature Preserve project will begin when the additional property is acquired.

Public Hearing: Closed: 6:15 pm

## New Business:

SPR12-001/Groen Nature Preserve/Phase One  
#021-017-100-005-05  
Charlton Township/Section 17  
10324 M32 East Johannesburg, MI

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

### List of Exhibits:

- Exhibit 1:* Application for case SPR12-001 and site plan submitted by Applicant
- Exhibit 2:* Otsego County Zoning Map dated, *July 2007*
- Exhibit 3:* Otsego County Zoning Ordinance effective date, *March 20, 2010*
- Exhibit 4:* Quit Claim Deed from Edna K Groen and Edward J Cummings Sr, Successor Trustees of the Louis M Groen Charitable Trust granting ownership to Otsego County Register of Deeds *November 17, 2011* Liber 1272 Page 48
- Exhibit 5:* Conservation Easement recorded with the Otsego County Register of Deeds *November 10, 2011* Liber 1271 Page 786
- Exhibit 6:* Otsego County Equalization property card printed *February 9, 2012*
- Exhibit 7:* E-mail dated February 9, 2012 from Otsego County Administrator John Burt stating that the Conservation District Board passed a motion approving the bathroom location at a meeting held February 8, 2012

### General Finding of Facts:

1. This is a proposal for Phase One (1) of the Groen Nature Preserve and proposes to construct two (2) movable structures, one (1) will be a sign-in building to control access to the property and the second (2) will be used as a storage building. Also included in the proposal is a permanent restroom facility to be located near the old lumberjack area. (*Exhibit #1*)
2. The property is currently under the ownership of Otsego County. (*Exhibit #4*)
3. Parcel 021-017-100-005-05 contains 530.69 Acres of land. (*Exhibit #6*)
4. The property is located in an FR Zoning District. (*Exhibit #2*)
5. The proposed use is a Principle Use Permitted in the FR Zoning District (Section 8.1.5). (*Exhibit #3*)
6. The site plan requirements of Article 20 have been reviewed by Otsego County Land Use and all requirements have been addressed by the Applicant. (*Exhibit #1*)
7. Parcel 021-017-100-005-05 is protected and the Use is governed by a Conservation Easement recorded with the Otsego County Register of Deeds on November 10, 2011. (*Exhibit #5*)
8. The structures proposed in SPR12-001 are permitted under the conditions of Section 4.4 of the Conservation Easement. (*Exhibits #5*)
9. Section 4.4 of the Conservation Easement requires the Conservation District to approve the location of the restroom facilities. The Conservation District *has* approved the location of the restroom facilities. (*Exhibit #7*)
10. The Planning Commission has the authority to approve Site Plans after review and compliance with the Otsego County Zoning Ordinance (Section 20.5). (*Exhibit #3*)

# Otsego County Planning Commission

PROPOSED Minutes for February 16, 2012

Mr. Borton read the following motion:

A motion to approve SPR12-001 Phase One (1) of the Groen Nature Preserve based upon the General Finding of Fact, compliance with the Conservation Easement and the requirements of the Otsego County Zoning Ordinance.

Motion seconded by Mr. Klee.

Motion approved unanimously.

**Unfinished Commission Business:** None

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

1. Committee report on assisted living facilities (Mr. Arndt/Mrs. Jarecki)

Vice-Chairperson Arndt presented the Assisted Living Facilities Report and explained the changes he and Mrs. Jarecki have made. He suggested the members review the report for further questions or comments.

**Adjournment:** 6:53 pm by Vice-Chairperson Arndt.

Christine Boyak-Wohlfeil, Recording Secretary

Ken Borton, Planning Commission Secretary

VILLAGE OF VANDERBILT  
Ordinance No. \_\_\_\_\_ of 2012

AN ORDINANCE TO AMEND THE VILLAGE OF VANDERBILT ZONING ORDINANCE  
TO AUTHORIZE MEDICAL MARIJUANA

THE VILLAGE OF VANDERBILT ORDAINS:

**Section 1. Amendment of Zoning Map.**

The zoning map incorporated into Section 5.1.2 of the Village of Vanderbilt Zoning Ordinance is hereby amended to add the Medical Marijuana Overlay District with boundaries as described in Section 5.8A.2 of this Ordinance.

**Section 2. Amendment of Article V.**

Article V of the Village of Vanderbilt Zoning Ordinance is hereby amended to add a new Section 5.8A, which shall read in its entirety as follows:

**Section 5.8A Medical Marijuana Overlay District**

**Section 5.8A.1 Intent and Purpose.**

With the enactment of the Michigan Medical Marijuana Act (hereinafter referred to as the "MMMA"), Initiated Law 1 of 2008, MCL 333.26423, *et seq.*, and its administrative rules, R 333.101, *et seq.*, the Village of Vanderbilt Zoning Ordinance has not kept pace with this recent legislation. As a result, the purpose of this section is to implement land use regulations to address the medical use of marijuana in accordance with the MMMA.

**Section 5.8A.2 District Boundaries.**

The boundaries of the Medical Marijuana Overlay District shall be that area of land situated in the Village of Vanderbilt, Otsego County, Michigan and described as follows:

Beginning at the intersection of the centerline of Old US 27 (Mill Street) and the centerline of Main Street; thence east along the centerline of E. Main Street 150 feet; thence south parallel with the centerline of Old US 27 (Mill Street) to the south Village limits line; thence west along the south Village limits line to the centerline of Old US 27 (Mill Street); thence north along the centerline of Old US 27 (Mill Street) to the point of beginning.

**Section 5.8A.3 General District Regulations.**

The land within the Medical Marijuana Overlay District shall comply with all of the land use and dimensional regulations of the underlying zoning district within which the land is located and shall comply with the specific regulations of Section 5.8A.4 of this Ordinance.

**Section 5.8A.4 Specific Regulations for Primary Caregiver Facilities.**

Primary caregiver facilities are authorized by right in the Medical Marijuana Overlay District and shall comply with all of the following regulations:

1. The primary caregiver facility shall be operated by a primary caregiver who has been issued and at all times maintains a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
2. The primary caregiver shall obtain a zoning permit under Section 3.2 of this Ordinance.
3. The primary caregiver facility shall not be operated in a dwelling.
4. All marijuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility that segregates the marijuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver providing services to that qualifying patient.
5. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
6. No more than three (3) primary caregiver shall be permitted to provide primary caregiver services to qualifying patients within a single primary caregiver facility.
7. No more than fifteen (15) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services.
8. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 11:00 a.m. and 11:00 p.m.
9. No qualifying patients under the age of 18 (eighteen) shall be permitted at any time at a primary caregiver facility, except in the presence of his/her parent or guardian.
10. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility. However, marijuana for medical use may be dispensed at the primary caregiver facility.
11. The primary caregiver facility shall be equipped with and at all times shall maintain in working condition an air ventilation system that prevents odors associated with the marijuana from leaving the primary caregiver facility so as to unreasonably annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities beyond the boundary lines of the property on which the primary caregiver facility is located.
12. A primary caregiver shall display within a primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:

- (a). A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except in the presence of his/her parent or guardian, and
  - (b). A notice that no consumption of marijuana for medical use shall occur at the primary caregiver facility.
13. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
14. A primary caregiver facility shall not be located within 500 feet of the lot on which another primary caregiver facility is located and shall not be located within 1,000 feet of a lot on which any of the following uses are located:
- (a). Any church or place of worship and its accessory structures.
  - (b). Any public or private school, having a curriculum including kindergarten through twelve grade and its accessory structures.
  - (c). Any preschool, child care or day care facility and its accessory structures.
  - (d). Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
15. The primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall fully comply with all requirements of the Michigan Rehabilitation Code for Existing Buildings. Prior to obtaining the required zoning permit, the person proposing to establish the primary caregiver facility shall present to the zoning administrator a written certificate from a mechanical engineer or architect licensed in the State of Michigan certifying that the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, fully complies with all requirements of the Michigan Rehabilitation Code for Existing Buildings.

**Section 5.8A.6 Relationship to Federal Law.**

Nothing within Section 5.8A of this Ordinance is intended to grant, nor shall it be construed as granting, immunity from federal law.

**Section 3. Amendment of Article VI.**

Article VI of the Village of Vanderbilt Zoning Ordinance is hereby amended to add a new Section 6.6, which shall read in its entirety as follows:

**Section 6.6 Medical Marijuana Regulations for Qualifying Patients.**

The medical use of marijuana by a qualifying patient in that qualifying patient's dwelling or an accessory building is hereby recognized as an accessory use to the principal residential use of

the property and can be established without a zoning permit in any zoning district, but shall be subject to the following regulations:

1. The qualifying patient must be issued and at all times must maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA.
2. All marijuana plants or products must be contained within the dwelling or accessory building in an enclosed, locked facility that permits access only by the qualifying patient.
3. If a room with windows within the dwelling or accessory building is utilized to grow marijuana for medical use, any artificial lighting shall be shielded to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.

#### **Section 4. Amendment of Section 8.2.**

Section 8.2 of the Village of Vanderbilt Zoning Ordinance is hereby amended to add the following new definitions to be inserted in their appropriate alphabetic location, which new definitions shall read in their entirety as follows:

**Enclosed, Locked Facility:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

**Marijuana or Marihuana:** That term as defined in Section 7106 of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106.

**Medical Use:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

**Primary Caregiver:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act.

**Primary Caregiver Facility:** A building in which the activities of a primary caregiver are conducted.

**Qualifying Patient:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marijuana Act, and includes the parents or legal guardians of a qualifying patient under the age of 18 who are serving as the primary caregiver as required by the Michigan Medical Marijuana Act exclusively for that qualifying patient under the age of 18.

**Section 5. Severability.**

If any clause, sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

**Section 6. Effective Date.**

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Village.

VILLAGE OF VANDERBILT

By: \_\_\_\_\_  
Edward D. Poegale, President

By: \_\_\_\_\_  
Elizabeth M. Haus, Clerk



## Otsego County Planning Commission March 19, 2012

### Report to: Otsego County Board of Commissioners and The Otsego County Parks and Recreation Commission

**Regarding: Phase One of the Louis M Groen Nature Preserve, parcel # 021-017-100-005-05 Charlton Township/Section Seventeen, 10324 M32 East Johannesburg MI. Construction of two movable structures one will be used as a sign-in building to control access to the property and the other building will be used as storage building. Also one permanent restroom facility to be located near the old lumberjack area. The roof of an existing building (Echo Valley Resort) will also be repaired.**

This report is prepared and submitted in accordance with the Michigan Planning Act 33 of 2008, Section M.C.L. 125.3861.

#### **125.3861.new Construction of certain projects in area covered by municipal master plan; approval; initiation of work on project; requirements; report and advice.**

Sec. 61. (1) A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission by a vote of not less than 2/3 of its entire membership for a township that on the enactment date of this act had a planning commission created under former 1931 PA 285, or for a city or village, or by a vote of not less than a majority of its membership for any other township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.

(2) Following adoption of the county plan or any part of a county plan and the certification by the county planning commission to the county board of commissioners of a copy of the plan, work shall not be initiated on any project involving the expenditure of money by a county board, department, or agency for the acquisition of land, the erection of structures, or the extension, construction, or improvement of any physical facility by any county board, department, or agency unless a full description of the project, including, but not limited to, its proposed location and extent, has been submitted to the county planning commission and the report and advice of the planning commission on the proposal have been received by the county board of commissioners and by the county board, department, or agency submitting the proposal. However, work on the project may proceed if the planning commission fails to provide in writing

its report and advice upon the proposal within 35 days after the proposal is filed with the planning commission. The planning commission shall provide copies of the report and advice to the county board, department, or agency sponsoring the proposal.

The Planning Commission held a Regular Meeting on March 19, 2012 to review the project involving the expenditure of money by a county board, department, or agency for the erection of a structure, or the extension, construction, or improvement of the physical facility for a Phase One of the Louis M Groen Nature Preserve. The Planning Commission was provided a full description of the project including, but not limited to, its proposed location and extent. The Planning Commission related to the proposed project adopted the following Finding of Facts.

1. The Planning Commission at its February 16, 2012 regular meeting reviewed the proposed plan for Phase One development of the Louis M Groen Nature Preserve described above. The Planning Commission was provided a full description of the proposed project.
2. This is a proposal for Phase One (1) of the Louis M Groen Nature Preserve and proposes to construct two (2) movable structures, one (1) will be a sign-in building to control access to the property and the second (2) will be used as a storage building. Also included in the proposal is a permanent restroom facility to be located near the old lumberjack area.
3. The property is currently under the ownership of Otsego County.
4. Parcel 021-017-100-005-05 contains 530.69 Acres of land.
5. The property is located in an FR Zoning District.
6. The proposed use is a Principle Use Permitted in the FR Zoning.
7. Parcel 021-017-100-005-05 is protected and the Use is governed by a Conservation Easement recorded with the Otsego County Register of Deeds on November 10, 2011.
8. The Site Plan approved in SPR12-001 is allowed under the conditions of Section 4.4 of the Conservation Easement.
9. Section 4.4 of the Conservation Easement requires the Conservation District to approve the location of the restroom facilities. The Conservation District has approved the location of the restroom facilities.

The Planning Commission recommends that Phase One of the Louis M Groen Nature Preserve be approved as presented and construction be commenced as soon as funding is approved by the Louis M Groen Trust Fund Board.

Respectfully submitted,

Randy Stults  
Chairperson  
Otsego County Planning Commission



### 18.26.7 SPECIAL LAND USE IS NOT A NONCONFORMING USE

Any use for which a special use permit is issued as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

### SECTION 18.27 PARKING

There shall be provided in all districts at the time of erection or enlargement of any main building or structure or use, automobile off-street parking space with adequate access to all spaces.

- 18.27.1 Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
- 18.27.2 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- 18.27.3 In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Zoning Board of Appeals may grant an exception by reducing the total number of spaces required.
- 18.27.4 The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
- 18.27.5 Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport, or combination thereof.
- 18.27.6 The parking or storage of any commercial motor vehicle shall be prohibited in any R1, R2 or RR District, or in any residential area with lots of 20,000 sq. ft. or less. See definition of commercial motor vehicle.
- 18.27.7 For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.
- 18.27.8 For those uses not specifically mentioned in the Off-street Parking Schedule, requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.
- 18.27.9 Entrance drives to the property and off-street parking area shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District. **A greater distance may be required by the Planning Commission if the lesser distance would cause a traffic issue.**

### 18.27.10 Off-street Parking Schedule

The minimum number of off-street parking spaces required by use shall be in accordance with the following schedule:

#### MINIMUM PARKING SPACES REQUIRED

<u>LAND USE</u>	<u>PER UNIT OF MEASURE</u>
<u>Residential</u>	
Dwellings	2 per dwelling
Multiple-Family Dwelling	2 per dwelling
Elderly Housing	1 per 4
Rooming House, Fraternity, or Sorority	1 per 2 occupants at maximum capacity
Trailer Court	2 per unit
<u>Public and Quasi-public</u>	
Church or Temple	1 per 3 seats
Hospital	1 ½ per bed
Nursing Home	1 per 4 beds
Elementary, or Middle School or Junior High	1 per teacher, employee, and administrator, plus the requirements for auditoriums or gyms.
Senior High School	1 per teacher, employee, and administrator, plus one (1) for each 10 pupils or the requirements for any auditorium or stadium, whichever is greater
Colleges, University Centers or Tech Schools	1 per teacher, employee and administrator on the largest shift, plus one per each two students not residing on campus.
Membership Clubs	1 per 4 members, or 1 per 150 square feet of usable floor area, whichever is greater
Golf, or Swim Club	1 per 4 member families, plus 1 per employee, plus restaurant or bar parking requirements
Public Golf Course	4 per green or golf hole plus 1 per employee
Par 3 and/or Mini Golf	3 per hole or green

Racquet Club or Tennis House	4 spaces per court, plus 1 per employee
Sport Arena, Gym, or Stadium	1 per 3 seats
Theater or Auditorium	1 per 4 seats
<u>Commercial</u>	
Planned Shopping Center	1 per 200 square feet of usable floor area
Auto Wash - Automatic	5 per wash stall plus 1 per employee
Auto Wash – Automatic – Drive-in	one (1) for each two employees
Auto Wash - Self Service	<del>2 per wash stall plus 1 per employee</del> One (1) per employee
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons at maximum capacity
Drive-in Business	1 per employee plus drive-in stalls and/or lanes to serve patrons
Banks	1 per 200 sq. ft. of usable floor area
Doctor or Dentist Office	1 per 50 sq. ft. of waiting room plus 1 per service chair
Business Office	1 per 200 sq. ft.
Billiard Hall	2 per game table
Bowling Alley	5 per lane
Taverns	1 per 100 sq. ft. of usable floor area
Restaurants	1 per 3 persons at maximum seating capacity
Drive-up or Drive-through uses (restaurant Banks, drug pick-up, laundries, payment windows, or other drive-up service Windows.	In addition to the required parking for the principal use, the Drive-through facilities requirement in Article 18 shall be followed.
Furniture, Appliances, Plumbers, Electricians Minor Repair Services	1 per 800 sq. ft. of usable floor area
Vehicle Service Station	2 per service stall, plus 1 per employee
Gasoline Convenience Store	1 per 300 sq. ft. of usable floor area
Laundromat	1 per 3 machines for washing
Funeral Home/Mortuary	1 per 200 sq. ft. of usable floor area

Motels, hotels, motor inns, cabin courts Bed and Breakfast facilities and tourist Lodging facilities	1 per 150 sq. ft. of usable floor area, the Planning Commission may reduce up to half if they reserve land for open space
Vehicle Sales	1 per 200 sq. ft. of showroom usable floor area
Retail Groceries	1 per 150 sq. ft. of usable floor area
Other Retail Stores	1 per 150 sq. ft. of usable floor area
Self Storage rental Units	1 per 10 units
Personal service establishments	1 per 100 sq. ft. usable floor area not otherwise specified
Museums	1 per 150 sq. ft of usable floor area
Rental shops	1 per 200 sq. ft. of usable floor area in addition to a loading And unloading area; and a vehicle turnaround drop off area
Rifle or pistol range	2 per range plus one per employee
<u>Industrial</u>	
Manufacturing Shop	5 plus 1 per employee
Industrial Office or Research	1 ½ per employee
Warehouse and Wholesale	1 per employee, plus 1 per 200 sq. ft of any office space
Industrial laundries	5 plus 1 per employee
Medical laboratories	1 per 50 sq. ft. of waiting room plus 1 per employee

NOTES

- a. Sq. ft. refers to square feet of usable floor area unless otherwise noted.
- b. 1 unit per measure shall be interpreted to mean 1 per each unit, as 1 per "each" three persons.
- c. Space requirements are cumulative; hence, a country club may require parking for the golf use as well as restaurant or bar use.
- d. Employees refers to all permanent staff and part time equivalents in the largest working shift. Maximum capacity is the maximum occupancy permitted by applicable building, fire, or health codes.

18.27.11 Parking Area Design Standards

The layout of off street parking facilities shall be in accord with the following minimum requirements:

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

All spaces shall be provided access by maneuvering lanes. Backing directly onto a street shall be prohibited. Adequate ingress and egress to a parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than residential use shall not be across land zoned for residential use.

Each entrance and exit to and from any off street parking lot located in an area zoned for other than residential use shall be at least 25 feet from adjacent property located in any residential district.

Buffer yards shall be required per standards set by Section 18.18. A buffer yard without buildings shall be required not less than 10 ft. wide on the perimeter of all parking lots. Said buffer yard shall be used for landscaping, screening and/or drainage as required by this ordinance.

All parking areas containing 2700 square feet or more shall provide snow storage area. Snow storage shall be provided on the ratio of 10 square feet per 100 square feet of parking area. Parking area is calculated at 270 square feet per parking space. Snow storage areas shall be located in such a manner that they do not interfere with the clear visibility of traffic on adjacent streets and driveways

One street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage.

Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.

Landscaped areas shall be a minimum of 75 square feet with a minimum dimension of 10 feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one or more canopy trees based on the provision of one tree per each 100 square feet of interior landscape area.

18.27.12 Federal and State requirements regarding handicapped parking and access shall apply.

18.27.13 Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that the area of sufficient size to meet parking space requirements of this article is retained as open space and the owner agrees to construct the additional parking at the direction of the Planning Commission.

18.27.14 Parking lot cross-connections shall be used in addition to frontage roads or shared driveways, when in the opinion of the Planning Commission, cross-connections do not hinder traffic.

18.27.15 All parking in the Highway Interchange Commercial District shall be in the rear or side yard.

We will have to renumber the following sections to place this in the proper order.

18.5 will become 18.4, 18.7 will become 18.5, 18.8 will become 18.6 and 18.9 will become 18.7

### **18.8 Drive through facilities**

**For every building or use having a drive-through facility, the parking lot and driveways provided for such building shall comply with the following requirements.**

**18.8.1** Sufficient stacking capacity for the drive-through facility shall be provided to ensure that queuing of vehicles does not extend into a street or alley. A stacking space shall be defined as a paved surface having dimensions of at least ten (10) feet in width by twenty (20) feet in length.

**18.8.2** Stacking spaces shall be located so as to minimize conflicts with pedestrians and required parking areas.

**18.8.3** The minimum number of required stacking spaces for specified uses shall be as follows:

<b>Restaurant</b>	<b>Five (5) stacking spaces per servicing station</b>
<b>Financial institutions such as: Bank, credit union, savings and loan</b>	<b>Five (5) stacking spaces per servicing station</b>
<b>Laundry or dry cleaning establishment</b>	<b>Three (3) stacking spaces per servicing station</b>
<b>Carwashes, automatic</b>	<b>Five (5) stacking spaces per washing bay</b>
<b>Carwashes, self service</b>	<b>Two (2) stacking spaces per washing bay</b>
<b>All other uses</b>	<b>Five (5) stacking spaces per servicing station</b>

**18.8.4** The Planning Commission may require additional stacking spaces if it believes the required number would result in stacking occurring on streets or roadways.

ARTICLE 14 SCHEDULE OF DIMENSIONS (updated 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)

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)	30 ft(a,h)	30 ft(a,h)	40 ft (a)		
Min. Lot Width	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)	11 ft (i)	20 ft (i)	11 ft (i)		

Zoning District	B1	B2	B3	I		
Min Lot Area (square feet)	10,000	10,000	20,000	40,000		
Min. Front Setback	30 ft. (e)	30 ft. (e)	30 ft. (e)	30 ft. (e)		
Max. Front Setback	NA	NA	NA	NA		
Min. Side Setback	10 ft. (c)	10 ft. (c)	10 ft. (c)	10 ft. (c)		
Min Rear Setback	20 ft. (a,d,f)	20 ft. (a,d,f)	20 ft. (a,d,f)	20 ft. (a,d,f)		
Min. Lot width (k)	100 ft	100 ft	100 ft	100 ft		
Max. % Lot coverage	NA	NA	NA	NA		
Max. Building Height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)		
Min. Ground Floor Area Principal Structure (square feet)	NA	NA	NA	NA		
Min. Width of principal Structure	NA	NA	NA	NA		

- 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 15.47 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 for 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.

## Proposed amendments to Planning Commission By-laws 3-19-2012

### ARTICLE XXI

#### Adoption, Repeal, Amendments

**Section 1.** Upon adoption of these Bylaws of April 2009, they shall become effective and all previous Bylaws, shall be repealed.

- A. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- B. These Bylaws may be amended at any regular or special meeting by a two-thirds ( $\frac{2}{3}$ ) vote of the appointed members.
- C. Proposals to amend these Bylaws may be made at a regular meeting of the Commission. However, the final vote on proposed amendments shall be delayed until the next regular meeting of the commission.

### ARTICLE VI

#### Meetings

**Section 1.** Regular meetings. Meetings of the Commission will be held the third Monday of every month at 6 p.m. in the Multi-Purpose Room of the J. Richard Yuill, Alpine Center, 800 Livingston Blvd., Gaylord, Michigan. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)

#### Proposed New Language

**Section 1.** Regular meetings. Meetings of the Commission will be held the third Monday of every month at 6 p.m. in the Planning and Zoning meeting room located in the Land Use Services Building at 1068 Cross Street, Gaylord Michigan. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*)

- Section 11. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
- A. Call to order, Pledge of Allegiance and roll call.
  - B. Housekeeping business.
    - 1. Consent Business.
    - 2. Approval of Minutes.
    - 3. Other.
  - C. Public participation for items not on this agenda.
  - D. Unfinished applicant business
  - E. Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.
  - F. Unfinished Commission business.
  - G. New business (other business and communications).
  - H. Reports and Commission Member's comments.
  - I. Adjournment

### Proposed New Language

- Section 11. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:
- A. Call to order
  - B. Roll call.
  - C. Pledge of Allegiance Housekeeping business.
  - D. Approval of Minutes
  - E. Consent Business
  - F. Public participation for items not on this agenda.
  - G. Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.
  - H. Advertised Cases (from public hearing(s) )
  - I. Unfinished Commission business.
  - J. New business (other business and communications).
  - K. Reports and Commission Member's comments.
  - L. Adjournment

## ARTICLE V

### Current Language

- E. Recording Secretary's Duties. The Recording Secretary shall not be a member of the commission or any of its committees, and shall:
- F. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to Article VII of these Bylaws for review and signature by the Secretary; and
- G. Perform such other duties as may be ordered by the Commission or secretary.

### Proposed New Language

- E. Recording Secretary's Duties. The Recording Secretary shall not be a member of the commission or any of its committees, and shall:
  - 1. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to Article VII of these Bylaws for review and signature by the Secretary; and
  - 2. Perform such other duties as may be ordered by the Commission or secretary.

## ARTICLE VIII

### Current language

#### Section 1. Executive Committee.

- A. The Executive Committee shall be a standing committee of the Commission. Its membership shall be the Chair, Vice-Chair, and Secretary of the Commission and they shall hold the same offices on the committee. The Executive Committee may deal with recommendations to the Commission on matters of the Commission budget; employment of a Director of Department of Land Use Services/Zoning Administrator; overseeing the Department of Land Use Service's day-to-day administration of the **Depart** of Land Use Services/Office of the Zoning Administrator; office and personnel policy; and anything else directed to the Executive Committee by the Commission.

### Proposed New Language

#### Section 1. Executive Committee.

- A. The Executive Committee shall be a standing committee of the Commission. Its membership shall be the Chair, Vice-Chair, and Secretary of the Commission and they shall hold the same offices on the committee. The Executive Committee may deal with recommendations to the Commission on matters of the Commission

budget; employment of a Director of Department of Land Use Services/Zoning Administrator; overseeing the Department of Land Use Service's day-to-day administration of the Department of Land Use Services/Office of the Zoning Administrator; office and personnel policy; and anything else directed to the Executive Committee by the Commission.

## ARTICLE XI

### Current language

### Mileage and Pre Diem

### Proposed New Language

### Mileage and Per Diem

**OTSEGO COUNTY  
PLANNING COMMISSION EXECUTIVE COMMITTEE MEETING**

**AGENDA  
March 19, 2012  
5:45 PM**

**MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1066 CROSS STREET.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGEANCE
3. ROLL CALL
4. APPROVAL OF MINUTES: Approve minutes from 1-5-2012 meeting
5. DISCUSSION ITEMS: None
  
6. ADJOURNMENT:

# Otsego County Planning Commission Executive Committee

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PROPOSED Minutes for January 5, 2012

**Call to Order:** 1:00 pm by Chairperson Stults

Pledge of Allegiance

**Roll Call:**

Present: Chairperson Stults, Vice-Chairperson Arndt, Secretary Borton

Staff Present: County Commissioner Erma Backenstose, County Administrator John Burt, Land Use Director Joe Ferrigan

Others Present: Tim Baker Otsego Lake Township, Frances Nowak, Chuck Klee

**Discussion Items:**

## **1. Limiting the length of meetings to two (2) hours:**

Mr. Klee stated he felt the Planning Commission was spending too much time on items and not accomplishing a lot. He is not opposed to meetings lasting longer than two (2) hours if the Planning Commission is moving items forward.

Ms. Nowak stated she felt a lot of "nit-picking" was going on and in the end, the same decision is made. She wants the Chairperson, Vice Chairperson and the Land Use Director to guide the other members of the Planning Commission to a decision.

John Burt suggested the Chairperson ask all members at once if they would like to add or delete items from an agenda instead of asking each member separately.

Mr. Ferrigan stated there was no need to read over each item of a site plan application or finding of fact during the meeting, if staff recommendations and general finding of fact are included in the meeting packets. A motion to approve is all that needs to be done.

Chairperson Stults requested Mr. Ferrigan relocate his position to the center of the table next to the Chairperson to assist in keeping the meeting on track.

Secretary Borton agreed too much time was being spent on little things, like where a period or comma is or isn't located. He feels more attention should be spent making sure the important points are covered and moved to a vote.

## **2. Rearranging the meeting agenda (order of business):**

There was discussion among those present. After which, a motion was made by Vice Chairperson Arndt with Support by Secretary Borton to recommend to the full Planning Commission a review of the by-laws to change the order of business on the Agenda and any other changes that may be necessary. The vote was Unanimous.

# Otsego County Planning Commission Executive Committee

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PROPOSED Minutes for January 5, 2012

### **3. What additional information is needed in packets to make decisions easier at meetings?**

Mr. Ferrigan presented to the Committee what will be included with the next meeting packet: a general finding of fact, an exhibit sheet and a staff recommendation document. These items should be reviewed by each member beforehand so the Chairperson need only ask for a motion to approve. He should not have to read each item individually. If a member has questions about an item, that item and only that item will be discussed so a vote can be taken.

Secretary Borton agreed that this would make cases flow better.

Vice Chairperson Arndt agreed with this approach but also had questions about presenting the Assisted Living Document to the full Planning Commission. Chairperson Stults gave some direction on what is expected when the document is presented.

Chairperson Stults added that if each member completes their review of the information contained in the packets, we should be able to reduce the discussion time and move each case to a decision in a more timely fashion.

Secretary Borton suggested the Chairperson, Secretary and Land Use Director meet prior to a meeting where a case is to be heard and review the information to be sent in the packets. Hopefully this would facilitate more efficient meetings.

John Burt will attend a meeting or two and give guidance if necessary to the Planning Commission and Land Use Director.

### **4. Objectives for 2012 prioritizing the list of items currently being worked on:**

There was discussion among the Committee members regarding the Objective list provided (attached). The intent is to limit the number of items placed on the Planning Commission agenda at one time. As one (1) project is completed, another item will be added.

The Executive Committee also decided that all required business should be completed within the two (2) hour time limit. Then, time permitting the Objective list could be worked on.

John Burt stated he was exploring the possibility of securing funds for additional meetings to give the Planning Commission an opportunity to work on the Objective list.

The Objective list was prioritized by the Committee members and the new list is attached to these minutes.

### **5. Other Items:**

Vice Chairperson Arndt presented his suggestions for smoother movements at the Planning Commission (attached).

**Meeting Adjourned: 2:55p.m.**