

Otsego County Planning Commission

Corrected Minutes for September 15, 2014

Call to Order: 6:00 pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

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

Absent: Mr. Borton, Mr. Hilgendorf (*excused*)

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

Public Present: Brett L Cook, Todd L Seidell, Maureen Derency

Consent Agenda: None

Approval of minutes from: July 21, 2014

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

Motion approved unanimously.

Other:

1. Appreciation plaque/Former PC member Randy Stults

Mr. Mang, Planning Commission representative to the Zoning Board of Appeals, read a letter of appreciation to Mr. Stults for his service and dedication to the ZBA.

Mr. Arndt presented an engraved plaque from the Planning Commission members and Land Use staff thanking Mr. Stults for his shared knowledge, years of service and the many positions held throughout the County.

2. Indoor archery as a Permitted/Special Use for RR/Recreational Residential/Todd Seidel representing Brett Cook

Chairperson Hartmann asked Mr. Cook to introduce himself and explain the nature of their agenda request.

Mr. Cook stated he's been a resident of the County for twenty (20) years, has worked at Jay's Sporting Goods as an archery tech for six (6) years and is looking to branch out on his own.

Mr. Seidel explained they were exploring the idea of putting an indoor archery range on Mr. Cook's father's property in Elmira and would like the Planning Commission to consider it a comparable use in a RR/Recreation Residential Zoning District.

He presented a site plan to give an idea of the location and size of structure, stating the proposed building would be 40'x120' on Vega Road just off Hallock Road. The building would consist of an archery range and pro shop with a work area for repairs and bathroom facility.

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Mr. Cook stated he would work the tech shop repairing bows; lane use would be rented for before season sighting-in and practice and tournaments. He would like to set up leagues for all ages and would like to assist the schools with their archery program. He would also like to host tournaments for indoor leagues from around the state.

Chairperson Hartmann stated the zoning for this area was RR/Recreation Residential and this was not an allowed use for this district. He asked Mr. Stults to share his comments from the Elmira Planning Commission meeting on the subject, as he was in attendance.

Mr. Stults stated at the Elmira meeting, rezoning had been discussed. He stated spot zoning is not allowed and rezoning can be an expensive risk, so he recommended Mr. Cook look into a comparable use within the RR Zoning District. He said it was a more plausible way to possibly achieve the goal and suggested approaching the Otsego County Planning Commission for direction.

Discussion ensued and the Planning Commission members felt SECTION 7.2.3 *was* a comparable ~~Permitted Special Use~~ **Permitted Use Subject to Special Conditions** if the word 'nonprofit' was removed and should be presented to townships for consideration.

Maureen Derenzy, Elmira Township resident, stated she was not against the archery range going in to the Township but was concerned about what the change to the zoning district would allow as a use in the future.

Mr. Stults stated the zoning district already allowed a large number of very broad uses. Mr. Cook would still need to make formal application for the **Special Use** and the Planning Commission could place conditions on that **Special Use** to protect surrounding land owners.

Motion made by Mr. Hendershot to amend the Otsego County Zoning Ordinance ARTICLE 7 RR/RECREATION RESIDENTIAL Zoning District by removing the word 'nonprofit' from Section 7.2.3 and send to townships for input; Seconded by Mr. Klee. (SEE ATTACHMENT I)

Motion approved unanimously.

Public participation for items not on the agenda: None

Unfinished applicant business: None

Public Hearing: None

New Business: None

Unfinished Commission Business:

1. AR/FR setbacks/Article 17 Schedule of Dimensions

Mr. Brown stated he was pleased with the proposed wording.

Mr. Schlaud stated the proposed setbacks were on a case by case approval basis and only pertained to residential structures.

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Motion made by Mr. Brown to amend setbacks for *residential structures only* in the AR/Agricultural Resource and FR/Forest Recreation Zoning Districts to coincide with other residential zoning districts per Zoning Administrator approval; Seconded by Mr. Arndt. (*SEE ATTACHMENT 2*)

Motion passed: 8 Yes
 1 No

2. Otsego County Master Plan

Chairperson Hartmann stated the revisions and updates to the Master Plan had been completed.

Mr. Mang asked about maps to be added to the Plan.

Mr. Schlaud stated the map from the Road Commission would be added to the Transportation Plan.

Mr. Mang questioned the inclusion of a map for recreational trails and stated he thought someone was going to obtain a copy.

Chairperson Hartmann stated it was discussed but was not obtained.

Mr. Mang suggested getting the Road Commission map together and stated he would look into the recreation transportation and get the information needed.

Chairperson Hartmann tabled the Otsego County Master Plan until October's meeting.

3. Otsego County 2015-2020 Capital Improvement Committee

Motion made by Mr. Brown to recommend the 2015-2020 Capital Improvement Plan to the Otsego County Board of Commissioners as updated; Seconded by Mr. Klee.

Motion approved unanimously.

4. 2014 Objective List/update

Chairperson Hartmann stated the Highway Interchange Zoning District (HX) and the Meet and Greet with the ZBA had been completed this year. The Master Plan was still being worked on and Elmira Township was in the process of putting together the Multiple-Use Zoning District (MUZ).

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Vice Chairperson Jarecki reported the Community Center wood floor had been finished and they were pleased with the result although the cause still had not been found. The County was considering changing the name of the Otsego County Community Center to honor Chad Dutcher for his many years of service chairing the Parks and Recreation Committee. It would go before the Otsego County Board of Commissioners.

The cabin rentals went over very well this summer and the Park was taking reservations for next year.

Smiles for Miles had good participation and the Park was getting ready for the eighth-grade program.

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The Alpine Chocolate Haus is sponsoring a fundraiser to make the repairs necessary to the Libke Field parking lot.

2. Lovell Master Plan update

Mr. Schlaud stated he had received a draft version of the Plan and it was available for review.

3. Parliamentary Motions Guide/Zoning Training

Adjournment: 7:40 pm by Chairperson Hartmann

Christine Boyak-Wohlfeil, Recording Secretary

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ATTACHMENT 1:

ARTICLE 7 RR RECREATION RESIDENTIAL DISTRICT

INTENT

The Recreation Residential District is designed to accommodate cottage and vacation home developments. It is intended that the vacation home areas be reasonably homogeneous by discouraging the mixing of recreation home areas with commercial resorts, business services, and major institutional or community services.

SECTION 7.1 PRINCIPAL USES PERMITTED

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

7.1.1 One (1) family dwellings.

7.1.2 Accessory boat launching ramps, minor docks and accessory facilities provided they are developed as part of a residential lot. Permit criteria include [Article 18 LOTS NEAR WATER](#).

7.1.3 Public parks, parkways, scenic trails, playgrounds, recreation lands and forests, including accessory shelters and apparatus, and historical structures or display areas.

7.1.4 Existing farms and agricultural uses.

7.1.5 Home businesses or occupations and personal services as permitted in [Article 4.1.8](#) and [5.1.4](#).

7.1.6 Family Care Facilities.

7.1.7 Bed and Breakfast/Tourist Homes.

7.1.8 Travel trailers. Permit criteria include [Article 21.33](#).

7.1.9 Structure for storage of the owner's possessions and non-commercial activities. These structures shall not be used as residences. Structures shall meet the size requirements of [21.1.3](#).

7.1.10 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use.

SECTION 7.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

7.2.1 Community boat launching ramps, docks and accessory facilities.

7.2.2 Golf courses as regulated in the R1 District [See [Articles 4.2.5](#) and [21.11](#)].

7.2.3 Private, **non-profit** recreational areas and facilities.

7.2.4 Marinas.

7.2.5 Restaurants without drive-through service, which are of an appearance and character consistent with permitted uses.

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7.2.6 Recreation camps or resorts.

7.2.7 One detached guest house may be permitted, provided the use is accessory to the main dwelling, there is double the minimum required land area for the district, and the Health Department approves the sanitary system.

7.2.8 Utility and essential service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded). Permit criteria include [Article 21.10](#) regarding screening fences.

7.2.9 Wireless Telecommunications Towers and Facilities one hundred (100) feet or less in height. Permit criteria include [Article 21.46](#).

7.2.10 Churches.

7.2.11 WTG Small: Permitted as an accessory use to an allowed Principal Use.

7.2.12 Unlisted property uses if authorized under [Article 21.44](#).

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ATTACHMENT 2:

ARTICLE 17 SCHEDULE OF DIMENSIONS

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

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

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

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- Note a: Lots within five hundred (500) feet of lakes, ponds, flowages, rivers, streams: see [Article 18, LOTS NEAR WATER](#).
- Note b: Where the front yards of two (2) or more principal buildings in any block, or within five hundred (500) feet in existence at the time of the passage of this Ordinance (or amendment thereto), in the same zoned district or the same side of the road are less than the minimum front yard setback, then any principal building subsequently erected on the same side of the road shall not be required to provide a greater setback than the average for the existing two (2) or more principal buildings.
- Note c: On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the residential side in **AR, FR, B1, B2, B3 and HX**.
- Note d: Loading and unloading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per linear foot of front building wall. Loading space shall not be counted as required off-street parking. Loading zones may be located in other non-required yards if screened or obscured from view from public streets and residential districts.
- Note e: Off-street parking may be permitted in the front yard, except that a ten (10) foot wide landscaped buffer is maintained between the front lot line (or right-of-way line) and the parking area.
- Note f: No building shall be placed closer than forty (40) feet to the outer perimeter of such district or property line when said use abuts a residential district boundary.
- Note g: Subject to approval by the Planning Commission, the maximum height of buildings may be permitted to exceed the maximum stated in the Schedule by up to fifty percent (50%) in R1, R2, R3, RR, B1 and B2 Districts, and up to one hundred percent (100%) in all other districts, provided that the applicant can demonstrate that no good purpose would be served by compliance with maximums stated, (as in the case of steep topography, a Planned Unit Development (PUD), or larger site); and further, there is no conflict with airport zoning height restrictions; fire safety is maintained subject to local fire authority approval; and the light, air and/or scenic views of adjoining property is not impaired. The Planning Commission and or Zoning Board of Appeals cannot allow a WTG height greater than allowed in [Section 21.47](#) or a Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS. Also see [Article 22 GENERAL EXCEPTIONS FOR AREA, HEIGHT AND USE](#) .
- Note h: [Section 21.1](#) allows a rear setback of ten (10) feet for accessory buildings.
- Note i: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.
- Note j: In instances where the property is adjacent to a public right of way or ingress egress easement dedicated as permanent adequate access to one (1) or more lots, the setback shall be measured from that right of way or ingress egress easement.
- Note k: Specific allowable uses have greater minimum lot widths as required in the Zoning District allowable use lists.
- Note l: Specific allowable uses have greater allowable heights as stated in the Zoning District allowable use lists, [Article 21](#) and [Article 22, Section 22.3 Height Limits](#), of this ordinance
- Note m: Upon Zoning Administrator approval, setbacks for residential single family dwellings (SFD) may be the same as defined in all other residential districts (R1&R2, R3 and RR)