

**OTSEGO COUNTY
PLANNING COMMISSION**

**May 18, 2015
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 16, 2015 meeting
5. CONSENT AGENDA: None
6. OTHER: DTE/Tom Dahlman, representative/117 Old State Rd
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.
9. ADVERTISED CASES:
 - 1.
10. UNFINISHED COMMISSION BUSINESS:
 1. AR/Agricultural Resource/Article 9.2.4/Auction yards addition/Township Input
 2. Article 17/Schedule of Dimensions/AR/FR front setback change/Township Input
 3. Article 17/Schedule of Dimensions/HX/Highway Interchange/maximum building height/Township Input
11. NEW BUSINESS:
 1. Proposed language/Wireless Communications Towers timeframe/Township Participation
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
 1. Otsego County Parks & Recreation report/Judy Jarecki
 2. Periodic Review and Updating the Zoning Ordinance/Zoning Training
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for March 16, 2015

Call to Order: 6:00 pm by Vice-Chairperson Jarecki

Pledge of Allegiance

Roll Call:

Present: Vice-Chairperson Jarecki, Mr. Borton, Mr. Hilgendorf, Mr. Arndt, Mr. Brown, Ms. Nowak, Mr. Klee, Mr. Hendershot, Mr. Mang, Ms. Corfis

Absent: Chairperson Hartmann

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

Public Present: Nate Krommendyk/DTE representative, Randy Stults, John Ernst, Paul Slough

Consent Agenda: None

Approval of minutes from: January 19, 2015

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

Motion approved unanimously.

Other:

Nate Krommendyk, representative for DTE attended the meeting and informed the members of an upcoming project located at 117 Old State Rd in Otsego Lake Township. The property is owned by DTE and currently has an existing service station on site. He presented drawings of the proposed site and stated DTE was looking to interconnect two (2) lines, a twenty inch (20") gas line running east and west along Old State Rd and an eight inch (8") gas line (referred to as the Mackinaw line) running north and south along the east side of Old 27 South. The station will be in a fenced-in graveled area with its own drive. The purpose of the 'interconnect' will be to channel the larger line down to the smaller for potential distribution of natural gas to the Gaylord area and also to the north. They are looking to complete construction in 2016 and are currently working through the necessary permitting process.

Mr. Krommendyk stated the existing station currently puts together projects of this nature; parts come in, are constructed onsite and then moved. Its function is mainly office space and garage. He also stated there would be minimum noise and an occasional slight smell. He was questioned about the B3 zoning on the parcel, when it went into effect and stated he would look into it.

Public participation for items not on the agenda:

Mr. Stults stated when the Highway Interchange Zoning District was being added, a detail was overlooked in Article 17 Schedule of Dimensions. On the chart, the letter 'g' was added to the maximum building height for the HX district referring to 'note g' but was not added to the 'note' itself. It will be sent to townships for input.

Mr. Ernst stated a temporary gravel drive was added for the trucks to use in removing the marketable timber. He stated the generators had been ordered and once all the permits were in place, they would begin construction; probably May or June. He also stated he was told by the Otsego County Conservation District the term 'native',

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used in the Alternative Landscaping Plan when applying for the Special Use Permit, did not apply to non-evasive naturalized species as were depicted in the Plan. They were common to the area but not 'native' and he wanted to be sure the Planning Commission did not have any objections to the interpretation of the narrative. It was stated they did not and this was a minor amendment that could be approved by the Zoning Administrator.

Mr. Slough discussed the possibility of installing a one hundred twenty-eight foot (128') internet communication tower on property zoned AR/Agricultural Resource. A site plan would be submitted at time of application.

Public Hearing:

1. Otsego County Master Plan

Vice-Chairperson Jarecki opened the public hearing.

Public Hearing Opened: 6:38 pm

No comments; Vice-Chairperson Jarecki closed the public hearing.

Public Hearing Closed: 6:39pm

Advertised Case:

1. Otsego County Master Plan

Mr. Schlaud stated a letter had been received from the Charlevoix County Planning Commission and they reported no conflicts between the county plans had been found.

Motion made by Mr. Mang to recommend the revised updated Otsego County Master Plan dated December 21, 2014 to the Otsego County Board of Commissioners; Seconded by Mr. Arndt.

Motion approved unanimously.

Public Hearing:

2. Otsego County Zoning Ordinance Proposed amendment

PZO15-002-proposed language to Article 17/Schedule Dimensions AR/Agricultural Resource/FR/Forest Recreation setbacks

Vice-Chairperson Jarecki opened the public hearing.

Public Hearing Opened: 6:41 pm

Mr. Stults stated in reference to 'note m' in the proposed setback language to the Schedule of Dimensions, the language needed guide lines for the Zoning Administrator to base his approval upon. It needed to be clear and not left open to interpretation.

Mr. Brown stated the Charlton Planning Commission thought the wording sent to townships gave the zoning administrator too much power and felt it should be revised.

Vice-Chairperson Jarecki stated if the wording was changed, it would have to go back to townships.

Vice-Chairperson Jarecki closed the public hearing.

Public Hearing Closed: 6:46 pm

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Advertised Case:

2. *Otsego County Zoning Ordinance Proposed amendment
PZO15-002-proposed language to Article 17/Schedule Dimensions AR/Agricultural
Resource/FR/Forest Recreation setbacks*

Mr. Arndt suggested Mr. Brown make a motion so they could move forward.

Motion made by Mr. Brown to recommend to the Otsego County Board of Commissioners the proposed setbacks for AR/Agricultural Resource and FR/Forest Recreation zoning districts revising '*note m*' by eliminating the phrase '*Upon Zoning Administrator approval*' and also changing '*may*' to '*shall*'; Seconded by Mr. Hilgendorf.

Discussion ensued:

Mr. Schlaud stated he felt this needed to go back to townships because the language was significantly different.

Mr. Stults stated the wording needed to consider the Zoning Administrator's authority in the possible reduction of side setbacks and he also questioned if the setback change was supported in the Otsego County Master Plan; stating changes in zoning had to be supported in the Master Plan in order to be implemented.

Vice-Chairperson Jarecki questioned whether the Road Commission had a say in the matter.

Mr. Schlaud stated road-right-away was always taken into consideration for setbacks.

Mr. Arndt stated he felt the rewording was a substantial enough change to be sent back to townships for input.

Mr. Mang suggested withdrawing the motion on the table because the revised language needed to go back to townships and not the Board of Commissioners.

Mr. Brown withdrew his motion.

Mr. Brown made another motion:

Motion made by Mr. Brown to accept what was sent to townships except changing '*note m*' to read, 'Minimum front setbacks only for residential single family dwellings (SFD) shall be the same as defined in all other residential districts (R1, R2, R3 and RR)'; Seconded by Mr. Arndt.

Mr. Mang questioned the need to refer to the other residential districts and suggested amending the motion to state '...Minimum front setbacks only for residential family dwellings (SFD) shall be twenty-five feet (25)'; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Vice-Chairperson Jarecki suggested staff research the Master Plan to ensure consistency.

Motion made by Mr. Brown to send back to townships the revised wording for '*note m*', Article 17 Schedule of Dimensions as 'Minimum front setbacks only for residential single family dwellings (SFD) shall be twenty-five feet (25)'; Seconded by Mr. Hilgendorf.

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Motion approved by majority.

Unfinished Commission Business:

1. Agricultural Equipment Auctions-*Proposed language*

Proposed language was presented to the Planning Commission per the Zoning Board of Appeals decision concerning agricultural equipment auctions as a comparable use to livestock auctions.

Motion made by Mr. Mang to send the proposed language to townships for input; Seconded by Mr. Brown.

Motion approve unanimously.

2. Site Plan and Development/Reclamation plan/requirements-*Clarification*

Mr. Schlaud stated the reclamation plan requirement was already included in Article 23 Site Plan Review and staff was looking for clarification on the subject. It was listed on the objective list as an item to be reviewed.

After discussion it was decided to remove the item from the objective list.

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Vice-Chairperson Jarecki reported Mrs. Groen had passed away and it would be up to a year and a half before all Trust issues concerning the Groen property were settled. She stated activities were scheduled for the 2015 Spring/Summer season out at the Greon Nature Preserve. The Community Center was implementing new forms along with a sign-in procedure. The basketball court wooden floor had started to buckle again in a small area and it looked like an ongoing issue. She stated the Otsego County Park was going to purchase campground reservation software and were considering two (2) options.

2. Detroit Free Press article-Oil and Gas Drilling Issues /Zoning Training

Adjournment: 8:01 pm by Vice-Chairperson Jarecki

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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

20 April 2015

From: Ivan H. Maschke, Clerk

Subject: Your letter of March 26, 2015

Dear Vern,

At the regular Charlton Township Board meeting held on April 13, 2015, there was discussion regards to three (3) items to be acted upon for proposed changes to the Otsego County Zoning Ordinance. Willard Brown of the Charlton Township Planning Commission and the Otsego County Planning Commission was present at the meeting and gave his thoughts on the matter.

After discussion, Huff moved, Samkowiak supported, to recommend the following to the Land Use Services: (1) Approve new wording for Article 9.2.4 (Special uses for AR agricultural Resource District) in the Otsego County Zoning Ordinance for allowing auction yards for livestock and/or agricultural equipment. (2) Approve the change to Article 17 (Schedule of Dimensions) in the Otsego County Zoning Ordinance for Highway District max building height adding note 'G'. (3) Approve the changes to Article 17 (Schedule of Dimensions) in the Ordinance for FR & AR Districts adding note 'M' to minimum front setbacks. Ayes, all. Motion carried.

These changes were recommended by the Charlton Township Planning Commission to the Charlton Township Board.

Thanks for your time and consideration on this matter. The Charlton Township Board appreciates the opportunity to be involved with and participate in these changes.

Sincerely,



Ivan H. Maschke
Charlton Twp. Clerk

Cc: Willard Brown, Charlton Twp. Planning Commission
Charlton Twp. Board members
File

To: Land Use Services

Ref. Amending of Article 9 AR District section 9.2 Permitted Uses Subject to Special Conditions.

Elmira Township is supportive of ZBA findings and agrees that 9.2.4 should be allowed to read "Auction yards for Livestock and/or Agricultural Equipment.....farms or dwellings." This was allowed for Boyne Valley Auctions in locating within our Township.

Sincerely Duane Hoffman Chairman Elmira Twp. PC

To: Land Use Services

Ref. Proposed Change to Article 17 Schedule of Dimensions.

The Elmira Township Planning Commission we do not support changing the setback.

Elmira Township Master Plan and the Otsego County Master Plan have a vision statement geared toward preservation of the rural character of areas outside of villages and urban areas. To that end maintaining the 50 foot setback does give a greater sense of openness than is experienced in residential areas that have a twenty five foot setback. To allow residences to move closer is not in keeping with the wishes expressed by Elmira Township Residents when reviewing our planning efforts and therefore we do not support changing the setback.

Sincerely Duane Hoffman Chairman Elmira Twp. PC

To: Land Use Services

Ref. Article 17 Schedule of Dimensions note g

We believe that there is a typo in the request sent out and what was being asked for was that note g would say that allowances of up to 50% increase would be allowed in R1,R2,R3,RR,B1, B2 districts and HX and other Districts Maximum allowable of 100% provided etc.

If that is the intent then Elmira Township can support change in note g as we do not see an HX district in our foreseeable future.

Sincerely Duane Hoffman Chairman Elmira Twp. PC

Christine Boyak-Wohlfeil

From: Steve Dipzinski <steven.a.dipzinski@gmail.com>
Sent: Tuesday, April 14, 2015 9:12 PM
To: Christine Boyak-Wohlfeil
Cc: Norman Brecheisen; M. Mang
Subject: Livingston township review

Follow Up Flag: Follow up
Flag Status: Flagged

We had our April meeting tonight and reviewed the three attachments. We as a planning commission were fine with these minor changes. Thank you for keeping us in the loop.

Steve Dipzinski
P.C. Chair
Livingston Twp.

*The Otsego County Planning Commission is submitting a proposed amendment to ARTICLE 9 AR/Agricultural Resource zoning districts per the Zoning Board of Appeals decision on a comparable use:

ZBA Motion:

The Zoning Board of Appeals makes the determination that Agricultural Equipment Auctions are a comparable use to Article 9.2.4 'Livestock Auction Yards' and therefore, under Article 9.2.24 and Article 18.44, Agricultural Equipment Auctions are a permitted use subject to special conditions and the conditions of Livestock Auction Yards in the Agricultural Resource District (AR).

Agricultural Equipment Auction Yards:

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of [Article 19](#) and only after the review and approval of the site plan by the Planning Commission. [See [Article 21](#) for applicable Specific Requirements for Certain Uses, if any and [Article 23](#) for Site Plan Requirements.]

Current language:

9.2.4 Livestock auction yards with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred (600) feet, provided that there is no nuisance imposed upon the surrounding farms or dwellings.

Proposed language:

9.2.4 Auction yards for livestock and/or agricultural equipment with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred (600) feet, provided that there is no nuisance imposed upon the surrounding farms or dwellings.

*The Otsego County Planning Commission has revised the wording to the proposed language in the addition of *'note m'* to ARTICLE 17/SCHEDULE OF DIMENSIONS zoning districts AR/AGRICULTURAL RESOURCE and FR/FOREST RECREATION to allow lesser setbacks for residential use:

Please refer to the Otsego County Master Plan to assure this change is supported

ARTICLE 17 SCHEDULE OF DIMENSIONS

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

<i>Zoning District</i>	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 (m)		
Max. Front Setback	NA	NA	NA	NA		
Min. Side Setback	10 ft	10 ft	10 ft	20 ft (c)		
Min. Rear Setback	30 ft (a, h)	30ft (a, h)	30 ft (a, h)	40 ft (a, h)		
Min. Lot width (k)	100 ft 150 ft Duplex	100 ft	100 ft	150 ft AR 300 ft Du- plex		
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)		

<i>Zoning District</i>	B1	B2	B3	I	HX	Reserved for future use
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	
Min. Front Setback	30 ft (e)					
Max. Front Setback	NA	NA	NA	NA	NA	
Min. Side Setback	10 ft (c)					
Min. Rear Setback	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)					
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	NA	
Min. Width of principal structure	NA	NA	NA	NA	NA	

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

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

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

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

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

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

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

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

Note h: [Section 21.1](#) allows a rear setback of ten (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 one (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 21](#) and [Article 22, Section 22.3 Height Limits](#), of this ordinance

Note m: Minimum front setbacks only for residential single family dwellings (SFD) shall be twenty-five feet (25').

Introduction

Foreword

Otsego County has engaged in formal land use planning for nearly a century. In 1939, the county issued its first master plan which established a land use policy to increase property values within the county. Nearly three (3) decades later, the county created a comprehensive plan to help guide growth, and a County Planning Commission was also established in 1966. Since that time, the county has engaged in comprehensive planning in 1981, 1997, 2007 and 2014.

In 1975, Otsego County enacted county-wide zoning after the nine (9) townships agreed to conduct planning and zoning together. Over the past four (4) decades, the zoning ordinance has undergone five (5) substantial revisions (1993, 1996, 2003, 2009, and 2014) and more than thirty (30) zoning map changes. Zoning is the principal means of land use control in Otsego County, and land use is regulated under the Otsego County Zoning Ordinance except within the City of Gaylord and the Village of Vanderbilt, both of which enforce their own zoning ordinances.

A master plan provides the foundation and vision for a zoning ordinance, and this master plan will help guide future updates of the Otsego County Zoning Ordinance as the community takes steps to implement their comprehensive plan.

Plan Methodology

Visioning Process

Upon review in 2014, the current Master Plan validity was maintained with Planning Commission updates to data.

In 2004, Otsego County, aided by a grant obtained from People and Land (PAL), retained R. Clark Associates, Inc. (RCAI) and Keith Charter to facilitate a series of visioning sessions throughout the county to establish a county vision which would serve as the foundation for revising the county's master plan. During the five (5) visioning sessions, community members were asked to think regionally as they discussed future growth issues and prioritized important development challenges. The initiatives and priorities brought forth through the visioning process served as a valuable resource for the current revision of the county's master plan.

To facilitate the visioning process, RCAI developed computer simulations of existing and future development scenarios to assist community members visualize potential development issues. The RCAI staff utilized an interactive polling process to obtain, as well as display, community members' responses to the various development scenarios. The final report entitled One County, One Vision — A Report from the Community incorporated data collected through the visioning sessions and a survey, as well as a comparison of existing county, township, village, and city master plans and zoning ordinances to the community's expressed vision for the future. The report became part of an inter-jurisdictional growth management initiative that supported the community's future development vision.

Partnerships for Change

In 2005, capitalizing on the visioning process, Otsego County joined with the Land Information Access Association (LIAA) through a Partnerships for Change grant to work toward the revision of the 1997 Otsego County Comprehensive Plan. During the summer, public work sessions were held to confirm the results of the visioning process, incorporate local planning documents into the process, and develop a list of planning questions to address. In response to questions generated at the public work session, Otsego County Planning and LIAA organized four (4) educational workshops held during fall 2005. At the first two (2) workshops, Mark Wyckoff, then President of the Planning and Zoning Center, provided information on small town character preservation and planning effective transportation. At the third workshop, Scott Kendzierski from the Northeast Michigan Community Health Agency and Rod Cortright of MSU-Extension co-presented on water quality, and at the fourth workshop, Rod Cortright presented on open space preservation. Through the workshops, citizens and local officials gained knowledge and resources on small town character preservation, effective transportation planning, water quality, and open space preservation which would enable them to make more informed planning decisions.

Fact Book

During winter 2005, Otsego County community leaders and LIAA planners compiled a draft Fact Book to provide citizens, the Otsego Planning Commission, and other public officials a factual basis for revising the county's master plan. The Draft Fact Book was presented to Otsego County on February 1, 2006 to be referenced during the establishment of countywide goals and objectives and the final production of a county master plan.

Master Planning

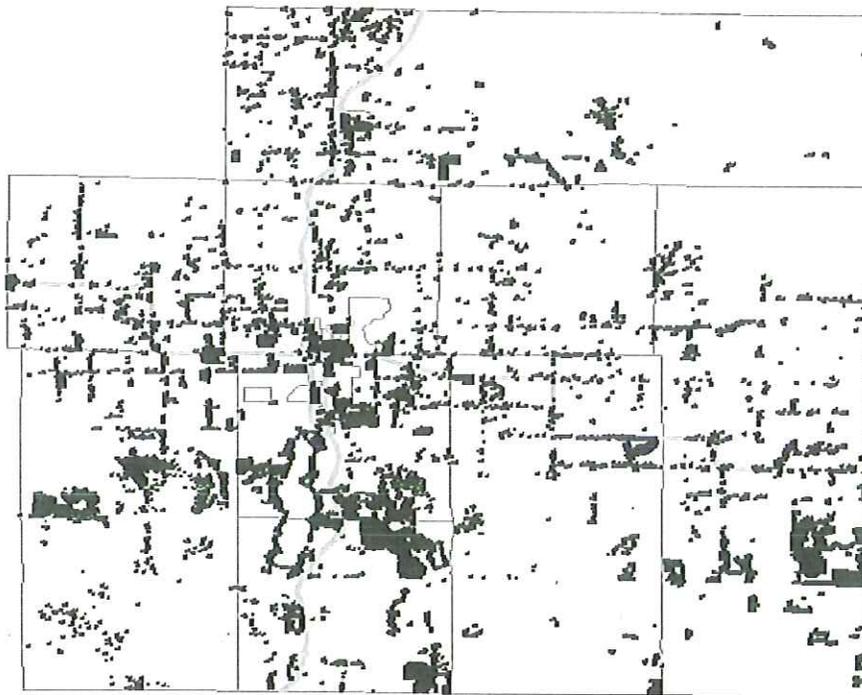
In spring 2006, the team of R. Clark Associates, Inc. and the Land Information Access Association were hired to assist the community in completing the most current revision of the county master plan. The consultant team hosted community meetings to gather extensive public input on the goals and objectives of the new master plan, assisted with the development and revision of future land use definitions, provided a framework for the townships to engage in the preliminary mapping, and guided the community in the creation of a new master plan which reflects the consensus for what residents envision Otsego County to be in twenty (20) years.

From Master Planning to Zoning Ordinances

Inasmuch as a master plan provides direction for the future, a zoning ordinance establishes an enforceable framework for a jurisdiction's land use policy. It is essential that a community's zoning ordinance be updated to ensure that the direction of the master plan will be achieved. Thus, Otsego County's new master plan provides direction for revising the Otsego County Zoning Ordinance and future amendments to the Zoning Ordinance should conform to the community's goals and objectives contained within this plan.

residential land use is not contained neatly in compact areas surrounding Gaylord and other community centers. Instead, the residential land use is scattered throughout the county, predominantly around lakes, in remote planned housing developments, and on unplanned large rural lots along roads. Although **Figure 35** only displays two (2) highways, the locations of many county roads are plainly visible as highlighted by lines of rural residential development along those roads. To the casual observer driving through Otsego County, the area may seem more urban than it actually is as the residential development along the major roads interrupts views of forests and farm lands which still exist behind the residential lots. This is occurring throughout Otsego County and is evident in Elmira Township on Camp Ten Road, Corwith Township west of I-75, and Sparr Road and M-32 in the eastern half of the county.

Figure 35: Residential Areas



A factor which is a great determinate of how land is used is the amount of land which is in public ownership. **Figure 36** shows the breakdown of public and private lands in Otsego County. Unlike many of its neighboring counties (e.g., Crawford and Montmorency), the majority of land in Otsego County is in private ownership. Managing growth and development will help to direct more intense development into areas with adequate infrastructure and protect critical resource areas for future generations. Without some constraints on development, Otsego County could become a very urbanized community within the next few decades.

Michigan Resource Information System (MIRIS) land cover/use data was compiled by the Michigan Department of Natural Resources in the early 1980's using 1978 aerial photographs. In 1994, this computerized land cover/use information was updated using 1987 aerial photography and extensive field inspections. The MIRIS

Land Use Map (Page 81 in Appendix A). Each future land use category is intended to foster a distinct character. The future land use definitions and map are the result of an extensive public input process.

Introduction to the Agricultural, Environmental Preservation, and Forest

Land Use Categories

Throughout the process of updating the Otsego County Master Plan, there was extensive public input regarding the desire to see the overall rural character – notably the agricultural lands, environmentally sensitive areas, and extensive forest tracts – preserved while still allowing for a range of residential densities within the Agricultural, Environmental Preservation, and Forest land use categories. The large expanses of open space within Otsego County are one of the central features contributing to the quality of life for residents as well as serving as a significant draw for tourists and other visitors who help support the tourist industry, and through it, the economic well-being of the community. In some areas these lands are publicly owned but in most cases these lands are under private ownership.

Public lands, such as the Pigeon River Country State Forest (PRC) and other state forest Management Areas, are recognized as an investment by the State in lands that are held for the common use and enjoyment by the public. State lands provide significant economic benefit to Otsego County by providing a resource for the many forestry based businesses as well as providing a land base for outdoor recreationists who contribute to the many tourism based business in and around Otsego County. Large tracts of open, privately held lands also provide a significant economic benefit to the community as a whole. In some cases these private lands are open to public use, in other cases they provide a significant aesthetic benefit to all who live in or travel through our county. Where managed for forestry, agriculture or other profitable enterprise these lands represent a significant financial resource for their owners and the community as a whole. Therefore, preserving these large, open parcels of private land is in the interest of the county and its citizens. While all of these lands are undoubtedly a significant and valued resource to the county, those that are under private ownership also represent a considerable value to their owners. The interests of the individual property owner must be considered when evaluating options to encourage the preservation of these open lands. There are positive efforts that can be made to preserve these parcels.

Preserving large open spaces while simultaneously allowing reasonable residential development of these same properties requires the careful application of various land use tools and incentives in order to preserve the open character of the county it will be necessary to provide sufficient positive incentives to land owners and developers to incorporate preservation of open space and the continued AGRICULTURAL, ENVIRONMENTAL PROTECTION and FOREST use of substantial portions of the property. There are positive efforts that can be made to preserve these parcels. These positive efforts include, but are not limited to the following three (3) land use tools: 1. Zoning, 2. Transfer of Development Rights, and 3. Purchase of Development Rights.

*The Otsego County Planning Commission would like your input in reference to the Highway Interchange Zoning District and 'note g'. A detail was omitted when previously presented concerning 'note g' and the maximum building height. It was referenced in the chart below but was not clarified in 'note g' itself as to the possible percentage to exceed.

ARTICLE 17 SCHEDULE OF DIMENSIONS

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

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

Zoning District	B1	B2	B3	I	HX	Reserved for future use
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	
Min. Front Setback	30 ft (e)					
Max. Front Setback	NA	NA	NA	NA	NA	
Min. Side Setback	10 ft (c)					
Min. Rear Setback	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)					
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	NA	
Min. Width of principal structure	NA	NA	NA	NA	NA	

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

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

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

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

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

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

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

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

Note h: [Section 21.1](#) allows a rear setback of ten (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 one (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 21](#) and [Article 22, Section 22.3 Height Limits](#), of this ordinance

Current language:

SECTION 21.46 WIRELESS COMMUNICATIONS:

The Telecommunication Act of 1996, as amended February 8, 1996, sets forth provisions concerning placement, location and construction of towers and related facilities for wireless services. The purpose of this Section is to establish general guidelines for the sighting of wireless communications towers and antennas. The goals of the section are to:

- (1) Protect residential zoning districts from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the county;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, sighting, landscape screening, and innovative camouflaging techniques;
- (7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;
- (8) Consider the public health and safety of communication towers; and
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

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

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

Proposed language:

SECTION 21.46 WIRELESS COMMUNICATIONS:

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

Current language:

ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING

It having been established that the Township units of government in Otsego County are desirous of actively participating in zoning amendment and zoning procedures; and Otsego County having determined that such participation is needed in the zoning process,

NOW, THEREFORE, IT IS HEREBY DECLARED to be the policy of Otsego County that no zoning decision (with respect to those matters hereinafter set forth) affecting any particular township shall be made without the direct participation of said township so affected in accordance with the following procedures:

27.1 When a Petition is filed with the Otsego County Planning Commission with respect to any of the four (4) types of requests listed below, and then the procedure specified in [27.2](#) shall be followed prior to a decision being rendered by the County Planning Commission or the County Zoning Board of Appeals:

27.1.1 Changes in zoning district boundaries;

27.1.2 The approval of Uses Subject to Special Conditions, Special Approval Uses, and Special Land Uses;

27.1.3 The approval of Planned Unit Developments, all condominium projects, and all subsequent phases of an approved phased development;

27.1.4 Any appeal of an administrative decision, Ordinance interpretation, or variance.

27.2 Prior to a hearing by the County Planning Commission, the Otsego County Zoning Administrator shall forward, by certified or first class mail, said written petition to the township clerk of the township within which the property associated with the petition is located and shall execute and file an Affidavit of Mailing such petition.

Upon the approval or disapproval of the petition by the affected township, said township's clerk shall notify, in writing, the petitioning party and the Otsego County Zoning Administrator of the Township Board's decision. The Petition shall then be acted upon, with due regard to the affected Township's decision, by the Otsego County Planning Commission in conformance with this Ordinance.

In like manner, and under the same conditions, authority, and rule of policy, the Otsego County Board of Appeals, shall make no rule, interpretation or determination on any matter pertaining to a zoning variance ([Article 26.2](#)) affecting any particular township, without the Otsego County Zoning Administrator first forwarding, by certified or first class mail, said written petition to the township clerk of the township to be affected by said petition; the Zoning Administrator shall execute and file an Affidavit of Mailing as to such petition.

Upon the approval or disapproval of the petition by the affected township, said township's clerk shall notify, in writing, the petitioning party and the Otsego County Zoning Administrator of the Township Board's decision. The petition shall then be acted upon with due regard to the affected Township's decision by the Otsego County Zoning Board of Appeals in conformance with this ordinance.

The affected township shall take some official action to notify the county Zoning Administrator of its decision within forty (40) days after having received the written petition. The township may take an additional thirty (30) days to study the matter and take action thereon; but it shall file written notice with the Zoning Administrator within the original forty (40) days of its intention to take the additional time. It shall be presumed that the township waives its right to act if no action is taken within the applicable time period(s).

Proposed language:

The affected township shall take some official action to notify the county Zoning Administrator of its decision within forty (40) days after having received the written petition. The township may take an additional thirty (30) days to study the matter and take action thereon; but it shall file written notice with the Zoning Administrator within the original forty (40) days of its intention to take the additional time. **Exception:** Due to state law time frames for wireless communication towers, an extension beyond the original forty (40) days shall not be permitted. It shall be presumed that the township waives its right to act if no action is taken within the applicable time period(s).

Periodic Review and Updating the Zoning Ordinance

A land use plan and zoning ordinance begin to grow old and dated as soon as they are adopted. In rapid growth communities, they often become outdated sooner than expected.

How does a community keep the master plan and zoning ordinance from becoming obsolete? The best way is through periodic assessment every three to five years, by the planning commission. At that time, the following questions should be asked:

1. To what extent is the master plan being actively implemented:
 - Through zoning?
 - Through public improvements?
 - Through other efforts?
2. Is implementation taking place as scheduled? If not, why not?
3. Does the settlement pattern of recent development actively coincide with the future land use map and the recommended land use intensities? If not, why not? What should be done change the map or increase enforcement of the law?
4. Do the goals and policies still reflect the community's major concerns? If not, what should be changed? Is change realistic?
5. Is the community character, as identified in the master plan, being adequately protected by zoning?
6. Is the zoning map consistent with the future land use map without being identical? The future land use map should reflect future land use 20-30 years in the future while the zoning map should reflect the existing situation, with room for not more than 3-5 years growth without rezoning. However, if the community is nearly built out, the future land use map and zoning map will likely look nearly the same (unless substantial redevelopment into new uses is planned).
7. Are unexpected land use conflicts being created by the zoning ordinance, which are not addressed by the land use policies?

Based on the answers to the above questions, the planning commission must decide whether there is a need to revise the master plan. If the plan needs to be revised, then after the revision is made, the zoning ordinance and map should also be reviewed and amended as needed. However, many master plans and zoning ordinances are updated and amended on a *stop-gap* basis when faced with what appears to be a *crisis*. Periodic reassessment will reduce the need to react in this manner and will provide a mechanism with which a community can proactively maintain control of its future.