

**OTSEGO COUNTY
PLANNING COMMISSION**

**August 15, 2016
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 June 20, 2016 meeting
5. CONSENT AGENDA
6. OTHER: Elmira residents and Wolverine Power Cooperative representatives will discuss noise issues relating to the Alpine Power Plant
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 HEARING:
 - 1) *SECTION 21.46 WIRELESS COMMUNICATIONS/PERSONAL WIRELESS COMMUNICATIONS*
A proposed amendment to sections of the Otsego County Zoning Ordinance to include Personal Wireless Communication towers.
 - 2) *ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT*
A proposed zoning district addition to the Otsego County Zoning Ordinance to include the Schedule of Dimensions and Zoning Map
 - 3) *OTSEGO COUNTY CAPITAL IMPROVEMENT PROGRAM 2017-2022*
9. ADVERTISED CASE:
 - 1) *SECTION 21.46 WIRELESS COMMUNICATIONS*
A proposed amendment to sections of the Otsego County Zoning Ordinance to include Personal Wireless Communication towers.
 - 2) *ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT*
A proposed zoning district addition to the Otsego County Zoning Ordinance to include the Schedule of Dimensions and Zoning Map
 - 3) *OTSEGO COUNTY CAPITAL IMPROVEMENT PROGRAM 2017-2022*
10. UNFINISHED COMMISSION BUSINESS
11. NEW BUSINESS
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
 1. Otsego County Parks & Recreation report/Judy Jarecki
 2. Selected Planning and Zoning Decisions 2011 Part I/Zoning Information
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

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

Absent: Mr. Hilgendorf

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

Public Present: Jim Leech, Kay Stoker, Denny & Sandy Freeman, Todd L Seidell, Seidell Architects, Bob & Sue Kenny, Gloria Torello, John Arevalo, Judy Fonger, Randy Stults

Approval of minutes from: May 16, 2016

Motion made to approve minutes by Mr. Klee; Seconded by Mr. Caverson.

Motion approved unanimously.

Consent Agenda: None

Other: Kay Stoker - text amendment request

Kay Stoker and Jim Leech stated they owned a parcel of property in Johannesburg and were interested in storing boats and RV vehicles on the south end of the parcel. The property had existing trees along the southwest border and Johannesburg/Lewiston Schools were to the south. The property was zoned B2 and they were requesting a text amendment to the district to allow outdoor storage.

Chairperson Hartmann suggested they attend a township meeting to discuss the use and possible language amendment.

Mr. Brown stated he was the Charlton Township representative and invited them to the next township Planning Commission meeting stating the Commission met the first Wednesday of the month at the Township Hall.

Public participation for items not on the agenda:

Gloria Torella and John Arevalo, Elmira Township residents, read aloud statements concerning the noise created by the new Alpine Power Plant.

Mr. Caverson excused himself from the meeting to avoid any conflict of interest. He was still working with Wolverine Power on the new power plant.

Ms. Torella and Mr. Arevalo stated they had spoken with Wolverine Power and were told it would be one hundred eighty (180) days before all the noise reduction equipment was fully operational and they had hoped to be online around Christmas. The couple requested the Otsego County Planning Commission ensure compliance to the conditions placed on the Special Use Permit for Wolverine Power.

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

Bob & Sue Kenny and Judy Fonger also voiced concern over the possibility of the noise becoming louder once the plant was fully operational and their decreased property values in lieu of it.

Chairperson Hartmann stated their concerns would be looked into by Land Use Services Department.

Mr. Caverson rejoined the meeting.

Mr. Arndt stated a member of his Boy Scout troop was present to observe and take notes for a report of a public meeting.

Public Hearing:

Dennis Freeman, owner, represented by Seidell Architects, has requested a Special Use Permit/Site Plan Review for property located in Livingston Township:

*2838 Wilkinson Rd
Gaylord, MI 49735
080-036-400-005-09*

*Property located in an AR/Agricultural Resource Zoning District
PZSU15-008-proposed use of the property is to remodel an existing barn as a wedding venue*

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

Public Hearing open: 6:29pm

Dennis Freeman, owner, stated after celebrating many events at his property on Wilkinson Road and the decision to downsize, his family had decided to pursue the idea of turning the barn into a wedding venue. The barn was cleaned out after raising cattle for thirty-four (34) years and plans were drawn up for an addition. He and his wife Sandy would be building a new house on the back of their property and would move in there once completed.

Mr. Arndt asked the name of the venue.

Mr. Freeman stated it would be called 'Sunshine Acres Wedding and Event Center'.

Chairperson Hartmann questioned the size of the barn.

Todd Seidell, representative, stated the barn including the addition was twenty-six hundred (2600) square feet; the rear being an almost mirror image of the front. A paved parking lot already existed to accommodate any handicap parking needs and any additional parking would be on the grass field. Minimal landscape lighting would be installed and shielded light poles would be placed on timers as the hours were limited. He continued stating the Freemans worked out arrangements with catering companies and any trash would be kept inside the barn until disposal; there would not be a need for a dumpster. Snow storage was available but the venue would be seasonal as it is not heated. North Star Gardens was providing elaborate landscaping to enhance the deck area and also some landscaping up by the road.

Mr. Schlaud asked if an outside wedding was possible.

Mr. Freeman stated the wedding ceremony could be held outdoors with the celebration inside.

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

Ms. Corfis questioned if anything else would be conducted outside making reference to the letter received from a neighboring property owner and the frequency of scheduled events.

Mr. Freeman stated he had discussed the issue with his neighbor explaining his family celebrations had been held outside but with the events held inside the barn, it would be much less of an issue. He also stated the frequency of events depended on the community; he had four (4) weddings scheduled this season but there could possibly be more.

Vice Chairperson Jarecki questioned the landscape plan in conjunction to the drain field.

Mr. Schlaud stated the area she was referring to was a reserve area.

Mrs. Freeman pointed out where the landscaping was being placed after changes.

Mr. Klee questioned what would happen to the existing house once the Freeman's moved into their new house.

Mrs. Freeman stated that would be a perk to the venue; the wedding families would have the use of the house, the clubhouse and the barn for the weekend as part of the package.

Mr. Caverson questioned the capacity of the building.

Mr. Seidell stated it would accommodate two hundred ninety-three (293) guests.

Mr. Arndt questioned if Mr. Freeman would continue with any agricultural activities.

Mr. Freeman stated he still had his hay fields and he would like to continue raising cattle as he and his son had over a hundred (100) acres.

Public Hearing closed: 6:43pm

Advertised Case:

Dennis Freeman, owner, represented by Seidell Architects, has requested a Special Use Permit/Site Plan Review for property located in Livingston Township:

*2838 Wilkinson Rd
Gaylord, MI 49735
080-036-400-005-09*

*Property located in an AR/Agricultural Resource Zoning District
PZSU15-008-proposed use of the property is to remodel an existing barn as a wedding venue*

Mr. Caverson questioned if there was a stamped site plan available.

Mr. Schlaud stated a stamped plan was with the stamped building drawings; Mr. Seidell, the architect, concurred they had been signed and sealed.

Chairperson Hartmann read the Standards for Special Land Use Approval, Section 19.7.
SEE ATTACHMENT #1

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

Chairperson Hartmann asked Mr. Schlaud to discuss the reason behind the Zoning Board of Appeals decision.

Mr. Schlaud stated after review, Livingston Township requested the case be sent to the Zoning Board of Appeals as an unlisted comparable use. The ZBA approved it a comparable use in the Agricultural Resource Zoning District as a permitted use subject to special conditions. *SEE ATTACHMENT #2*

Chairperson Hartmann requested a motion.

Motion made by Mr. Brown to approve PZSU15-008 allowing the use of an existing barn as a wedding venue in the AR/Agricultural Resource Zoning District; Seconded by Mr. Borton.

Motion approved unanimously.

Chairperson Hartmann thanked Mr. & Mrs. Freeman and wished them luck.

There was discussion on the ZBA's decision of a 'permitted use subject to special conditions' as opposed to a 'use by right'.

Mr. Brown, the Planning Commission representative to the ZBA, stated the use was found to be comparable to other listed uses in the district but there were more things to take into consideration. The ZBA chose the more conservative of the two and approved it as a 'permitted use subject to special conditions'.

Consensus of the Commission members favored the ZBA and Mr. Brown's position keeping comparable uses to PZSU15-008 as a 'permitted use subject to special conditions' rather than adding this particular use to the AR Zoning District as a 'permitted use'.

Unfinished Commission Business:

1. Proposed Language *Personal Wireless Communications*

Positive input from four (4) townships had been received. Section 10.2 was clarified for Land Use staff and a public hearing will be scheduled for public input.

2. Planning Commission By-Laws/*Amended*

Chairperson Hartmann asked for any additional input on the amended By-Laws presented last month.

Motion made by Mr. Arndt to approve the Planning Commission By-Laws as amended; Seconded by Mr. Klee.

Motion approved unanimously.

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

New Business:

1. Highway Interchange Zoning District/Master Plan-*Proposed Text Amendment*

Ms. Corfis stated Otsego Lake Township had been working on a text amendment to the Highway Interchange Zoning District and were proposing the addition of '*Above ground storage tanks for flammable or hazardous materials*' with certain restrictions, along with an amendment to the Otsego County Master Plan.

Motion made by Ms. Corfis to amend the Otsego County Master Plan to reflect the addition to the Highway Interchange Zoning District; Seconded by Mr. Arndt.

Motion approved unanimously.

The process to amend the Master Plan will begin by sending letters of intent to all required entities within the County and surrounding areas. The proposed language to the Highway Interchange Zoning District will be sent along with the letter of intent to townships for input.

2. PSUP15-001 Extension-*Gapinski request*

A letter dated June 7, 2016 was received from Dean & Sara. Gapinski requesting a one (1) year extension on their special use permit. It was stated the applicants could obtain one, one (1) year extension. If they failed to fulfill the special use permit criteria after that, they would have to reapply and start the process from the beginning.

Motion made by Ms. Nowak to approve the one (1) year extension for Special Use Permit PSUP15-001 per owner request; Seconded by Mr. Brown.

Motion approved unanimously.

3. CIP Committee - *Member volunteer*

Chairperson Hartmann stated another volunteer was still needed for the Capital Improvement Plan Committee and requested the Commission members consider the position.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Mrs. Jarecki stated the County Park is doing very well; they were booked for the Splash-In and were booked for Big Ticket and the Fourth of July also; the online processing is being utilized quite a bit; Mega Power Sports has brought in kayaks and paddle boards for park guests to rent; the County Park receives a set amount for each rental. The bridge at Irontone Springs has been removed and the walking project next to the Dog Park has begun; a name is still under consideration. A broken sewer pipe was discovered under the steps at the Community Center and has been repaired; the tennis courts will be resurfaced as well as one (1) basketball court, the other will become a pickle ball court and the Recreation Plan is being reviewed.

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

2. Vacation Rental Article/Zoning Information

There was discussion of the article concerning the ruling on vacation rentals.

Mr. Brown stated Charlton Township was moving ahead with their Master Plan.

Ms. Corfis stated Otsego Lake Township finished the amendment to the Highway Interchange and have made their way through the majority of the Township's Master Plan.

Mr. Arndt suggested bringing any discrepancies in the Zoning Ordinance to the attention of the Planning Commission to be discussed and reviewed as they were found instead of waiting for an overhaul as a whole.

Mr. Borton stated things at the County were going very well; the fountain was well received and could be viewed online. It was now connected to a wind meter to prevent people from being sprayed. It did not run when the wind registered more than ten (10) miles an hour.

Mr. Schlaud stated building and zoning was very busy, definitely on the upswing. He also stated he had spoken with Joe Hughes from Wolverine Power to discuss landscaping and signage and he had also addressed the noise issue. He said they were in the testing phase and had a schedule to maintain for firing up the transmission lines and much of the sound proofing was not yet in place. He would be notified of the resident's concerns.

Chairperson Hartmann adjourned the meeting.

Adjournment: 7:59pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

ATTACHMENT #1:

FINDINGS UNDER ARTICLE 19/PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

- 19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
~~HAS~~ HAS NOT BEEN MET
- 19.7.2 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.
~~HAS~~ HAS NOT BEEN MET
- 19.7.3 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
~~HAS~~ HAS NOT BEEN MET
- 19.7.4 The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for the surrounding properties to be used and developed as zoned.
~~HAS~~ HAS NOT BEEN MET
- 19.7.5 The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
~~HAS~~ HAS NOT BEEN MET
- 19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
~~HAS~~ HAS NOT BEEN MET
- 19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity or rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.
~~HAS~~ HAS NOT BEEN MET - NOT APPLICABLE
- 19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.
~~HAS~~ HAS NOT BEEN MET

SECTION 19.8 - CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a special use permit. These conditions may include those necessary to insure that public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the special land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all the following requirements.

- 19.8.1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.
- 19.8.2 Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use.
- 19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

ATTACHMENT #2:

Otsego County Zoning Board of Appeals

Proposed Minutes for May 31, 2016

Call to Order: 6:00 pm by Chairperson Sagasser

Roll Call:

Present: Chairperson Sagasser, Vice-Chairperson Hoffman, Secretary McCarthy, Ms. Bono, Mr. Colosimo, Mr. Brown, Mr. Glasser

Absent: None

Staff Present: Ms. Boyak-Wohlfeil

Public Present: Brittany Stripp, Seidell Architects representative, Denny Freeman, Melissa Zaborowski, Alison Mogle

Chairperson Sagasser welcomed the new members to the Zoning Board of Appeals and asked each to speak.

Each member gave a short introduction of themselves.

Approval of Minutes from November 24, 2015:

Motion made to approve minutes as presented by Mr. Hoffman; Seconded by Mr. McCarthy.

Motion approved unanimously.

Citizen Comment Regarding Items not on the Agenda: None

Public Hearing:

Interpretation of Comparable Use:

A request for an interpretation on the allowance of a banquet hall as a comparable use in the AR/Agricultural Zoning District

PZBA16-001 Freeman

080-036-400-005-09

2838 Wilkinson Rd Gaylord, MI

Section 21.44 Unlisted Property Use

Public hearing open: 6:05 pm

Brittany Stripp, Seidell Architects representative, stated they were working with Mr. Freeman to remodel his existing barn into a venue for weddings. She presented a drawing of the barn and stated it would be open to the public on a seasonal basis for weekend use. There would be a deck for pictures and possible

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

Otsego County Zoning Board of Appeals

Proposed Minutes for May 31, 2016

dining but the entertainment would remain inside. She explained they were looking for interpretation of a comparable use in the zoning district stating the Knights of Columbus Hall was right down the street in

the same district. The K of C Hall was allowed as a venue for weddings and other banquets and was open year round.

Denny Freeman stated they had recently enjoyed holding several family weddings and gatherings on his property and as part of his downsizing, the family discussed allowing other people to enjoy the facility for that same use. He stated he had heard from one of his neighbors who objected because of the possibility of fireworks and noise but after discussing the issue with them, they were satisfied.

Chairperson Sagasser asked for comments from the public present.

Melissa Zaborowski and Alison Mogle stated they were attending the meeting to show support for the wedding venue. Ms. Zaborowski stated she thought it was a good idea for the area and would be enjoyed by many brides. She was also hoping to hold her own wedding at the venue.

Public hearing closed: 6:17pm

New Business:

Interpretation of Comparable Use:

A request for an interpretation on the allowance of a banquet hall as a comparable use in the AR/Agricultural Zoning District

PZBA16-001 Freeman

080-036-400-005-09

2838 Wilkinson Rd Gaylord, MI

Section 21.44 Unlisted Property Use

Chairperson Sagasser stated it was the role of the Zoning Board of Appeals to interpret whether this was a comparable use to the zoning district but not listed as such.

Chairperson Sagasser read the Exhibit List and also the letter from Mr. and Mrs. Olson, neighboring property owners, voicing their concern for loud noise. He requested it be added to the Exhibit List as *Exhibit 13* as well. *SEE ATTACHMENT 1, ATTACHMENT 2*

Chairperson Sagasser presented the Finding of Fact. *SEE ATTACHMENT 3*

He stated because the use for a *'wedding venue/banquet hall'* was not specifically listed in the Zoning Ordinance, they needed to interpret if it was an unlisted use and if so, if it was a permitted use or permitted use subject to special conditions in the AR Zoning District.

Ms. Bono stated she thought if the Ordinance allowed recreational facilities, restaurants, country clubs or private parks, she did not see much of a difference and felt it was comparable to those.

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

Otsego County Zoning Board of Appeals

Proposed Minutes for May 31, 2016

Vice Chairperson Hoffman stated they were not approving the venue itself, only whether it was considered a comparable permitted use to '*fraternal lodges*' or '*churches*' that sometimes rent out their halls or comparable to a permitted use subject to special conditions such as '*restaurants/taverns without drive-through service*', '*golf courses or country clubs*, or '*recreational facilities*'. He felt it was the latter because it would then be up to the Planning Commission to decide items such as hours of operation, noise levels permitted and other specifics.

Mr. McCarthy stated he agreed with Mr. Hoffman that it was more comparable to Section 9.2 than section 9.1 in the AR Zoning District.

Mr. Brown stated he was also in agreement with the use being more similar to uses in Section 9.2.

Mr. Glasser stated his interpretation was a little more liberal and thought the use fell under Section 9.1. It was very similar and was a cross between a fraternal lodge and a church, which both were a permitted use by right.

Chairperson Sagasser stated he agreed it was very similar to a fraternal lodge and a church and also felt it was a permitted use. Most fraternal lodges and churches held banquets and he didn't see a need to place conditions on the use. He felt it gave the Planning Commission more room to govern.

Vice Chairperson Hoffman stated the Agricultural Resource Zoning District was designed as a quiet, rural area with less traffic; those types of things can be controlled with a special use permit. If it is a permitted use, then there is no control over the use in that zoning district and he felt it was something that should be decided by the Planning Commission.

Motion by Mr. Hoffman to interpret the wedding venue/banquet hall use as a comparable use to other *Permitted Uses Subject to Special Conditions* in the AR/Agricultural Resource Zoning District; Seconded by Mr. McCarthy.

Chairperson Sagasser asked if there was any further discussion.

Mr. Glasser thought it should be allowed by right, stating we are overregulated now and did not feel the Planning Commission should decide the scope of the operation.

Ms. Bono concurred.

Mr. Brown stated he wondered why fraternal lodges and churches were listed under Section 9.1 and other similar uses were restricted under Section 9.2.

Chairperson Sagasser stated he agreed with Mr. Glasser as having enough regulations; he did not feel another layer of bureaucracy was needed for something as benign as a banquet hall.

Ms. Boyak-Wohlfeil stated some of the uses listed under Section 9.2 were more restricted because of possible alcohol usage.

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

Otsego County Zoning Board of Appeals

Proposed Minutes for May 31, 2016

Mr. Glasser stated the scope of the use increased also in Section 9.2 along with traffic flow. The intent of the AR Zoning District is to preserve the farmland and the rural beauty of the view.

Vice Chairperson Hoffman stated the rural character of the AR Zoning District could only be preserved if some control was retained.

Chairperson Sagasser requested a roll call vote for the motion on the floor:

Roll call vote:

Sagasser: no
Hoffman: yes
McCarthy: yes
Bono: no
Colosimo: yes
Brown: yes
Glasser: no

Yes-4

No-3

Motion passes

Chairperson Sagasser told Mr. Freeman he could continue with the special use permit process.

1. Election of ZBA Officers

Mr. Sagasser nominated for Chairperson by Mr. Glasser; Seconded by Ms. Bono
Vote unanimous

Mr. Sagasser elected Chairperson

Mr. Hoffman nominated for Vice-Chairperson by Mr. Glasser; Seconded by Mr. Sagasser
Vote unanimous

Mr. Hoffman elected Vice-Chairperson

Mr. McCarthy nominated for Secretary by Ms. Bono; Seconded by Mr. Hoffman
Vote unanimous

Mr. McCarthy elected Secretary

2. Expiring Terms/Reappointment

- a. Bono
- b. McCarthy

Otsego County Planning Commission

Proposed Minutes for June 20, 2016

Otsego County Zoning Board of Appeals

Proposed Minutes for May 31, 2016

Ms. Bono and Mr. McCarthy completed applications to be submitted to the County. They will be reappointed by the Board of Commissioners at term end.

Old Business: None

Communications: None

Adjournment: 6:42 pm by Chairperson Sagasser

Mike McCarthy, ZBA Secretary

Christine Boyak-Wohlfeil, Recording Secretary

PROPOSED

**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE
August 15, 2016

The Otsego County Planning Commission will hold three (3) public hearings on Monday, August 15, 2016 at 6:00pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1) SECTION 21.46 WIRELESS COMMUNICATIONS

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

2) ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT

A proposed zoning district addition to the Otsego County Zoning Ordinance

3) OTSEGO COUNTY CAPITAL IMPROVEMENT PROGRAM 2017-2022

An updated plan for capital improvements within Otsego County

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

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at 989.731.7400.

Proposed Language for Personal Wireless Services

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

ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 2.2 DEFINITIONS

...

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

...

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

Section 322(c)(7) of the Federal Communications Act uses the following definitions:

(i) the term “personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

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

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

SECTION 21.46 WIRELESS COMMUNICATIONS

Reference the Telecommunication Act (Act 104 of 1996 as amended) and the Michigan Zoning and Enabling Act (Act 110 of 2006 as amended including Act 143 of 2012). These set forth provisions concerning placement, location and construction of towers and related facilities for wireless services, provide rules for changes to existing towers and set time frames for municipality action. The purpose of this Section is to establish general guidelines for the siting 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, siting, 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 siting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

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

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

SECTION 21.46.1 DEFINITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21.46.2.8 Lighting shall be designed in accordance with [Section 21.19](#) in addition to the following:

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

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

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

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

21.46.2.11 Professional sealed documents are required for all Wireless Communications Towers ([Section 23.2.2](#)).

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

...SECTION 21.46.3 WIRELESS TELECOMMUNICATION ANTENNA TOWERS OVER ONE HUNDRED NINETY (190) FEET AND RELATED FACILITIES:

Construction of Wireless Communications Towers over one hundred ninety (190) feet and Equipment Shelter Buildings are a Permitted Use Subject to Special Conditions under [Article 19](#). Requirements include all those in [Section 21.46.2](#), plus the following:

ZONING DISTRICTS:

ARTICLE 4 R1 RESIDENTIAL DISTRICT

SECTION 4.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 5 R2 GENERAL RESIDENTIAL DISTRICT

SECTION 5.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 6 R3 RESIDENTIAL ESTATES DISTRICT

SECTION 6.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 7 RR RECREATION RESIDENTIAL DISTRICT

SECTION 7.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 8 FR FORESTRY RECREATION DISTRICT

SECTION 8.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 9 AG AGRICULTURAL RESOURCE DISTRICT

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 10 B1 LOCAL BUSINESS DISTRICT

SECTION 10.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

SECTION 12.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

ARTICLE 13 I INDUSTRIAL DISTRICT

SECTION 13.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

CHARLTON TOWNSHIP
OTSEGO COUNTY

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

To: Vern Schlaud, Director
Otsego Land Use Services
1322 Hayes Rd.
Gaylord, MI 49735

From: Ivan H. Maschke, Clerk

Dear Vern,

At the May meeting of the Charlton Township Board there was discussion regards to proposed language for Personal Wireless Services Telecommunications Towers and Facilities.

After discussion and a report from Willard Brown of the Charlton Township Planning Commission, Huff moved, McCarthy supported, to recommend approval of the proposed changes to the Otsego County Zoning Ordinance for Personal Wireless Services Telecommunications Towers and Facilities according to the letter received from you dated April 11, 2016. Motion passed unanimously.

Thank you very much for your time and consideration.

Sincerely,



Ivan H. Maschke
Charlton Township Clerk

Cc: Charlton Twp. Planning Commission

Corwith Township Planning Commission Minutes - *DRAFT*

May 12, 2016 Special Meeting

Township Hall 5:00 PM

Meeting Call to Order: meeting called to order by Chair Judi Jarecki Pledge of Allegiance 5:00 pm

Roll Call:

Tom Loshaw – ab
Judi Jarecki
Tom Kellogg

Bernie Matelski
Billye Thatcher

Others present:

Josh Clark, software engineer

Correspondence: April 11 request from Otsego County Land Use Services to review proposed zoning language regarding Wireless Services Telecommunications Towers and Facilities.

Email from Jim Conboy, board member of Tip of the Mitt Trails Council

Public Comment:

Planning Commission Items:

Tom K. received a request from Jim Conboy to join a “Friends” group, volunteers to assume responsibility for the North Central State Trail from Vanderbilt to Wolverine, an 8-mile long section. Planning Commission members expressed an interest, but had questions on the scope of the commitment. For example, is it trash pickup, similar to adopting a section of highway? Does it include trimming vegetation? Fallen tree removal? Would a vehicle, such as a garden tractor, be allowed on the trail to haul out debris? Tom offered to contact Jim Conboy to ask these questions.

Regarding the proposed zoning language changes, the discussion was joined by visitor Josh Clark who is familiar with the wireless services towers issue. Tower companies, such as the Cherry Capital telecommunications company in Traverse City, erects antenna towers for the purpose of providing Internet connectivity within a radius of 3 to 5 miles. If spaced correctly, the installation of multiple towers can provide nearly complete coverage of an area’s population. The proposed County zoning language changes will standardize and ease some of the regulatory burden on the installation of these relatively modest 150-foot high towers. Tom K. made a motion to notify the Department of Land Use Services that the Corwith Township Planning Commission has reviewed said proposed language and does not have any issues with the proposed changes. Bernie seconded the motion, which carried by voice vote.

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

The Township has received a May 10 email from the Michigan DNR grants office stating that our Michigan Natural Resources Trust Fund (MNRTF) grant application has moved to the next stage of review. The MNRTF grants staff will be visiting the proposed site. A date and time will be provided to the community once it is scheduled. After the site visit, there will be a further opportunity to add any relevant information to the grant application which could increase its scoring. Tom K. indicated that an additional 10 points would be available if the grant applicant (Twp) had an advisory “parks committee.” The TPC discussed the differences between a parks commission (which is an elected board) and an advisory committee which is appointed by resolution of the Township Board. Tom K. suggested an unpaid, volunteer group of 5 to 7 community members as an advisory committee to the Township Board on parks and recreation matters. Bernie made a motion to discuss the idea of an advisory committee with the Township Board, seconded by Billye, and carried by voice vote.

3. Otsego County Planning Commission (OCPC) and the Parks and Rec Committee:

No meeting was held in April.

3. Music in the Park:

Music in the Park will be on Saturday, July 9th. Neither Tom K. nor Judi will be available to assist with the setup and management of the event this year. Arrangements will have to be made between the TPC and the VPC for the food, cooking, musicians, and other tasks. There will be a June TPC meeting at which final arrangements can be made.

Public Comment: None

Adjourn: There being nothing further to discuss, the meeting was adjourned at 6:12 pm. The next TPC meetings will be held on June 27, July 25, August 29, September 26, October 31, November 28, 2016, and January 30, 2017.

Township of Corwith

COUNTY OF OTSEGO
P.O. Box 100
8170 MILL STREET
VANDERBILT, MICHIGAN 49795-0100
PHONE 989-983-2865
FAX 989-983-3978

May 18, 2016

Otsego County Land Use Services Department
Vern Schlaud, Director
1322 Hayes Road
Gaylord, MI 49735

Dear Vern,

The Corwith Township Planning Commission has met and reviewed the proposed zoning language regarding Wireless Services Telecommunications Towers and Facilities. No issues were found with the proposed changes.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Debbie Whitman
Corwith Township Clerk



HOME OF MICHIGAN'S LARGEST ELK HERD IN BEAUTIFUL PIGEON RIVER COUNTRY

Paul:

I will be in Ludington this date and will head back in the afternoon. I f I run late I will call on the phone and leave a message. I won't be sleeping in my easy chair if I miss.

Bagley likes the wireless concept and your work. What little my guys had to say about it could be called typos and I will bring them when next we meet or drop them off.

Thanks for all the work on the concept—I think it will benefit our constituents. I can also vote my cell phone ☺ if you need me to—989-619-0630.

Ken Arndt

Diane Franckowiak,
Supervisor
P.O. Box 117
Elmira, MI 49730
231-546-3241



Diane Purgiel, Treasurer
1404 N. Townline Road
Gaylord, MI 49735
989-732-4446
989-732-9702 Fax

Susan Shaedig, Clerk
7252 Alba Road
Gaylord, MI 49735
989-732-2920

D & D Assessing
P.O. Box 117
Elmira, MI 49730
989-732-1099

Township of Elmira

Leonard Skop, Trustee • Dale Holzschu, Trustee

Department of Land Use Services
1322 Hayes Rd
Gaylord, Michigan 49735

June 9, 2016

RE: PERSONAL WIRELESS SERVICES

The Elmira Township Board recommends to the Otsego County Planning Commission approval of Proposed Language for Personal Wireless Services from Section 2.2 Definitions to thru Article 113.2.18.

Sincerely,

A handwritten signature in cursive script that reads "Susan Schaedig". The signature is written in black ink and is positioned above the typed name of the signatory.

Susan Schaedig, Clerk
7252 Alba Road
Gaylord, MI 49735
(989)732-2920

**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE
August 15, 2016

The Otsego County Planning Commission will hold three (3) public hearings on Monday, August 15, 2016 at 6:00pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1) SECTION 21.46 WIRELESS COMMUNICATIONS

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

2) ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT

A proposed zoning district addition to the Otsego County Zoning Ordinance

3) OTSEGO COUNTY CAPITAL IMPROVEMENT PROGRAM 2017-2022

An updated plan for capital improvements within Otsego County

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

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at 989.731.7400.

Proposed New Zoning District

ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT

MUZ MAIN STREET MULTIPLE USE ZONING

INTENT:

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

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

The Main Street MUZ is further designed and intended to:

- A. Encourage innovative, traditional and neo-traditional commercial and mixed use developments
- B. Encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented setting, with on-street customer parking
- C. Extend greater opportunities for traditional community living, working, housing and recreation to all citizens, residents and visitors of the community
- D. Encourage a more efficient use of land and public services and to reflect changes in technology of land development by directing new development in a traditional, compact and consolidated pattern of mixed use
- E. Promote a walkable community and blend land uses to minimize traffic congestion
- F. Prohibit the development of drive-in and drive-through facilities which contribute to traffic congestion and pose a threat to the pedestrian environment
- G. Promote the creation of community places which are oriented to the pedestrian, thereby promoting citizen security and social interaction
- H. Promote structures that are harmonious in overall design and development pattern
- I. Encourage development of a community "Main Street" with mixed land uses, on-street customer parking and a continuous series of building façades and store fronts, which not only serves the needs of the immediate neighborhood but also the surrounding areas

SECTION 15.1 PRINCIPAL USES PERMITTED

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

- 15.1.1 Art galleries
- 15.1.2 Business establishments which perform services on premises such as, but not limited to, banks, savings and loans and credit unions, pedestrian oriented automated teller machine facilities
- 15.1.3 Dry cleaning establishments or pick-up stations dealing directly with the consumer, limited to two thousand (2,000) square feet of floor area; Central dry cleaning plants serving more than two (2) retail outlets shall be prohibited.
- 15.1.4 Hotels, bed and breakfast inns and bed and breakfast houses with more than four (4) rooms must meet off street parking requirements of Article 21.18.6.4.
- 15.1.5 Professional offices: Office for medical, dental, legal, engineering, architectural, accounting services, brokerage houses, insurance, real estate or travel agencies with a footprint of up to seven thousand (7,000) square feet
- 15.1.6 Mixed-use buildings with business, commercial or service uses on the ground floor and residential or office uses on upper floors. Where there is mixed business/office and residential use in a building, there shall be provided a separate, private pedestrian entranceway for the residential uses.
- 15.1.7 Newspaper offices and publishers and commercial printers with a footprint of up to seven thousand (7,000) square feet
- 15.1.8 Restaurants, including those with outdoor eating areas, carry-out and open front restaurants, subject to the following site design standards:
 - 15.1.8.1 Outdoor eating areas may be on a public right-of-way, on a building roof top, as part of a patio or deck or within the boundaries of a parcel or lot.
 - 15.1.8.2. A minimum of four (4) feet of public sidewalk along the entire eating area and leading to the entrance of the establishment shall be maintained free of tables and other encumbrances. The pedestrian area shall also be free from benches, waste receptacles, fire hydrants and similar structures. If the sidewalk is not wide enough to allow for a four (4) foot wide clearance for circulation, the outdoor eating area shall not be permitted on a public sidewalk.
 - 15.1.8.3 The outdoor eating area shall be kept clean, litter-free within and immediately adjacent to the area of the tables and chairs. Additionally, all waste generated on site shall be contained by the owner, which may require outdoor waste receptacles. Owners are responsible for all wastes so generated. Written procedures for cleaning and waste containment and removal responsibilities must be included with all applications.

- 15.1.8.4 Tables, chairs, planters, waste receptacles and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors. All tables, chairs, umbrellas and other furniture and fixtures must be stored inside the building or in an alternate location other than a public sidewalk, except thirty (30) minutes prior to opening until sixty (60) minutes after closing.
- 15.1.8.5 Such areas are permitted seasonally between April 1st and October 31st; The hours of operation for the outdoor eating area shall be established and noted with the application.
- 15.1.8.6 The owner of an outdoor eating area may apply for two (2) event permits outside of the normal season of not more than ten (10) days combined; All other outdoor eating area requirements apply.
- 15.1.8.7 The issuance of a permit for an outdoor eating area does not constitute a separate business.
- 15.1.9 Personal service establishments within a completely enclosed building, provided each occupies a total usable floor area of not more than seven thousand (7,000) square feet, including but not limited to such uses as: repair shops (watches, radio, television, shoes, etc.), tailor and dressmaking shops, beauty parlors and styling salons, barber shops, photographic studios, film processing outlets, copy centers, interior decorators, postal centers and computer services
- 15.1.10 Public, quasi-public and institutional uses such as, but not limited to, municipal buildings and offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities, parks and playgrounds, post offices and civic centers and schools but excluding storage yards
- 15.1.11 Retail businesses which supply commodities on the premise with a footprint of up to seven thousand (7,000) square feet, such as but not limited to: groceries, meats, fruits and produce, dairy products, baked goods, candies, wine (specialty wine shops only) and other specialty food products (such products can be produced on the premises as an accessory use provided they are sold on the site at retail prices); and stores selling drugs, dry goods, flowers, clothing, notions, books and magazines, toys, sporting goods, shoes, tobacco products, musical instruments, recorded music, video rentals and sales, gifts and souvenirs, antiques, furniture and hardware
- 15.1.12 Retail sales with a footprint of up to seven thousand (7,000) square feet in which both a workshop and retail outlet or showroom are required, such as plumbing, electrical, interior decorating, upholstering, printing, photographic-reproducing, radio, and home appliance and similar establishments of similar character subject to the provision that not more than eighty percent (80%) of the total useable floor area of the establishment shall be used for servicing, repairing or processing activities and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located
- 15.1.13 Cocktail lounges, bars, taverns (pubs) and brewpubs (excluding drive-in restaurants and those with drive-through facilities), where the patrons are served within the building occupied by such establishment

- 15.1.14 Studios for art, music, dance or theatrical instruction or fitness centers with footprint of up to seven thousand (7,000) square feet
- 15.1.15 The following in-home uses provided no more than twenty-five percent (25%) of floor area is used for such purpose:
- 15.1.15.1 Offices and home occupations when operated within the confines of a single family dwelling as an accessory to living quarters Permit criteria for these uses include Article 4 R1 Residential District.
- 15.1.16 Existing Residences

SECTION 15.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted subject to the conditions herein imposed for each use, the review standards of Article 4.2 and only after the review and approval of the site plan by the Otsego County Planning Commission. See Article 21 for applicable Specific Requirements for Certain Uses, if any, and Article 23 for site plan requirements.

- 15.2.1 Indoor recreational centers, including the following: bowling alleys, roller and ice skating rinks, pool or billiard halls, pinball and mechanical amusement device arcades and other general indoor recreation facilities, with a footprint of up to seven thousand (7,000) square feet
- 15.2.2 Hardwares, equipment rental and building supplies where the size is limited to seven thousand (7,000) square feet total, of which less than two thousand (2,000) square feet is outdoor storage; The Otsego County Planning Commission may permit outdoor storage for such uses provided it determines the design, placement and screening of such outdoor storage complies with the requirements of this ordinance.
- 15.2.3 Mortuaries and funeral homes with a footprint of up to seven thousand (7,000) square feet
- 15.2.4 Party stores (convenience stores) with a footprint of up to seven thousand (7,000) square feet
- 15.2.5 Senior housing, assisted living facilities or assisted day care facilities with a footprint of up to seven thousand (7,000) square feet
- 15.2.6 Accessory buildings with a footprint not greater than eight hundred (800) square feet
- 15.2.7 Utilities: All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded), shall be located underground except where above ground equipment such as transformers, control panels, service connections and meters are required. All above ground equipment shall be located at the rear of the building. Permit criteria includes Article 21.10 regarding screening and fence
- 15.2.8 Wireless telecommunications towers and facilities one hundred fifty (150) feet or less in height. Permit criteria included in Article 21.46
- 15.2.9 Unlisted property uses if authorized under Article 21.44

SECTION 15.3 DEVELOPMENT REQUIREMENTS

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

- 15.3.1 The ground floor use shall be considered the main use of the building.
- 15.3.2 Building Placement: Buildings shall be built so that the front building line is within the Build-to-Area. The Otsego County Planning Commission may require greater setbacks if such space, in their determination, is needed for other requirements.
 - 15.3.2.1 Buildings shall have the greatest portion of front coverage along the primary street(s).
 - 15.3.2.2 Buildings may have up to forty percent (40%) or forty (40) feet of front façade recessed from the Build-to-Area to allow for courtyards and plazas.
 - 15.3.2.3 Cantilevered or self-supporting awnings, signs or lights may extend into the setback area; however, they must be a minimum of four (4) feet away from curbs and shall not be within eight (8) feet of the side property lines.
- 15.3.3 Building Height: New buildings shall contain at least two (2) stories unless the Otsego County Planning Commission determines a single story will not detract from the character and appearance of the Main Street MUZ.
- 15.3.4 Not more than forty percent (40%) of any given floor other than the basement, may be used for bathrooms, closets, halls, utility or storage spaces and only where incidental to the primary use. All of the basement (100%) may be used for these incidental uses. Storage areas shall be in the rear one-half (1/2) of the building.
- 15.3.5 Façade Design: All visible building façades from a public right-of-way or public land shall conform to the following design criteria:
 - 15.3.5.1 Architectural Features: Building façades greater than thirty-three (33) feet in length shall contain architectural features, details and ornaments. Elements such as wall clocks, decorative light fixtures and door or window canopies are recommended. Blank, windowless walls are prohibited.
- 15.3.6 All non-residential buildings must have interior downspout and gutter systems. Exterior downspouts and gutters are not permitted for non-residential buildings, except for those originally constructed for single-family residential purposes.
- 15.3.7 Fenestration: All façades visible from the street must contain glazed glass windows. Spaces between windows shall be formed by columns, mullions or material found elsewhere on the façade. Clear window glass is recommended; green, blue, bronze or smoke tints are permitted.
 - 15.3.7.1 Glazing on the first floor shall occupy a minimum twenty five percent (25%) of the façade; No glazing on first floor shall be placed less than two (2) feet six (6) inches above the sidewalk.
 - 15.3.7.2 Glazing on the second or higher floors shall be a minimum of twenty percent (20%).

- 15.3.8 Building Materials: Building materials must be consistent with the surrounding neighborhood character. Building materials on the front façade or any façade visible from a public right-of-way must be primarily of natural materials (brick, stone, wood, cast stone or other approved material). Each front façade, any façade visible from a public right-of-way and any façade with a dedicated public entrance into the building, should contain at least sixty percent (60%) of the recommended materials listed below, excluding window areas:
- 15.3.8.1 Recommended Materials: Brick, stone, wood and cast stone
 - 15.3.8.2 Acceptable Materials: Split face, scored or ground face block; beveled wood siding (lap, board and batten, shake); exterior finish insulation systems (EIFS)
 - 15.3.8.3 Other synthetic or highly-reflective materials should not be used, except for decorative or accent features and limited to a maximum of ten percent (10%) of any face of a story
 - 15.3.8.4 The following materials are prohibited within ten (10) feet of the building grade: Smooth faced block, smooth concrete, vinyl or metal siding
 - 15.3.8.5 The following materials are prohibited: Opaque and reflective glass, T-111 panels, metal siding including aluminum siding and standing seam panels
- 15.3.9 Side or Rear Façade Design: All sides of a building shall be similar in design and material to present a cohesive appearance to neighboring properties. Wherever a side or rear façade is visible from a public right-of-way or if parking is located at the side or rear of a building, the façade shall be designed to create a pleasing appearance or as described within this Article.
- 15.3.10 Building Entrances: All buildings shall have at least one (1) primary public customer entrance that faces a public street unless a building does not face a public street. Rear entrances are permitted only if there is a primary entrance from a public street.
- 15.3.11 Mechanical Equipment: All units and appliances for central air conditioning, high voltage electrical (HVAC) systems, exhaust pipes or stacks, elevator housing and satellite dishes or other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fences, roofline elements, penthouse-type screening devices or landscaping. Outdoor burning equipment is prohibited.
- 15.3.11.1 Fire escapes shall not be permitted on a building's front façade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.
 - 15.3.11.2 Solid metal security gates or solid roll-down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed from inside, within the window or door frames; or if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grills shall be recessed and concealed during normal business hours.
- 15.3.12 Service Access: A designated loading space shall be reserved at the rear of the building. Loading from secondary streets may be permitted by the Otsego County Planning Commission upon demonstration by the applicant that through traffic flow and access to neighboring uses will not be disrupted.
- 15.3.13 Landscaping: Landscaping is an integral part of this district and shall compliment this district and surrounding uses. Landscaping shall comply with the provisions elsewhere in this ordinance.

- 15.3.14 Courtyards and Plazas: Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed for function, enhance surrounding buildings and provide amenities for users in the form of textured paving, landscaping, lighting, trees, benches, trash receptacles and other items of street furniture as appropriate. Courtyards shall have recognizable edges defined on at least three (3) sides by buildings, walls, elements of landscaping and elements of street furniture in order to create a strong sense of enclosure.
- 15.3.15 Sidewalks: Sidewalks shall be provided, maintained, repaired and/or replaced by the property owner. Sidewalks shall conform to placement and level of adjacent neighborhood sidewalks or be located one (1) foot inside of the street right-of-way along all streets abutting the property. Sidewalks shall be a minimum of forty eight (48) inches wide or the width of adjoining sidewalks as approved during site plan review. Greater width may be required during site plan review. Sidewalk sections shall be maintained, repaired or replaced when they are deemed hazardous. Such maintenance, repair or replacement shall be completed within forty five (45) days of written notice by Otsego County Building and Zoning.
- 15.3.16 Utilities: All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded), shall be located underground except where above ground equipment such as transformers, control panels, service connections and meters are required. All above ground equipment shall be located at the rear of the building. Permit criteria includes Articles 21.10, 21.18.5 and 21.18.6 regarding screening and fencing.
- 15.3.17 Enclosed Buildings: Within the Main Street MUZ, all activities, unless specifically provided for herein, shall be conducted entirely within an enclosed building.
- 15.3.18 Parking Requirements: Parking in this district, except for hotels and bed and breakfast inns with more than four (4) rental rooms, is not subject to the parking requirements elsewhere in this ordinance for land uses that comply with the requirements of this district. On-street parking is encouraged in this district. Off-street parking may be provided to the rear of a building or in publicly owned designated lots.

MUZ TOWN CENTER MULTIPLE USE ZONING

INTENT:

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

SECTION 15.4 PRINCIPAL USES PERMITTED

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

- 15.4.1 Single-family and duplex dwellings: These shall be built to the Build-to-Lines in a traditional residential style.
- 15.4.2 Apartment buildings: Apartment buildings may contain up to eight (8) units per building.
- 15.4.3 Churches: Churches, temples and similar places of worship, limited to a footprint of thirty-five hundred (3,500) square feet
- 15.4.4 Utilities: All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded), shall be located underground except where above ground equipment such as transformers, control panels, service connections and meters are required. All above ground equipment shall be located at the rear of the building. Permit criteria includes Articles 21.10, 21.18.5 and 21.18.6 screening and fence.
- 15.4.5 Laundromats (self-service or coin operated) up to a footprint of one thousand (1,000) square feet
- 15.4.6 Parks
- 15.4.7 Community centers or similar places of assembly when conducted completely with enclosed buildings with a footprint of up to seven thousand (7,000) square feet
- 15.4.8 Senior housing, licensed residential care facilities with a footprint of up to seven thousand (7,000) square feet
- 15.4.9 The following in-home uses provided no more than twenty-five (25%) of the floor area is used for such a purpose:
 - 15.4.9.1 Offices and home occupations when operated within the confines of a single family dwelling as an accessory to living quarters Permit criteria for these uses include Article 4 R1 Residential District.

SECTION 15.5 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted subject to the conditions herein imposed for each use, the review standards of Article 4.2 and only after the review and approval of the site plan by the Otsego County Planning Commission. See Article 21 for applicable Specific Requirements for Certain Uses, if any, and Article 23 for site plan requirements.

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

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

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

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

15.5.2.3 Unlisted property uses if authorized under Article 21.44

SECTION 15.6 DEVELOPMENT REQUIREMENTS

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

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

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

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

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

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

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

- 15.6.5 Mechanical Equipment: All mechanical equipment and appliances for central air conditioning, telecommunications and other such devices shall be located in the rear of the building. Outdoor burning units (stoves/furnaces) are prohibited.
- 15.6.6 Landscaping: Landscaping is an integral part of this district and shall compliment the district and surrounding uses. Permit criteria are included in Article 21.18
- 15.6.7 Utilities: All utilities and service structures shall be located underground except such equipment as transformers, control panels, service connections and meters. All above ground equipment shall be located at the rear of the building. Permit criteria includes Article 21.10 regarding screening and fence
- 15.6.8 Shared driveways: Sharing of driveways is allowed with a written agreement that is recorded at Otsego County on all applicable deeds. Permit criteria includes Article 25.3

SECTION 2.2 DEFINITIONS...

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

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

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

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

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

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

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

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

ARTICLE 17 SCHEDULE OF DIMENSIONS

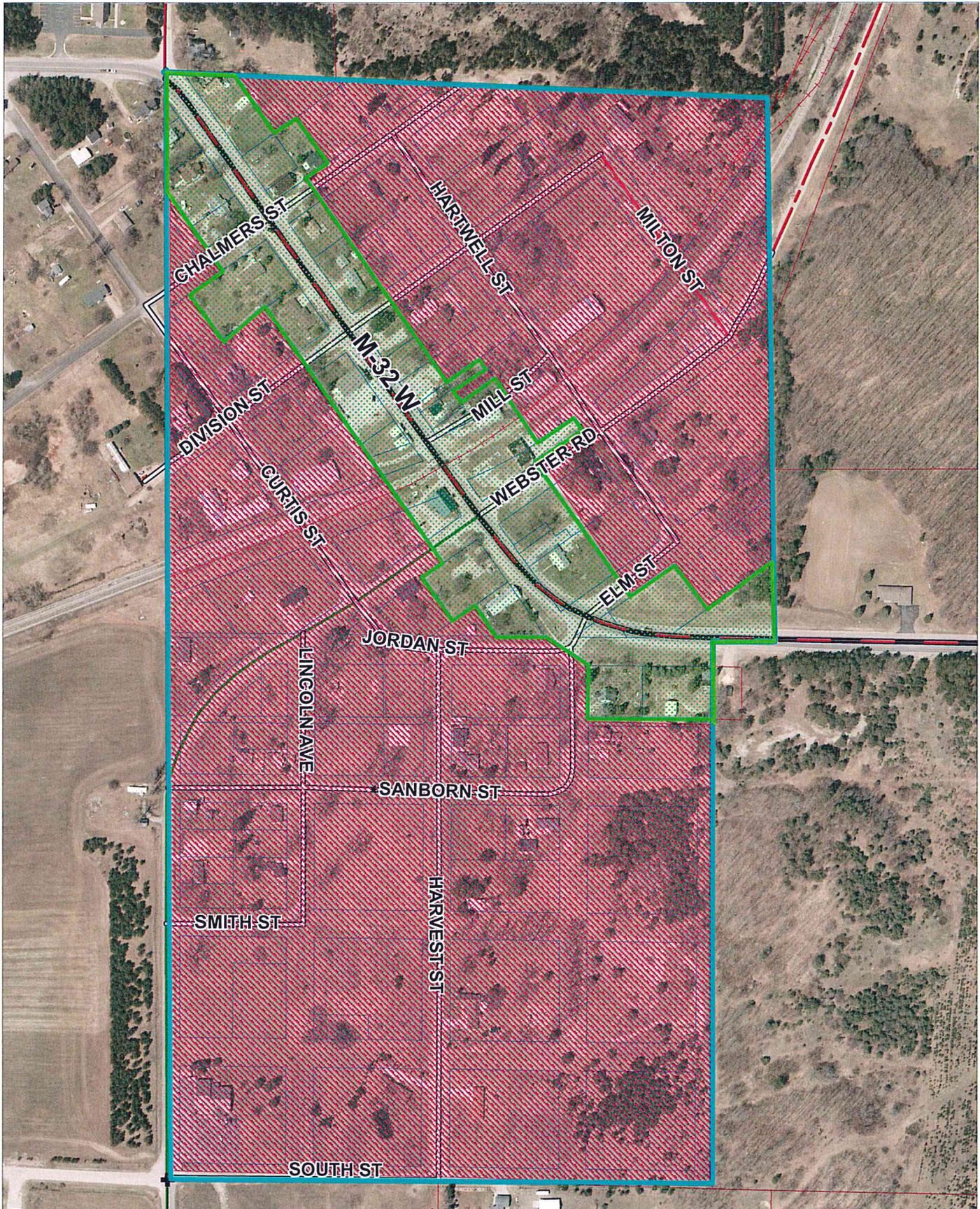
17.1 Table 1 - LIMITING HEIGHT, DENSITY, AND AREA BY ZONING DISTRICTS (See also [Article 21.1 Accessory Buildings](#) and [Article 22 General Exceptions for Area, Height, and Use](#))

<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		
Max. Front Setback	NA	NA	NA	NA		
Min. Side Setback	10 ft	10 ft	10 ft	20 ft		
Min. Rear Setback	30 ft (a, h)	30ft (a, h)	30 ft (a, h)	40 ft (a)		
Min. Lot width (k)	100 ft 150 ft Duplex	100 ft	100 ft	150 ft AR 300 ft Duplex		
Max. % lot coverage	25%	25%	25%	30%		
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)		
Min. Ground Floor area of principal structure (Square feet)	720 (i)	720 (i)	720 (i)	720 (i)		
Min. Width of principal structure	20 ft (i)	11ft (i)	20 ft (i)	11 ft (i)		

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

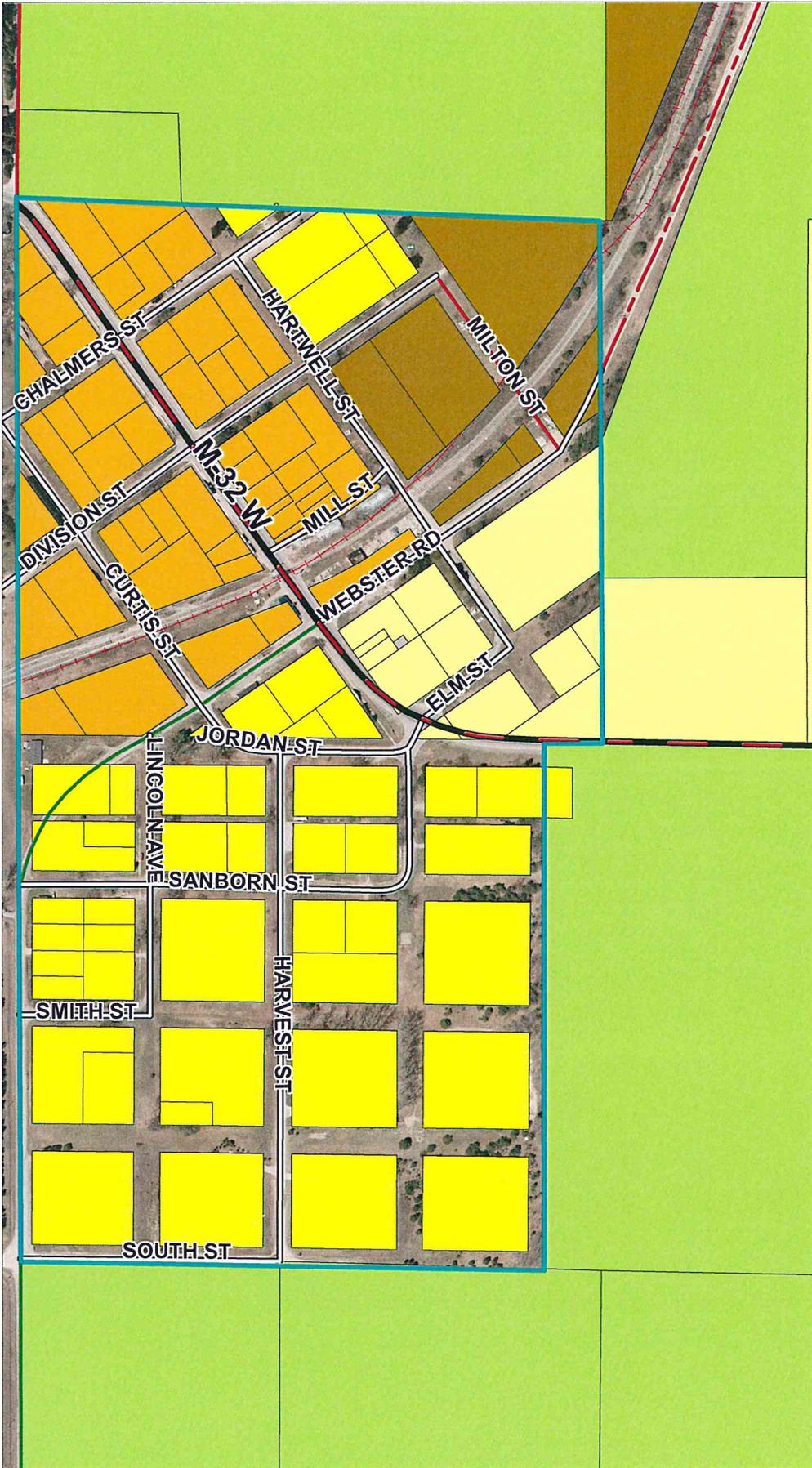
Minimum front, side and rear setbacks, and maximum lot coverage modifications of up to twenty-five percent (25%) may be approved by the Zoning Administrator for nonconforming lots, as described in [Article 21.26.1](#) and [21.26.2](#).

MUZ MULTIPLE USE ZONING DISTRICT

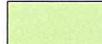
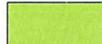
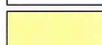
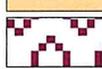


- MUZ ZONING DISTRICT 
- MAIN STREET MUZ 
- TOWN CENTER MUZ 

**OTSEGO COUNTY ZONING MAP
WITH MUZ MULTIPLE USE ZONING DISTRICT OVERLAY**



ZONING LEGEND

-  RR/Recreation Residential
-  FR/Forestry Recreation
-  State Land
-  AR/Agricultural Resource
-  B-2/General Business
-  R-1/Residential
-  N/A
-  R-2/General Residential
-  R-3/Residential Estates
-  PUD/Planned Unit Development
-  I/Industrial
-  B-3/Business, Light Manufacturing
-  B-1/Local Business
-  HX/Highway Interchange

MUZ ZONING DISTRICT



PROPERTY OWNERS WITHIN MULTIPLE USE ZONING DISTRICT

Parcel Number	Property Address	Owner Name	Owner Address	Zoning
061-100-000-002-01		LEWIS, DANIEL H & VERGIE	23146 S ROCKY PT RD	B-2
061-100-000-003-00/			PICKFORD MI 49774	
061-100-000-092-00/				
061-100-000-095-00/				
061-100-000-133-00/				
061-100-000-146-00/				
061-100-000-149-00	8836 HARTWELL ST	GONE LLC/ ZAREMBA, JAMES R	1734 DICKERSON RD	B-2
061-100-000-005-00/	2401 DIVISION ST	DORCHY, NATASHA	ELMIRA	B-2
061-100-000-008-00	8898 M-32 WEST	KELSO, CLARENCE	ELMIRA 49730	B-2
061-100-000-009-00			GROSSE POINTE	
061-100-000-011-00		PETERS, ROY J	WOODS	B-2
061-100-000-012-00		CLARK, HOWARD A & CAROLA	1647 STANHOPE AVE	B-2
061-100-000-013-00		KELSO, MALIA D	670 E TOWNLINE LAKE RD	B-2
061-100-000-015-00/	2451 CHALMERS ST/		WALLED LAKE	B-2
061-100-000-050-00	8924 M-32 WEST	FRANCKOWIAK FAMILY TRUST	PO BOX 12	B-2
061-100-000-023-00/			ELMIRA	B-2
061-100-000-025-01	2388 DIVISION ST	MARCH, TODD R & SUSANNE K	ELMIRA	B-2
061-100-000-027-00	8897 M-32 WEST	JARONESKI, ALAN M	BOYNE CITY	B-2
061-100-000-029-00/			49712	B-2
061-100-000-030-00	8869 M-32 WEST	SINDE'S HOLDINGS LLC	PO BOX 147	B-2
061-100-000-032-00		GEORGE, RITA	ATLANTA	B-2
061-100-000-033-00/			17484 HIBNER RD	B-2
061-100-000-034-00/				
061-110-009-001-00/	2075 HARVEST ST	ROBARGE, RALPH & PATRICIA		B-2
061-110-010-001-00	8835 M-32 WEST	TRUST	PO BOX 96	B-2
061-100-000-038-00		HOSTMAN, DAVID J ET UX	ELMIRA	B-2
061-100-000-038-01	8805 M-32 WEST/	BUELL, CHARLES	WILLIAMSBURG	B-2
061-100-000-039-00/	2290 MT JACK RD	ELMIRA PROPERTIES LLC	112 KILLINGTON	B-2
061-100-000-100-00			8805 M-32 WEST	B-2
			ELMIRA	B-2
			49730	B-2

PROPERTY OWNERS WITHIN MULTIPLE USE ZONING DISTRICT

Parcel Number	Property Address	Owner Name	Owner Address	Zoning
061-100-000-040-00/ 061-100-000-065-00/ 061-100-000-043-00/ 061-100-000-110-00/ 061-100-000-045-00/ 061-100-000-053-00/ 061-100-000-119-00/ 061-100-000-054-00/ 061-100-000-057-00/ 061-100-000-116-00/ 061-100-000-060-00/ 061-100-000-061-00/ 061-100-000-063-00/ 061-100-000-070-00/ 061-100-000-073-00/ 061-110-003-001-00/ 061-110-003-004-00/ 061-110-003-010-00/ 061-110-012-001-00/ 061-110-012-002-00/ 061-110-013-001-00/ 061-100-000-076-00/ 061-100-000-078-00/ 061-100-000-089-00/ 061-110-006-001-00/ 061-100-000-097-00/ 061-100-000-099-00/ 061-100-000-103-00/ 061-100-000-109-00	8761 M-32 WEST 8859 CURTIS ST 2367 WEBSTER RD 8944 M-32 WEST 8962 M-32 WEST 8974 M-32 WEST 8987 M-32 WEST 8973 M-32 WEST 8953 M-32 WEST 8762 M-32 WEST 2035 MT JACK RD 2265 MT JACK RD 8808 HARTWELL ST 2500 WEBSTER RD 2200 MT JACK RD	HUNT, JUNIOR & LISA ZAREMBA EQUIPMENT BURDO, FELIX EUGENE WINDY BROOK COMPANIES INC HANKS, H TERRY TRUST KYLES, GERALD H SKIBINSKI, NORBERT J ET AL WEATHERWAX, JOHN & BECKY CZYKOSKI, EARL & DAWN KONSEK, BARBARA ELMIRA TOWNSHIP TOMASSINI-TOMASSINI BEYERLEIN, CHARLES R & ELLEN ZAREMBA - ZAREMBA - ZAREMBA/ ZAREMBA GROUP LLC TRAVERSE GLOBAL HOLDINGS LLC BECKNER, CHARLES T WALKER, TINA COUNTY OF OTSEGO TREASURER	BOYNE FALLS GAYLORD SALINE PORTLAND EATON RAPIDS ELMIRA WASHINGTON ELMIRA ELMIRA ELMIRA ELMIRA HARBOR CITY HOMOSASSA ELMIRA TRAVERSE CITY ELMIRA PHELAN GAYLORD	R-1 R-2 R-2 B-2 B-2 B-2 B-2 B-2 B-2 R-2 R-1 R-1 R-2 R-2 R-2 R-2 B-3 B-2 B-2

PROPERTY OWNERS WITHIN MULTIPLE USE ZONING DISTRICT

Parcel Number	Property Address	Owner Name	Owner Address	Zoning
061-100-000-112-00	8865 CURTIS ST	MAY, MARTY & DEBRA	8865 CURTIS ST	B-2
061-100-000-114-00	8406 CHALMERS ST	CZYKOSKI, EARLE T UX	PO BOX 116	B-2
061-100-000-122-00/	2474 CHALMERS ST/			
061-100-000-123-00	2497 CHALMERS ST	HUFFMAN, GERALD SR & SHARON	PO BOX 23	R-1
061-100-000-125-00	2498 DIVISION ST	JARA, COREY & CARISSA	5298 BIRCH WAY	R-1
061-100-000-130-00/				
061-100-000-131-00/				
061-100-000-138-00/				
061-100-000-144-00	2500 DIVISION ST	BROWN, LESLIE & JACQUELINE	PO BOX 121	R-1/ B-
061-110-001-005-00	2225 WOODWARD AV	CRAWFORD, PHILIP E & KATHY K	4899 S CALLE ENCINA	3
061-110-001-009-00	2185 WOODWARD AV	LANCASTER, LORI J & JOHN A	PO BOX 3064	R-1
061-110-002-001-00	8837 JORDAN ST	CUBBY - CUBBY	PO BOX 74	R-1
061-110-002-009-00	2155 HARVEST ST	STEBNER, KURT M & PAMELA A	2155 HARVEST ST	R-1
061-110-002-010-00	8728 SANBORN ST	HORNICK, STEVEN	PO BOX 157	R-1
061-110-004-001-00	8974 SANBORN ST	CORNELL, JOHN C & DONNA C	15707 SIMMONS AVE	R-1
061-110-004-009-00		PERKINS, WILLIAM	PO BOX 42	R-1
061-110-004-010-00		MASSEY, MICHAEL J & KAREN K	2184 MT JACK RD	R-1
061-110-005-001-00/				
061-110-005-002-00	2162 LINCOLN AVE	RAMSEY, BRADLEY STEVEN	2162 LINCOLN AVE	R-1
061-110-005-003-00	2162 LINCOLN AVE	DUBEY, RALPH & AMY LEE	8155 WHITE TAIL LN	R-1
061-110-005-004-00/	8985 SANBORN ST	CLOSE, EMORY LEROY	PO BOX 5	R-1
061-110-005-005-00/				
061-110-005-006-00	2125 MT JACK RD	PUROLL, DEBRA JEAN	2125 MT JACK RD	R-1
061-110-005-007-00	2112 LINCOLN AVE	SG CAPITAL PARTNERS LLC	ONE DOCK ST STE 501	R-1
061-110-007-001-00	8729 SANBORN ST	DAVIS-SEVENSKI-OSTRANDER	8729 SANBORN ST	R-1
061-110-007-003-00/				
061-110-007-005-00/				
061-110-008-001-00	2111 HARVEST ST	SEVENSKI, LARRY D	2919 N US-131	R-1
061-110-011-001-00		BIRX, CHANDLER MATTHEW	782 E BUTLER RD APT 408	R-1
			MAULDIN	29662-3210

PROPERTY OWNERS WITHIN MULTIPLE USE ZONING DISTRICT

Parcel Number	Property Address	Owner Name	Owner Address	Zoning
061-110-011-008-00		BARBER, SAMUEL	PO BOX 37	R-1
061-110-014-001-00	2010 HARVEST ST	OSGOOD, RANDAL L	2010 HARVEST ST	R-1
061-110-015-001-00	2003 HARVEST ST	MOSER, LORI L	2003 HARVEST ST	R-1
061-110-016-001-00		DOBRELWISKI, RYAN J	1245 MURNER RD	R-1
061-110-001-001-00	8725 M-32 WEST	SMITH, MARVIN & JANIS	5420 RIVIERA DR	R-1
061-100-000-019-01	2423 CHALMERS ST	SEVENSKI-WATTS	2423 CHALMERS ST	B-2
061-110-004-003-01	2184 MT JACK RD	GAULT, LINDA G	PO BOX 1	R-1
TOTAL:				95

PROPERTY OWNERS WITHIN 300'

Parcel Number	Property Address	Owner Name	Owner Address	Zoning
060-019-200-005-01	8649 PARMATER RD	RIVER SALES CEMENT CO	100 BROADHEAD RD STE 230	FR
060-019-200-020-02	2507 BUELL RD	KREBIHL, KURT	1204 ZIMMER PL	FR
060-019-200-020-03	2601 BUELL RD	BILLIDEAU, ROBERT D & DOROTHY A	2601 BUELL RD	FR
060-019-200-025-00		MADAY, CONRAD C & FELICIA A	18436 CRANBROOK DR	FR
060-019-300-015-00	8692 M-32 WEST	ZAREMBA, YVONNE E TRUST	PO BOX 75	R-2
069-019-300-020-00/				
069-030-200-005-00		ROBEL, LAWRENCE & KARI VASSIR-	1423 MT JACK RD	FR
060-019-400-055-00		SMITH, MARVIN & JANIS	5420 RIVIERA DR	R-1
060-030-200-015-02	8881 SOUTH ST	FRANCKOWIAK, DONALD ET UX	8881 SOUTH ST	FR
060-030-200-015-03	1977 MT JACK RD	SHAFFER, EDWARD & JANICE	7307 GLENEAGLE DR	FR
TOTAL:				10

Christine Boyak-Wohlfeil

From: Vern Schlaud
Sent: Wednesday, June 15, 2016 12:45 PM
To: Christine Boyak-Wohlfeil
Subject: FW: Livingston Township on Proposed MUZ Zoning

From: Mike Mang [<mailto:mangsmi1@gmail.com>]
Sent: Wednesday, June 15, 2016 10:40 AM
To: Vern Schlaud
Cc: 'Norm Brecheisen'; jlslivinski@hotmail.com; mangs@charter.net; richardcarlson8@gmail.com; steven.a.dipzinski@gmail.com
Subject: Livingston Township on Proposed MUZ Zoning

Mr. Vern Schlaud:

The Livingston Township Planning Commission, at its regularly scheduled meeting on June 14, 2016, reviewed the proposed addition of the MUZ Multiple Use Zoning District to the Otsego County Zoning Ordinance. Following are our comments.

In general, we found the proposed article to be extremely thorough and well-researched. At times we thought that the thoroughness could be to a fault, making the requirements for building too restrictive, perhaps to the point of discouraging development.

Main Street MUZ

XXX.3.2.2 – This article presents a double standard by allowing either 40% or 40 feet recess. We suggest re-wording this by inserting “,whichever is less,” after the “or forty (40) feet” and before “of front façade recessed...” .
XXX.3.8.5 – We were not clear why T-111 panels were prohibited. These are very similar to the allowed board and batten siding, and from our perspective convey a very similar appearance. T-111 is simply a reverse in design from board and batten.

Town Center MUZ

XYX.3.2.2 – The words thirty-two and forty-eight should be hyphenated.
XYX.3.3 – As mentioned above, why the prohibition on T-111?

Definitions

In the definition of PARK, neither township or county was mentioned. We suggest that either “city” be removed and replaced with “a local unit of government”, or “city” be left with the addition of “, township, county,” before “state or nation” .

Thank you for the opportunity to review the proposed ordinance changes.

Michael Mang
Acting Chair
Livingston Township Planning Commission



Diane Franckowiak,
Supervisor
P.O. Box 117
Elmira, MI 49730
231-546-3241

Susan Shaedig, Clerk
7252 Alba Road
Gaylord, MI 49735
989-732-2920



Township of Elmira

Leonard Skop, Trustee • Dale Holzschu, Trustee

Diane Purgiel, Treasurer
1404 N. Townline Road
Gaylord, MI 49735
989-732-4446
989-732-9702 Fax

D & D Assessing
P.O. Box 117
Elmira, MI 49730
989-732-1099

Department of Land Use Services
1322 Hayes Rd
Gaylord, Michigan 49735

June 9, 2016

RE: MULTI USE ZONING ORDINANCE

Elmira Township supports the draft MUZ document identified as "Article XX Multiple Use Zoning(MUZ) District" for incorporation into the Otsego County Zoning Ordinance as presented in the 5/16/16 version of the document.

Sincerely,

Susan Schaedig, Clerk
7252 Alba Road
Gaylord, MI 49735
(989)732-2920

Corwith Township Planning Commission Minutes – DRAFT
July 25, 2016 Meeting
Township Hall 5:00 PM

Meeting Call to Order: meeting called to order by Chair Judi Jarecki Pledge of Allegiance 7:00 pm

Roll Call:

Tom Loshaw – ab
Judi Jarecki
Tom Kellogg

Bernie Matelski
Billye Thatcher

Others present:
Debbie Whitman

Approval of May 12, 2016 Minutes: Billye motioned to approve the May 12 Minutes, Bernie seconded, and the motion carried by voice vote. (no meeting was held on 6/27 due to the lack of a quorum)

Correspondence: MTA brochure announcing planning workshops taking place on August 17 in Grayling. Correspondence from May, regarding Township participation in County zoning (see under Otsego County Planning Commission, item 3, below).

Public Comment:

Planning Commission Items:

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

There have been no further updates received about the Trailhead Park grant application. Jim Conboy has left two volunteer jackets at the Village Hall that can be used by volunteers maintaining the trail if they so choose.

Tom K. described a group tour that took place on July 21, starting at the Pigeon River Country Headquarters. The tour highlighted some of the assets of the Pigeon River Country State Forest (PRCSF) including its recent property acquisitions and the development of the Discovery Center. The tour was conducted by John Walters, Chair of the Pigeon River Country Advisory Council, and Scott Whitcomb of the MDNR.

3. Otsego County Planning Commission (OCPC) and the Parks and Rec Committee:

OCPC: No meeting was held in June. This allows an extended opportunity for the Corwith TPC to comment on May 18 correspondence regarding a proposed mixed-use zoning (MUZ) district in the Otsego County Zoning Ordinance. After discussion of the merits of the proposed language change, Bernie made a motion to recommend that the County adopt the language as part of the Zoning Ordinance. Billye seconded, and the motion carried by voice vote.

Parks and Rec Committee: work is continuing on a County-wide recreation plan.

3. Music in the Park:

The annual Music in the Park was held on Saturday, July 9th. Billye Thatcher and Vern Kassuba helped make arrangements to purchase food, find volunteer musicians, and other tasks. Ron Bush and Mike Kenny assisted with cooking the hot dogs. The Village provided the park pavilion and electricity. Supplies tallied by Billye included: 150+ hot dogs and buns, 40 hamburgers (donated) and buns, (2) 3-packs of catsup, mustard and relish, 1 bag of onions, (3) 24-pack potato chips (1 donated), (1) 25-lb charcoal and lighter fluid, (10) 12 packs of soda (4 donated), (2) 24-packs of water (1 donated), 10 bags of ice, 2 packages of napkins (1 donated), 150 paper plates (50 donated). Total Township expenses were \$250. Leftover buns, relish and mustard were donated to the senior center. Over 100 people attended the event.

Public Comment: None

Adjourn: There being nothing further to discuss, the meeting was adjourned at 7:34 pm. The next TPC meetings will be held on August 29, September 26, October 31, November 28, 2016, and January 30, 2017.

**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE
August 15, 2016

The Otsego County Planning Commission will hold three (3) public hearings on Monday, August 15, 2016 at 6:00pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1) SECTION 21.46 WIRELESS COMMUNICATIONS

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

2) ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT

A proposed zoning district addition to the Otsego County Zoning Ordinance

3) OTSEGO COUNTY CAPITAL IMPROVEMENT PROGRAM 2017-2022

An updated plan for capital improvements within Otsego County

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

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at 989.731.7400.

Otsego County Six Year Capital Improvement Plan - Appendix A

Project Name	Agency	Project Type	Funding Source(s)	Estimated Cost	P.C. Priority	2016	2017	2018	2019	2020	2021
Gaylord Regional Airport Taxi Lane Extension	Otsego County	New Construction	90% Federal; 5% State; 5% Local	\$350,000	Important	\$360,000					
Gaylord Regional Airport Box Hangar	Otsego County	New Construction	90% Federal; 5% State; 5% Local	\$570,000	Important				\$570,000		
Otsego County Jail	Otsego County	New Construction	Various	\$7,800,000	Important					\$7,800,000	
Otsego County Library Expansion	Otsego County Library	Facility Expansion	Various	\$4,500,000	Important	\$2,500,000					
Otsego County Road Commission Road Projects	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$380,000	Important	\$380,000					
Meridian Line Road Safety Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$522,000	Important	\$522,000					
Sparr Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$532,500	Urgent		\$532,500				
Meridian Line Road Project 1	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$935,000	Important			\$935,000			
Seymore Road and Kujawa Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$941,250	Important				\$941,250		
Meridian Line Road Project 2	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$941,250	Important						\$7,800,000
Total Costs by Year:				\$16,480,750		\$1,262,000	\$3,032,500	\$935,000	\$1,511,250	\$0	\$7,800,000

APPENDIX A

Otsego County Six Year Capital Improvement Plan – Appendix A

Project Name	Agency	Project Type	Funding Source(s)	Estimated Cost	P. C. Priority	2017	2018	2019	2020	2021	2022
Gaylord Regional Airport Taxi Lane Extension	Otsego County	New Construction	90% Federal; 5% State; 5% Local	\$370,000	Important	\$370,000					
Gaylord Regional Airport Box Hangar	Otsego County	New Construction	85.88% Federal; 4.77% State; 9.35% Local	\$437,932	Important	\$2,340,000		\$437,932			
North Central State Trail / Iron Belle Trail Extension	Otsego County	New Construction	Various	\$2,340,000	Important	\$2,340,000					
North Central State Trailhead	Otsego County	New Construction	Various	\$732,180	Important	\$732,180					
Otsego County Jail	Otsego County	New Construction	Various	\$7,800,000	Important	\$7,800,000					\$7,800,000
Otsego County Library Expansion	Otsego County Library	Facility Expansion	Various	\$2,727,000	Urgent	\$2,727,000					
Otsego County Road Commission Road Projects	OC Road Commission										
Sparr Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$522,000	Important	\$522,000					
Meridian Line Road Project 1	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$532,500	Urgent	\$532,500					
Seymore Road and Kujawa Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$935,000	Important	\$935,000					
Meridian Line Road Project 2	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$941,250	Important	\$941,250					
Total Costs by Year:				\$17,337,862		\$6,491,500	\$1,667,180	\$941,250	\$437,932	\$0	\$7,800,000

APPENDIX A

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

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

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

Alternative Financing:

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

Potential funding sources for remainder:

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

Agency Reported Priority: Urgent

Planning Commission Reported Priority: Urgent



Otsego County 2017-2022 Capital Improvement Plan Committee

Proposed Minutes August 9, 2016

Call to Order: 1:35 pm by Mr. Burt

Approval of Minutes: September 14, 2015

Motion to approve minutes by Mr. Hartmann; Seconded by Mr. Hilgendorf

Motion approved unanimously.

Capital Improvement Plan Committee members present:

- John Burt, Otsego County Administrator
- Ken Borton, Otsego County Commissioner
- Paul Hartmann, Planning Commission Chairperson
- Jim Hilgendorf, Planning Commission member
- Vern Schlaud, Otsego County Land Use Services Director/Vice-Chairperson, Secretary

Capital Improvement Plan Committee members absent:

- Willard Brown, Planning Commission member

Others present: Christine Boyak-Wohlfeil, Zoning staff

Discussion Items:

Mr. Burt stated the amount for the Airport Taxilane Extension had increased and remained prioritized as important; the cost of the Airport Box Hanger had decreased with an engineered estimate and also remained prioritized important. All the airport hangers are currently being rented.

The North Central State Trail/Iron Belle Trail Extension and the North Central Trail Extension are an addition to the CIP. Grant applications were submitted for the Iron Belle Trail Extension. The County is responsible for the trail from Wisconsin St south to Crawford County and the City of Gaylord is responsible for the portion north of Wisconsin St to the existing trail. The State will cover the City's cost. Depending on funding, the trail may end just south of Waters in 2017, be completed in 2018 and possibly continued into Crawford County. Both extensions are prioritized as important with the Iron Belle Trail Extension projected for 2017 and the Trailhead Extension for 2018. The trail will consist of a limestone aggregate. The City is considering other options.

Mr. Burt stated the library expansion would begin in 2017 if the millage was passed in November. It is prioritized as urgent. He also stated there were no changes with the jail; it remained prioritized as important. The County is considering more options with the work camp.

The Road Commission future road projects remained the same:

Sparr Rd	Important
Meridian Line Rd	Urgent
Seymour Rd and Kujawa Rd Project	Important
Meridian Line Rd Project 2	Important

Mr. Brown had previously questioned the Heatherton Rd Project. Mr. Burt had contacted Jason Melancon at the Road Commission and he stated the federal dollars had not been allocated for that project as of yet but hopefully could be included in next year's CIP.

Motion made by Mr. Hartmann to recommend the 2017-2022 Capital Improvement Plan for Planning Commission approval; Seconded by Mr. Hilgendorf

Motion approved unanimously.

Adjournment: 2:06pm by Mr. Burt