OTSEGO COUNTY
PLANNING COMMISSION
May 16, 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 March 21, 2016 meeting
5. CONSENT AGENDA
6. OTHER
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
9. ADVERTISED CASE
10. UNFINISHED COMMISSION BUSINESS
    1. MUZ/Multi Use Zoning District/Schedule of Dimensions/Discussion
    2.
11. NEW BUSINESS
    1. Planning Commission By-Laws/Amendment
    2. Public Hearing Format/Discussion
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
    1. Otsego County Parks & Recreation report/Judy Jarecki
    2. Leading Effective Board Meetings/Zoning Training
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for March 21, 2016

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

Pledge of Allegiance

Roll Call:

Present: Vice-Chairperson Jarecki, Secretary Arndt, Mr. Borton, Mr. Hilgendorf, Mr. Brown, Ms. Nowak, Mr. Caverson, Mrs. Tholl, Ms. Corfis

Absent: Mr. Hartmann, Mr. Klee

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

Public Present: John & Mary Brink, Joshua Clark, Paul Slough, Randy Stults

Vice-Chairperson Jarecki welcomed Mr. Caverson to his first meeting replacing Mr. Hendershot from Hayes Township.

Approval of minutes from: January 18, 2016

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

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda: None

Public Hearings:

1. John & Mary Brink, owners have requested a Special Use Permit/Site Plan Review for property located in Corwith Township:

042-027-400-025-00	*042-027-400-030-00*
Old 27 North	*7297 Old 27 North*
Vanderbilt, MI 49795	*Vanderbilt, MI 49795*

Property located in a B2/General Business Zoning District
PZSU15-010-proposed use of the property is the construction of a 20'x200' storage building containing 20 storage units as a permitted use subject to special conditions

Vice-Chairperson Jarecki opened the public hearing for case PZSU15-010.

Public Hearing open: *6:03pm*

Mr. Schlaud explained the purpose of the public hearing being the construction of twenty (20) storage units. He stated notes were added to the site plan indicating additional items. He also stated Mr. & Mrs. Brink were open to any landscaping required by the Planning Commission.

Ms. Corfis questioned if fencing would be installed and if he was considering expanding the structure in the future.

Mr. Brink stated there would not be fencing; all storage would be inside. He stated he was thinking of adding landscaping around the entrance for curb appeal but would not be expanding in the near future.

Mr. Caverson questioned the water runoff on neighboring properties and stated the site plan should be a stamped engineered drawing.

Mr. Brink stated the site plan had been drawn to meet County specs and any water would absorb into the ground. He stated he owned the property on either side of the proposed structure.

Mr. Schlaud stated the parking lot would be gravel, not a hard surface so there would be natural drainage. He also stated the site plan was an engineered drawing.

Ms. Corfis questioned the location of the building entrance and if there would be office space.

Mr. Schlaud stated each unit had its own entrance door on the south side of the building and there would not be an office.

Mr. Brink stated each unit would be 10'x20' self-storage space with a roll up door facing south.

Mr. Schlaud stated they would need a stamped drawing

Mr. Hilgendorf questioned the solar lighting.

Mr. Brink stated there would be three (3) solar lights installed; one above door five, door ten and door fifteen. He would consider adding power to the building if the solar lighting did not work out but did not want the area too lit up.

Vice-Chairperson Jarecki questioned if that would comply with the requirements.

Mr. Schlaud stated exit and emergency lighting was required and solar lighting was allowed to meet that requirement.

Mr. Caverson questioned some of the items on the application saying he was not against the project, there seemed to be a need for it but he did not feel the site plan was complete.

A stamped drawing of the building was produced showing elevations.

Vice-Chairperson Jarecki closed the public hearing.

Public Hearing closed: *6:30pm*

Advertised Case:

1. John & Mary Brink, owners have requested a Special Use Permit/Site Plan Review for property located in Corwith Township:

042-027-400-025-00	*042-027-400-030-00*
Old 27 North	*7297 Old 27 North*
Vanderbilt, MI 49795	*Vanderbilt, MI 49795*

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PZSU15-010-proposed use of the property is the construction of a 20'x200' storage building containing 20 storage units as a permitted use subject to special conditions

Vice-Chairperson Jarecki presented the Finding of Fact.

Motion made by Mr. Borton to accept the Finding of Fact as presented; Seconded by Mr. Brown.

Mr. Stults suggested the stamped building drawing be added as an exhibit.

Vice-Chairperson Jarecki asked Mr. Borton to amend his motion.

Motion amended by Mr. Borton to add the stamped drawing to the Exhibit List and accept the Finding of Fact with the addition; Seconded by Mr. Nowak.

Motion approved by majority. *(SEE ATTACHMENT 1, ATTACHMENT 2)*

Motion to by Mr. Borton to accept the Specific Finding of Fact; Seconded by Mr. Arndt.

Motion approved by majority. *(SEE ATTACHMENT 3)*

Motion made by Mr. Borton to approve Special Use Permit PZU15-010 as presented; Seconded by Mr. Brown.

Motion approved unanimously.

New Business: None

Unfinished Commission Business:

1. Proposed language *Personal Wireless Communications*

Motion made by Mr. Hilgendorf to send the proposed language to townships; Seconded by Mr. Brown.

Motion approved unanimously.

2. Annual Board of Commissioners Report

Motion made by Mr. Hilgendorf to forward to the Board of Commissioners with corrections; Seconded by Mr. Brown.

Motion approved unanimously.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Mrs. Jarecki stated the new Parks & Recreation Director, Kyle Ryan had been busy his first month. They had discussed adding a 0.250 millage to the August election in addition to the current millage; it would add approximately $71,000 to the budget and would provide a cushion for the department; Lighting updates were needed in the Community Center and a bid for $16,455 was approved; They also discussed a MRPA/MDHHS

grant opportunity to provide $34,000 for improvements to the County property behind the library including the Dog Park. This was a 100% grant reimbursement; it was not a dollar match. It was recommended to the Finance Committee; Hours were extended at the Groen Nature Preserve for summer and holding Alpenfest activities at the Preserve were being considered; A proposal from NEMCOG was recommended to the Finance Committee for updates to the Recreation Plan and Otsego Memorial Hospital would be holding Relay for Life/Zumba-thon on May 14, 2016 at the Community Center.

Mrs. Tholl stated she had attended the Planning Commission training, had learned a lot and thoroughly enjoyed it.

Mr. Brown stated Charlton Township continued to update their Master Plan.

Ms. Corfis stated Otsego Lake Township continued to work on their Master Plan and had met with Ed Johnson concerning propane storage as a language addition to the Highway Interchange District.

Mr. Borton stated the engineering process had begun on the Iron Bell Trail running through Gaylord and the Board of Commissioners had adopted the Alpine Regional Tennis Association grant application. The tennis courts complex would be located on the south end of the Sportsplex next to the Energy Outlet.

There was discussion on the rock installed in front of the County Courthouse.

Mr. Schlaud stated it was looking like a busy construction season within the City.

2. Timing for Submission of an Application…/Zoning Training

Adjournment: 7:15pm by Vice-Chairperson Jarecki

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

ATTACHMENT 1

OTSEGO COUNTY
PLANNING COMMISSION

PZSU15-010
Special Use Permit/Site Plan Review
042-027-400-025-00/042-027-400-030-00

GENERAL FINDINGS OF FACT

1. This is a proposal for construction of a 20'x200' storage building containing twenty (20) units. *Exhibit #1, Exhibit #5*
2. The property is located in a B2/General Business Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*
4. The property is currently under the ownership of John & Mary Brink. *Exhibit #4*
5. The property is 1.29 acres and parcels will be combined in 2016. *Exhibit #4, Exhibit #14*
6. The Public Hearing Notice was published in the Herald Times on March 4, 2016 *Exhibit #7*
7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
8. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
9. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
10. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
11. The Otsego County Road Commission has given approval for the existing driveway. *Exhibit #15*
12. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #4, Exhibit #5, Exhibit #11, Exhibit #12, Exhibit #13*

ATTACHMENT 2

OTSEGO COUNTY
PLANNING COMMISSION

PZSU15-010
Special Use Permit/Site Plan Review
042-027-400-025-00/042-027-400-030-00

Exhibit List

Exhibit #1: Application for case PZSU15-010 submitted by Applicant

Exhibit #2: Otsego County Zoning Map Effective Date March 20, 2010/Amended November 25, 2014

Exhibit #3: Otsego County Zoning Ordinance Effective March 20, 2010/Amended April 28, 2015

Exhibit #4: Copy of Otsego County Equalization Department record cards/Warranty Deeds-0306/171, 0565/3

Exhibit #5: Site Plan/PZSU15-010 submitted by Applicant

~~*Exhibit #6:* Letter of representation from property owners~~

Exhibit #7: Public Hearing Notice

Exhibit #8: Letter to Corwith Township dated October 30, 2015

Exhibit #9: Letter dated November 6, 2015 from Corwith Township

Exhibit #10: Map and list of parties notified

Exhibit #11: Receipt #01307951

Exhibit #12: General Finding of Fact/PZSU15-010

Exhibit #13: Specific Finding of Fact/PZSU15-010

Exhibit #14: Survey combining parcels

Exhibit #15: Letter from Otsego County Road Commission dated December 16, 2015

Exhibit #16: Stamped drawing of building w/elevations

ATTACHMENT 3

OTSEGO COUNTY
PLANNING COMMISSION

PZSU15-010
Special Use Permit/Site Plan Review
042-027-400-035-00/

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 11/SECTION 11.2

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

INTENT

The B2 General Business District is designed to provide sites for more diversified business types than the B1 Local Business District and often located so as to serve passer-by-traffic. Tourist services are included as being in character with the District.

SECTION 11.2 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.]

11.2.1 All uses subject to special conditions in the B1 Local Business District

11.2.2 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage

11.2.3 Rifle or pistol ranges when within a completely enclosed building

11.2.4 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view.

11.2.5 Car wash

11.2.6 Sales, rental, and service centers for vehicles, watercraft, and/or mobile homes, including new or used automobiles, motor bikes, bicycles, boats, ATV's, campers, snowmobiles, trailers, and motor, mobile, modular, manufactured homes, or farm equipment, provided:

11.2.6.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two (2) streets.

11.2.6.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.

11.2.6.3 No sales or display shall occupy any public street or road right-of-way; and further, must be set back at least twenty (20) feet from the front property line.

11.2.6.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department.

11.2.7 Hospitals

11.2.8 Commercial outdoor sport and recreational facilities

11.2.9 Flea markets

11.2.10 Mini-storage buildings consisting of separate storage rooms rented or leased by the month…

FINDINGS UNDER ARTICLE 21 /SECTION 21.10

SECTION 21.10 FENCES

21.10.1 Fences designed to enclose property in any district shall be subject to the following conditions:

21.10.1.1 Fences in R1, R2, R3 or RR Districts, or any platted subdivision, site condo or PUD shall not contain barbed wire or be electrified.

21.10.1.2 No fence shall exceed six (6) feet in height in the side or rear yard. No fence in the front yard setback shall exceed four (4) feet in height and shall be of a design and material that does not obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.

21.10.2

Specific Nonresidential Uses Requiring Fences	Minimum height for fence or wall	Function(s) Screen/protect	Obscure
Drive-in restaurants, gasoline stations and vehicle repair	6'0"	X	X
Hospital and funeral home service entrances	6'0"		X
Institutional playgrounds	6'0"	X	X
Parking lots	6'0"		X
Utility buildings and substations	6'0"	X	X
Public swimming pools	6'0"		X
Junk yards	8'0"	X	X
Open storage areas of any use	6'0"		X

Note: These uses in 21.10.2 are required to be fenced or screened in all cases regardless of the use orientation to residential zoning districts or residential uses.

21.10.3 Protective and adequate fencing shall be required around all outdoor swimming pools, and shall not be less than four (4) feet, six (6) inches above the established grade.

21.10.4 All plans for fences or walls must be approved by the Zoning Administrator for construction specifications designed to fulfill the primary function of protection and/or screening. All fences shall be maintained in a pleasing appearance.

21.10.5 The Planning Commission shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where general welfare concerns are not served by compliance with these standards, such as the existence of permanent natural features, where there is sufficient visual or protective separation, or where there is nothing to separate. Waivers shall not be granted where such characteristics are of a temporary nature or because the adjacent area is not yet developed.

*** **Property is surrounded on all four (4) sides by parcels in the B2/General Business Zoning District**

FINDINGS UNDER ARTICLE 21/SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

The purpose of this section is: to protect and enhance property values, economic welfare and community attractiveness; to provide beneficial climatic impacts by cleaning the air and providing shade; to protect health, safety and welfare by reducing air and water borne pollutants, flooding and noise; to mitigate adverse effects of sighting different uses near one another through buffering; to facilitate preservation of existing

valuable trees and other vegetative cover; to provide wildlife habitat and environmental standards within developed areas; to protect privacy.

21.18.2 General Performance Standards:

This, Section 21.18 Landscaping, requirements shall not apply to single family residences located on individual lots. The Section shall apply to residential plats and site condominiums.
All areas not covered by buildings, parking or other structures shall be treated with landscape materials including street trees, shrubs and groundcovers consistent with these provisions. The selected combination of plant materials shall be a harmonious combination of deciduous and evergreen trees, shrubs, vines and/or ground covers so arranged to present an aesthetically pleasing whole.

21.18.2.1 Landscape Materials:

All landscape materials planted pursuant to the provisions of this section shall be healthy and compatible with the local climate, site soil characteristics, drainage, and available water supply.

Trees and shrubs should be at least, at the time of planting, the sizes as outlined in this section and shall be consistent with the current American Standard for Nursery Stock as set forth from time to time by the American Association of Nurserymen.

Deciduous trees shall be not less than one and one-half (1 ½) inches in diameter for single family residential uses and two and one-half (2 ½) inches in diameter for other uses.

Coniferous trees should be at least six (6) feet in height. Shrubs shall be of a size generally known in the nursery industry as requiring at least a five (5) gallon container.

All planting beds constructed pursuant to Sections 21.18.2, 21.18.5 and 21.18.6 shall be mulched with mulch cover at least three (3) inches deep to retain moisture around roots.

Trees shall be planted on the project sites so as to allow for their desired mature growth.

Access to or view of fire hydrants shall not be obstructed from any side.

Plantings shall be designed so as to not conflict with power lines or impede fire safety services.

21.18.2.2 Irrigation & Maintenance Performance Standards:

All uses with the exception of single family residential, which are landscaped with live plants, pursuant to this Section shall be equipped with a watering system which will provide sufficient water to maintain plants in a healthy condition.

21.18.2.2.1 Whenever the landscaped area required by Sections 21.18.3, 21.18.5 and 21.18.6 is two thousand (2,000) square feet or more of living plants whether or not the plants are contiguous, the site shall have a permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on site.

21.18.2.2.2 Whenever there is less than two thousand (2,000) square feet of landscaped area required by Sections 21.18.3, 21.18.5 and 21.18.6 on a site, there should be at least one reliable water source available during the growing season. The hose bib or other water source shall be within fifty (50) feet from a border of the plants.

21.18.2.2.3 All irrigation systems shall be maintained in good working condition.

21.18.2.2.4 Irrigation requirements may be adjusted in part or in whole by the Zoning Administrator for landscape areas having established healthy plant material, or where irrigation is deemed unnecessary for plant health and survival.

All plants required by this Section shall be maintained in a live and healthy state. Dead or unsalvageable unhealthy plants shall be replaced with the size and type of plants required on the site development plan and by this Section. Plant materials including grasses and herbaceous plants uses on berms, along road sides, etc. shall be routinely maintained during growing seasons. When growing in close proximity to residential land uses, grasses and common weeds shall be maintained at a height of ten (10) inches or less.

All fences, walls and similar structures shall be maintained in good condition. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or other forms of deterioration shall immediately be replaced or repaired.

Replacement of plants may be delayed whenever the Zoning Administrator determines that extenuating circumstances beyond the owner's control prevent the immediate replacement of the dead or unhealthy plants within a time established by the Zoning Administrator. In any event, the dead or salvageable plants shall be replaced within nine (9) months of the time the plants are clearly dead.

21.18.2.3 Existing Vegetation:

If there is no practical alternative in terms of sighting buildings and other development, trees and other plants may be removed.

Significant shrubs, grasses and trees are to be preserved within areas not required for development.

Healthy, younger mature plants shall be preserved which would normally succeed older plants.

Natural vegetation shall be preserved within areas below an ordinary high water mark of a lake, stream or other water body.

Existing vegetation to be preserved shall be protected during construction with barriers as required and approved by the Zoning Administrator.

The application of landscape standards within this Ordinance may be adjusted in part or in whole by the Zoning Administrator to allow credit for established healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

21.18.2.4 Berms constructed pursuant to Section 21.18.3 shall be constructed with slopes not to exceed one to three (1:3) gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.

21.18.3 Buffer Yards:

Buffer yards shall be constructed to mitigate problems associated with traffic, noise, vibration, odor, glare, dust, smoke, pollution, water vapor, conflicting land uses and density, height, mass, layout of adjacent uses, loss of privacy, unsightly views and other potentially negative effects of development. Buffering may be achieved using landscape, building fences and berm or a combination of the above techniques.

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing or dedicated public or Private Street or right-of-way.

Tables I and II shall be used to determine buffer yard dimensions and plant materials specifications. Table I is used to determine the type of Buffer yard (A, B, C, D, E, EX, or NA) which will be required between districts or users. Once the type of Buffer yard is obtained, Table II outlines the plant material specifications for alternative widths and specifications and treatments (walls, berms, etc.) of buffer yard. Each property line should be analyzed independently to determine the appropriate buffer yard required.

The buffer yard tables are to be considered minimum standards. Increased landscaping requirements may be imposed by the Zoning Administrator or the Planning Commission if it is determined any of the following conditions exist.

The type of required buffer yard will not sufficiently mitigate noise, glare, fumes, smoke, dust or unsightly views within the site.

The scale of the project in regard to mass and height indicates the need for a buffer yard developed specifically for the project.

The proposed use is next to an existing sensitive use such as a school, church or residential area.

21.18.4 Roadside Greenbelt Buffers:

Unless as otherwise required by Section 21.18.3, required front yards shall be landscaped with a minimum of one (1) tree, not less than one and one-half (1½) inches in diameter for single family residential uses and two and one half (2½) inches in diameter of other use, for each one thousand (1000) square feet, or major portion thereof, of front yard abutting a road right-of-way. The remainder of the greenbelt shall be landscaped provided however, rock or other inorganic ground cover shall not exceed twenty (20) percent of the yard area.

Access ways from public rights-of-way through required landscaped strips shall be permitted, but such access ways shall not be subtracted from the square foot dimension used to determine the minimum number of trees required

21.18.5 Screening of Unsightly Areas:

Unsightly areas, including but not limited to outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired, shall be screened from public sidewalks, streets and other areas from which the property is visible. Such screening shall not be located as to interfere with required maintenance activities of utility boxes.

Whenever plants are used as a screen, they should provide an effective opaque screen within three (3) years of the time they are planted.

The materials and colors of the screen should blend with the site and the surroundings.

21.18.6 Parking Lot Screening:

Unless otherwise required by Section 21.18.3 or 21.18.4, a no-building buffer strip not less than ten (10) feet wide shall be required on the perimeter of all parking lots containing twenty-seven hundred (2,700) square feet or more of parking area where not adjacent to buildings. Said buffer strip shall be used for landscaping, screening or drainage as required herein.

Landscaping design standards:

21.18.6.1 Any required planting strip shall be a minimum of ten (10) feet in width.

21.18.6.2 One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage. (This requirement shall not duplicate the requirements of Sections 21.18.4 or 21.18.3.)

21.18.6.3 Where screens of non-living material are used, at least one (1) shrub or vine shall be planted on the right-of-way or property line side for each ten (10) lineal feet of screen or fraction thereof.

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

21.18.6.4.1 Landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum dimension of ten (10) feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.

*** **Property is surrounded on all four (4) sides by parcels in the B2/General Business Zoning District**

Applicant wishes any landscaping be at the Planning Commission's discretion; No buffer yard is required

21.18 TABLE I : Planting Buffer Yard

Boundary Zoning District →		R-1	R-2	R-3		RR	FR	AR		B-1	B-2	B-3		MUZ MAIN STREET	MUZ TOWN CENTER		HIGHWAY INTERCHANGE	I INDUSTRIAL
Proposed Development Zoning District																		
R-1		N																
R-2		B	N															
R-3		C	B	N														
RR		C	C	B		N												
FR		C	C	B		B	N											
AR		C	C	C		C	C	N										
B-1		B	B	B		B	B	B		N								
B-2		C	C	B		C	C	C		B	N							
B-3		C	C	C		C	C	C		B	B	N						
MUZ – MAIN STREET		A	A	A		B	C	C		A	A	B		N				
MUZ – TOWN CENTER		A	A	A		B	C	C		A	A	C		A	N			
HIGHWAY INTERCHANGE		C	C	C		C	C	C		B	B	B		B	C		N	
I - INDUSTRIAL		E	E	E		E	D	D		D	C	C		E	E		C	N

Key: N= No buffer yard required /See TABLE I

FINDINGS UNDER ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

Outdoor light fixtures are electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include search, spot and flood lights for buildings and structures, recreation areas, parking lot lighting, landscape lighting, billboards and other signs (advertising or other), street lighting, product display area lighting, building overhangs and open canopies.

All outdoor lighting fixtures including pole mounted or building mounted yard lights, dock lights, and shoreline lights other than decorative residential lighting such as low level lawn lights, shall be subject to the following regulations:

21.19.1 Lighting shall be designed and constructed in such a manner:

21.19.1.1 To insure that direct or directly reflected light is confined to the area needing it and that it is not directed off the property,

21.19.1.2 That all light sources and light lenses are shielded,

21.19.1.3 That any light sources or light lenses are not directly visible from beyond the boundary of the site,

21.19.1.4 That light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.

21.19.2 Lighting fixtures shall be a down-type having one hundred (100) percent cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test. A United States flag, Michigan flag or a flag of a veteran's organization chartered by the United States Government shall be allowed to have light illuminating them from below

21.19.3 There shall be no blinking, flashing, or fluttering lighting, including changes in light intensity, brightness or color, except that lights may be controlled by a dimmer which can be periodically adjusted for conditions and signs as allowed in 21.38.2.1. Beacon lights are not permitted except where required by law.

21.19.4 No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

21.19.5 Decorative lights during holiday seasons shall be allowed.

21.19.6 Modification of these outdoor lighting standards may be permitted by the Zoning Board of Appeals for temporary uses of not more than ten (10) days per year, following these provisions as closely as possible.

*** **Three (3) solar lights will be placed as indicated on site plan; electricity will not be installed**

FINDINGS UNDER ARTICLE 21/SECTION 21.27

SECTION 21.27 PARKING

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

21.27.1 Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

21.27.2 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

21.27.3 In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Zoning Board of Appeals may grant an exception by reducing the total number of spaces required.

21.27.4 The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.

21.27.5 Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport, or combination thereof.

21.27.6 The parking or storage of any commercial motor vehicle shall be prohibited in any R1, R2 or RR District, or in any residential area with lots of twenty thousand (20,000) square feet or less. (See definition of COMMERCIAL MOTOR VEHICLE.)

21.27.7 For the purpose of computing the number of parking spaces required, the definition of FLOOR AREA, USABLE shall govern.

21.27.8 For those uses not specifically mentioned in the Off-street Parking Schedule, requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.

21.27.9 Entrance drives to the property and off-street parking area shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District. A greater distance may be required by the Planning Commission if the lesser would cause a traffic issue.

21.27.10 Off-street Parking Schedule

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

MINIMUM PARKING SPACES REQUIRED

LAND USE	PER UNIT OF MEASURE
Commercial	
Planned Shopping Center	1 per 200 sq. ft. of usable floor area
Auto Wash-Automatic	5 per wash stall plus 1 per employee
Auto Wash-Automatic-Drive-in	1 for each 2 employees
Auto Wash-Self Service	1 per employee
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons at maximum capacity
Drive-in Business	1 per employee plus drive-in stalls and/or lanes to serve patrons
Banks	1 per 200 sq. ft. of usable floor area
Doctor or Dentist Office	1 per 50 sq. ft. of waiting room plus 1 per service chair
Business Office	1 per 200 sq. ft.
Billiard Hall	2 per game table
Bowling Alley	5 per lane
Taverns	1 per 100 sq. ft. of usable floor area

Restaurants	1 per 3 persons at maximum seating capacity
Drive-up or Drive-through Uses-Restaurant, Banks, Drug Pick-up, Laundries, Payment	In addition to the required parking for the principal use, the Drive-through facilities requirement in Article 18 shall be followed
Furniture, Appliances, Plumbers, Electricians Minor Repair Services	1 per 800 sq. ft. of usable floor area
Vehicle Service Station	2 per service stall, plus 1 per employee
Gasoline Convenience Store	1 per 300 sq. ft. of usable floor area
Laundromat	1 per 3 machines for washing
Funeral Home/Mortuary	1 per 200 sq. ft. of usable floor area
Motels, Hotels, Motor Inns, Cabin Courts, Bed & Breakfast Facilities and Tourist Lodging Facilities	1 per 150 sq. ft. of usable floor area, the Planning Commission may reduce up to half if they reserve land for open space
Vehicle Sales	1 per 200 sq. ft. of showroom usable floor area
Retail Groceries	1 per 150 sq. ft. of usable floor area
Other Retail Stores	1 per 150 sq. ft. of usable floor area
Self-Storage Rental Units	1 per 10 units
Personal Service Establishments	1 per 100 sq. ft. usable floor area not otherwise specified
Museums	1 per 150 sq. ft. of usable floor area
Rental Shops	1 per 200 sq. ft. of usable floor area in addition to a loading and unloading area; and a vehicle turnaround drop-off area
Rifle or Pistol Range	2 per range plus 1 per employee
Windows or other Drive-up Service Windows…	

NOTES

a. Sq. ft. refers to square feet of usable floor area unless otherwise noted.

b. 1 unit per measure shall be interpreted to mean 1 per each unit, as 1 per "each" three (3) persons.

c. Space requirements are cumulative; hence, a country club may require parking for the golf use as well as restaurant or bar use.

d. Employees, refers to all permanent staff and part time equivalents in the largest working shift. Maximum capacity is the maximum occupancy permitted by applicable building, fire, or health codes.

21.27.11 Parking Area Design Standards

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

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

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

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

Buffer yards shall be required per standards set by Section 21.18. A buffer yard without buildings shall be required not less than ten (10) feet wide on the perimeter of all parking lots. Said buffer yard shall be uses for landscaping, screening and/or drainage as required by this ordinance.

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

One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage.

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

Landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum dimension of ten (10) feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.

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

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

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

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

*** **Two (2) parking spaces are required, one (1) handicapped sign will be installed on west end of building**

Entire area to be graveled

Snow storage area as indicated on site plan

FINDINGS UNDER ARTICLE 21/SECTION 21.38

SECTION 21.38 SIGNS AND BILLBOARDS

Any publicly displayed sign, symbol or notice on premises to indicate the name of the occupant, to advertise the business there transacted, or directing to some other locale, shall be regulated as follows, and shall require permits in accordance with the terms of the County Building Code:

21.38.1 Signs Permitted

21.38.1.1 Name Plates in All Districts Residential, business or industrial name plates which are not illuminated and do not exceed a total area of two (2) square feet, may be permitted in any district, and may be permitted in addition to any other legal sign.

21.38.1.2 Accessory Signs in R1, R2, R3, RR, FR and AR Districts One (1) sign not to exceed fifteen (15) square feet may be permitted for uses other than dwelling units, in R1, R2, R3, and RR Districts. In the FR and AR Districts, one (1) sign not to exceed thirty-two (32) square feet in area and measuring not more than four (4) feet by eight (8) feet shall be permitted.

21.38.1.3 Accessory Signs in B, HX and I Districts

A. Signs for Single Business: A single business on one (1) lot or combination of lots in the B1, B2, B3, I and/or HX District may install accessory signs in accordance with the following regulations:

1. Accessory Signs in B1, B2, B3 and/or I Districts may be permitted at the rate of two (2) per use, except that at least one (1) sign shall be affixed to or be within two (2) feet of and be parallel with the wall of the main building. One (1) sign may be a freestanding or pylon sign.
2. Signs mounted on and parallel with the wall of the main building shall not exceed a total area of two and one half (2½) feet times the length of the mounting wall.
3. Freestanding signs intended for local or passerby traffic shall not exceed a height of twelve (12) feet measured from the average grade at the base of the sign to the top of the sign. No freestanding sign shall exceed an area of thirty-two (32) square feet, and no such sign shall be longer than three (3) times its width.
4. Pylon signs, designed and intended to attract traffic from a major expressway or highway, are approved but shall not exceed a height of thirty-five (35) feet and must be constructed and mounted by approval methods set forth in the State Construction Code provided they meet the Airport Zoning Ordinance standards.

B. Signs for Shopping Centers, Shopping Centers, Commercial Developments or Two (2) or more stores, offices, research or manufacturing facilities, or retail developments with multiple stores or Commercial PUDs or retail stores with an area over one hundred thousand (100,000) square feet or other Commercial Developments requiring Special Use Approval which have common off street Parking and/or entrance, may install accessory signs in accordance with the following regulations:

1. Signs which direct traffic movement within a property, and which do not exceed four (4) square feet in area for each sign are permitted.
2. One (1) free-standing identification sign for each street that the development faces.
   a. The free standing sign shall state only the name of the Shopping Center or multiple use development and Tenants located therein.
   b. No freestanding sign face shall exceed an area of one hundred (100) square feet.
   c. Freestanding signs shall not exceed a height of twenty five (25) feet measured from the average grade at the base of the sign to the top of the sign face. The structure supporting the sign shall not exceed a height of thirty (30) feet measured from the average grade at the base of the structure. The height shall not exceed three (3) times the width.
   d. Tenants of the shopping center or the owner of outlots included within the development plan or PUD shall not be permitted individual free standing signs, except gas stations as noted below.

3. Businesses within the development or PUD shall be permitted exterior wall signs; the total area of the exterior wall signs shall not exceed twenty percent (20%) of the area of the largest wall.
4. All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than twenty percent (20%) of the total window area.
5. An automobile service station located on an outlot or on an individual lot within the development or PUD may have one (1) free standing sign in addition to the free standing sign utilized for the development. The free standing sign shall be for the purpose of advertising gasoline prices and other services provided on the premises. The service station sign shall comply with the regulations for a single business on its own lot as noted in Section 21.38.1.3(A) above.

21.38.1.4 Non Accessory Signs and Billboards

Billboards, poster boards, and non accessory signs may be permitted in B2, B3, & I Districts provided the area of the sign does not exceed an area of two hundred (200) square feet in B2 & B3 Districts and three hundred (300) square feet in I Districts. A non accessory sign or billboard shall not measure longer than three (3) times its width.

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

21.38.1.5 Sign Lighting (also see SECTION 21.19 LIGHTING, OUTDOOR)

Signs internally illuminated or with a light emanating surface are allowed only in the RR, FR, AR, B1, B2, B3, I, HX, MUZ-Main Street and MUZ-Town Center Districts provided they meet the other requirements of this ordinance and are setback a minimum of ten (10) feet from all road right-of-ways and seventy-five (75) feet from any other property line.

Signs internally illuminated or if sign has a light emanating surface, all light sources and reflecting surfaces immediately adjacent to the light source shall be shielded from view. Sign luminance level, beginning one (1) hour after sunrise and continuing until one (1) hour before sunset, shall not be greater than three thousand (3,000) nits, nor greater than one hundred (100) nits at all other times.

Signs externally illuminated, the light on the proposed sign shall be mounted on the top of the sign, shall be directed downward onto the sign and shall be shielded so as to prevent rays of light from being directed into the sky or onto any portion of a street, road, highway or adjacent properties. Illumination shall be limited such that reflected luminance does not exceed one hundred (100) nits per square meter.

21.38.2 Signs Prohibited

21.38.2.1 Signs containing flashing, intermittent or moving lights. (A sign with messages or images accomplished by instantaneous re-pixilation NOT more often than one (1) time in any sixty (60) seconds shall NOT be considered flashing, intermittent or moving and shall be ALLOWED.)

21.38.2.2 Signs with moving or revolving parts.

21.38.2.3 Signs affixed to trees, rocks, shrubs or similar natural features.

21.38.2.4 Signs insecurely fixed, unclear, in need of repair, or signs which imitate official traffic signals or traffic control signs or devices.

21.38.2.5 Signs utilizing vehicles, trucks, vans, or other wheeled devices, unless such signs are used for periods of less than seven (7) consecutive days in any ninety (90) day period, or unless such signs have been approved by the Planning Commission as meeting a special purpose, need and/or as being appropriate for the particular use.

21.38.2.6 Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed seven (7) days within any ninety (90) day period.

21.38.2.7 Signs which overhang or extend into a dedicated public right-of-way, without the written consent of the government unit having jurisdiction.

21.38.3 Signs Not Requiring a Zoning Permit

21.38.3.1 Name Plates not to exceed two (2) square feet.

21.38.3.2 Existing signs may be changed or altered so long as none of the provisions of the Zoning Ordinance are violated.

21.38.3.3 Bulletin Boards that do not exceed fifteen (15) square feet for churches, public and semi-public institutions, and/or schools.

21.38.3.4 Signs that have been approved in conjunction with a valid zoning permit for any principal use of use as detailed in a plot plan or site plan.

21.38.3.5 Street name signs and other signs established by state, county, or township units of government when necessary for giving proper directions or otherwise safeguarding the public in any district.

21.38.3.6 Non-advertising signs erected by any organization, person, firm, or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., in any district.

21.38.3.7 Temporary signs not exceeding ten (10) square feet advertising a premises being for rent, for lease, and/or for sale in any district. All such signs shall be removed within fourteen (14) days of the consummated lease or sale of the premises.

21.38.3.8 Accessory signs on farms advertising stock, produce, and other farm products produced on the premises, provided the area of sign does not exceed thirty-two (32) square feet.

21.38.3.9 Accessory directional signs each not to exceed two (2) square feet in area on buildings, such as but not necessarily limited to: entrance, exit, loading dock, low clearance, garage, office, warehouse, boiler room, service, and the like.

21.38.3.10 Up to two (2) accessory property directional signs each not to exceed two (2) square feet in area, identifying or directing to the following: entrance, exit, visitors parking, no parking, other traffic flow directions, and similar functional signs.

It is intended that accessory property directional signs be included on the site plan for approval as to location and number by the Planning Commission.

21.38.4 Placement of Signs and Setbacks, Signs in any zoning district must be placed at least ten (10) feet back from any right-of-way or lot-line.

21.38.5 Off Premises Directory Sign – Private, Where a business use or tourist service facility is not located directly on a major tourist route, but is dependent upon passerby traffic for support, one (1) off the premises directory sign located on a County maintained road may be permitted in business or non-business districts, on each road or link or segment of road that affords access to the use, but entails a major change in the direction of travel.

Off premises directory signs shall not exceed an area of fifteen (15) square feet. Community directional signs serving more than one (1) use may be permitted to a maximum size of thirty-two (32) square feet.

21.38.6 Sign Variances, In order to provide relief for reasons of practical difficulty and to allow greater flexibility in property and use signing, the Zoning Board of Appeals may, after a public hearing, permit signs that:

21.38.6.1 Exceed the maximum number of signs permitted when there is more than one (1) bordering street to serve the use.

21.38.6.2 Exceed the maximum sign area for reasons of unusual setback, cooperative sign use (joint use or community type advertising), large site area, and/or natural feature limitations to attaining reasonable signing of the use.

21.38.6.3 Revolve, provided it can be demonstrated that a stationary sign would not afford reasonable notice to the use.

21.38.6.4 Have intermittent lighting in order to construct a public service time and temperature sign in those instances where the applicant can demonstrate a need or show community desire for such a sign service.

21.38.6.5 Exceed the maximum height in those instances where a taller sign is necessary to overcome natural conditions (topography, vegetation, etc.).

In granting sign variances, the Zoning Board of Appeals shall consider the impact of each sign on adjoining residential districts, scenic views, out of character skyline intrusions, and obstructions to signs or uses on adjoining properties. Also the purpose of the sign and its applicability to uses that serve tourists or passerby motorists shall be considered in granting or denying a sign exception.

*** **Possible signage installed on west end of building**

FINDINGS UNDER ARTICLE 21/SECTION 21.42

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

21.42.1 Residential Trash Receptacles shall be placed at curbside no earlier than twenty-four (24) hours from the scheduled pick-up day. Any trash receptacle placed at curb side shall be removed from curb side no later than twenty-four (24) hours after the scheduled pick-up day.

21.42.2 Commercial Trash Receptacles / Dumpsters may be placed upon a parcel of land in such a manner to facilitate loading and unloading. They may be placed no closer than ten (10) feet to any adjoining property. All Trash Receptacles shall be properly maintained with working lids and the lids shall be maintained in a closed position.

21.42.2.1 During the site plan review process the Planning Commission or Zoning Administrator may require Commercial Businesses abutting land zoned Residential (R1, R2, R3, RR) or existing residential development in other zoning districts (HX) to maintain a greater setback than ten (10) feet but in no case shall the required setback be greater than twenty five (25) feet.

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

21.42.4 Trash Receptacles / Dumpsters meeting the requirements of Sections 21.42.1, 21.42.2 & 21.42.3 shall not be considered unsightly areas as covered in Section 21.18.5.

*** **Dumpster placed as indicated on site plan**

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 used 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 nor 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

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 rated to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

Draft July 21, 2014 GT
Revised ~~6/17/15~~; 8/4/15
Updated 5.2.2016

Otsego County "Multiple Use Zoning (MUZ)"

ARTICLE XX 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

Draft July 21, 2014 GT
Revised ~~6/17/15~~; 8/4/15
Updated 5.2.2016

SECTION XXX.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:

XXX.1.1 Art galleries

XXX.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

XXX.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.

XXX.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 ~~page xxi-13~~.

XXX.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

XXX.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.

XXX.1.7 Newspaper offices and publishers and commercial printers with a footprint of up to seven thousand (7,000) square feet

XXX.1.8 Restaurants, including those with outdoor eating areas, carry-out and open front restaurants, subject to the following site design standards:

> XXX.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.
>
> XXX.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.
>
> XXX.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.

XXX.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.

XXX.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.

XXX.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.

XXX.1.8.7 The issuance of a permit for an outdoor eating area does not constitute a separate business.

XXX.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

XXX.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

XXX.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

XXX.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

XXX.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

XXX.1.14 Studios for art, music, dance or theatrical instruction or fitness centers with footprint of up to seven thousand (7,000) square feet

XXX.1.15 The following in-home uses provided no more than twenty-five percent (25%) of floor area is used for such purpose:

> XXX.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.

XXX.1.16 Existing Residences

SECTION XXX.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.

XXX.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

XXX.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.

XXX.2.3 Mortuaries and funeral homes with a footprint of up to seven thousand (7,000) square feet

XXX.2.4 Party stores (convenience stores) with a footprint of up to seven thousand (7,000) square feet

XXX.2.5 Senior housing, assisted living facilities or assisted day care facilities with a footprint of up to seven thousand (7,000) square feet

XXX.2.6 Accessory buildings with a footprint not greater than eight hundred (800) square feet

XXX.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

XXX.2.8 Wireless telecommunications towers and facilities one hundred (100) feet or less in height. Permit criteria included in Article 21.46 one hundred fifty (150) feet

XXX.2.9 Unlisted property uses if authorized under Article 21.44

SECTION XXX.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:

XXX.3.1 The ground floor use shall be considered the main use of the building.

XXX.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.

XXX.3.2.1 Buildings shall have the greatest portion of front coverage along the primary street(s).

XXX.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.

XXX.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.

XXX.3.3 Building Height: New buildings shall contain at least two (2) stories unless the Otsego County Planning Commission determines requiring a second story will not significantly distract from the character and appearance of the Main Street MUZ.

XXX.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.

XXX.3.5 Façade Design: All visible building façades from a public right-of-way or public land shall conform to the following design criteria:

XXX.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.

XXX.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.

XXX.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.

XXX.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.
XXX.3.7.2 Glazing on the second or higher floors shall be a minimum of twenty percent (20%).

XXX.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:

XXX.3.8.1 Recommended Materials: Brick, stone, wood and cast stone

XXX.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)

XXX.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

XXX.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

XXX.3.8.5 The following materials are prohibited: Opaque and reflective glass, T-111 panels, metal siding including aluminum siding and standing seam panels

XXX.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.

XXX.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.

XXX.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.

XXX.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.

XXX.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.

XXX.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.

XXX.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.

XXX.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.

XXX.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.

XXX.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.

XXX.3.17 Enclosed Buildings: Within the Main Street MUZ, all activities, unless specifically provided for herein, shall be conducted entirely within an enclosed building.

XXX.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.

ARTICLE XYY 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 XYY.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 specified uses:

XYY.1.1 Single-family and duplex dwellings: These shall be built to the Build-to-Lines in a traditional residential style.

XYY.1.2 Apartment buildings: Apartment buildings may contain up to eight (8) units per building.

XYY.1.3 Churches: Churches, temples and similar places of worship, limited to a footprint of thirty-five hundred (3,500) square feet

XYY.1.4 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.

XYY.1.5 Laundromats (self-service or coin operated) up to a footprint of one thousand (1,000) square feet

XYY.1.6 Parks

XYY.1.7 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

XYY.1.8 Senior housing, licensed residential care facilities with a footprint of up to seven thousand (7,000) square feet

XYY.1.9 The following in-home uses provided no more than twenty-five (25%) of the floor area is used for such a purpose:

> XYY.1.9.1 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 XYY.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.

XYY.2.1 Apartment buildings with greater than eight (8) units per building

XYY.2.2 Transitional Shelters: Temporary shelters, overnight shelters and temporary residences

XYY.2.2.1 A minimum of one hundred twenty (120) square feet of area per individual occupant shall be provided

XYY.2.2.2 Up to six (6) non-related occupants may be allowed

XYY.2.2.3 Unlisted property uses if authorized under Article 21.44

SECTION XYY.3 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:

XYY.3.1 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.

XYY.3.2 Building Design: Buildings shall be of traditional residential home architecture and style.

XYY.3.2.1 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.

XYY.3.2.2 Main floor level shall be elevated thirty two (32) inches to forty eight (48) inches above the grade at the Build-to-Line.

XYY.3.3 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.

XYY.3.4 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.

XYY.3.5 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.

XYY.3.6 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

XYY.3.7 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

XYY.3.8 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

Draft July 21, 2014 GT
Revised ~~6/17/15~~; 8/4/15
Updated 5.2.2016

Define in the Otsego County Ordinance:

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.

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.

Received 5.11.2016

PROPOSED Schedule of Dimensions for MUZ:

ARTICLE 17 SCHEDULE OF DIMENSIONS

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

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

Zoning District	B1	B2	B3	I	HX	MUZ
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	8,000
Min. Front Setback	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	Build-to-Area
Max. Front Setback	NA	NA	NA	NA	NA	Build-to-Area
Min. Side Setback	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	5 ft
Min. Rear Setback	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	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 (g)	35 ft (g)	35 ft (g)	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.

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

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

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

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

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

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

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

Note h: Section 21.1 allows a rear setback of ten (10) feet for accessory buildings.

Note i: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

Note j: In instances where the property is adjacent to a public right of way or ingress egress easement dedicated as permanent adequate access to one (1) or more lots, the setback shall be measured from that right of way or ingress egress easement.

Note k: Specific allowable uses have greater minimum lot widths as required in the Zoning District allowable use lists.

Note l: Specific allowable uses have greater allowable heights as stated in the Zoning District allowable use lists, Article 21 and Article 22, Section 22.3 Height Limits, of this ordinance

17.2 MULTIPLE DWELLINGS - BULK, DENSITY AND AREA

Minimum floor area per each unit	Lot size
	Minimum width 200 feet at front building line
Efficiency 250 square feet	Minimum 40,000 square feet for any combination of six (6) bedrooms
One (1) bedroom 400 square feet	
Two (2) bedroom 500 square feet	For every bedroom over six (6), add 1,000 square feet to the minimum lot size
Three (3) bedroom 600 square feet	

Multiple Dwellings require a County Health Department written approval and/or permit for all proposed or installed septic tanks and wells. For the purpose of applying yard regulation, multiple-family dwellings shall be considered as one (1) building occupying one (1) lot. When more than one (1) multiple-dwelling building occupies one (1) lot, the structures must be separated by at least thirty (30) feet when end to end, sixty (60) feet when back to back or face to face, and forty (40) feet when end to face or back.

Table of Contents

OTSEGO COUNTY PLANNING COMMISSION
BYLAWS
APRIL 2009

Adopted, effective immediately, April 7, 2009
Amended March 19, 2012

ARTICLE I
Name

Section 1. The name shall be the Otsego County Planning Commission, hereafter known as the "Commission".

ARTICLE II
Purpose

Section 1. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et seq.*), hereinafter "the Planning Act."

Section 2. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*), hereinafter "the Zoning Act."

ARTICLE III
Membership

Section 1. Members. Members of the Commission are appointed by the Otsego County Board of Commissioners pursuant to the Otsego County Planning Commission Ordinance of July 3, 2003, as amended.

Section 2. Membership shall be 11 members.

A. One member shall be a member of the Otsego County Board of Commissioners.
B. One member shall be a member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries.
C. Other members shall be representatives of important segments of the community such as economic, governmental, educational, and social development of the local unit of government, in accordance with major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
D. The members shall be representative of the entire geography of the county with one residing in each township of the county.

Section 3. First priority, each member shall represent and advocate what is best for the Otsego County as a whole, putting aside personal or special interests.

Section 4. Liaisons. The purpose of liaisons is to provide certain Otsego County officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Article III, Section 3, of these bylaws. Liaisons, if not already appointed Commission members, are:

A. Planning Department staff, and their agents and consultants.
B. The Commission's consultants.
C. Otsego County Attorney.
D. Otsego County engineering, water, sewer, DPW, or similar department heads.
E. Otsego County attorney and corporate council.
F. Otsego County Administrator.
G. Chairman of the Otsego County Board of Commissioners.
H. Manager of the County Road Commission and village or city road agency.

I. The county Emergency Management Coordinator.
J. The county Soil Erosion and Sedimentation Control Officer.
K. District Health Department senior or supervisory Registered Sanitarian.
L. The County Surveyor, except when the issue before the Commission is to review his/ or his client's work.
M. The County Register of Deeds.
N. The County Extension Director.
O. The Conservation District, Otsego, Administrator.
P. Regional (multi-county) Planning Staff.

Section 5. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Otsego County Board of Commissioners to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission secretary, or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Otsego County Board of Commissioners whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Otsego County Board of Commissioners can consider further action allowed under law or excuse the absences.

Section 6. Incompatibility of Office

A. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
    1. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
    2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
    3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
    4. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
    5. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or members of his or her household.
    6. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
        a. an applicant or agent for an applicant, or
        b. has a direct interest in the outcome.
B. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
C. When a conflict of interest exists, the member of the Commission, or committee, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
    1. declare a conflict exists or at the first available of the Commission or committee;
    2. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, its staff, or others, and
    3. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit, until that agenda item is concluded.
D. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic

resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

ARTICLE IV
Duties of all Members

Section 1. *Ex Parte* contact

A. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.

B. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

Section 2. Not Voting On the Same Issue Twice.

Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to, the following:

1. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
2. When the appeal is of an administrative or other decision by any committee of the Commission, Otsego County Board of Commissioners, or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals.
3. When the case is an administrative decision which was decided by the Commission and sent to the Otsego County Board of Commissioners for further action, and the member of the Commission sits both on the Commission and Otsego County Board of Commissioners.

Section 3. Accepting gifts.

A. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.

B. As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over $10.

C. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to M.C.L. 125.3823(3), §23(3) of the Planning Act.

Section 4. Spokesperson for the Commission.

A. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.

B. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.

C. From time to time, or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

ARTICLE V
Officers

Selection 1. At the regular meeting in September of each year, the Commission shall select from its membership a Chair, Vice-Chair, and Secretary. Candidates shall require the support of a majority of Commissioners present and voting. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Commission shall select a successor to the office of Secretary for the

unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.

A. Tenure. The Chair, Vice-Chair and Secretary shall take office October 1st following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

B. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
   1. Preside at all meetings with all powers under parliamentary procedure;
   2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the Commission;
   3. Restate all motions as pursuant to Article VI, Section 5., A., of these Bylaws;
   4. Appoint committees;
   5. Appoint officers of committees or choose to let the committees select their own officers.
   6. May call special meetings pursuant to Article VI, Section 2., of these Bylaws;
   7. Act as member and Chair of the Executive Committee pursuant to Article VIII, Section 1., of these Bylaws;
   8. Act as an Ex-Officio member of all committees of the Commission;
   9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
   10. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
   11. Periodically meet with the Director of Land Use Services and/or other Planning Department staff to review Planning Department operation, procedures, and to monitor progress on various projects.
   12. Assist in the interview and selection process for a Director of Land Use Services;
   13. Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
   14. Represent the Commission, along with the Otsego County Board of Commissioners Commission member, before the Otsego County Board of Commissioners; and
   15. Perform such other duties as may be ordered by the Commission.

C. Vice-Chair's Duties. The Vice-Chair shall:
   1. Act in the capacity of Chair, with all the powers and duties found in Article V., Section 1. B., of these Rules, in the Chair's absence;
   2. Act as member and Vice Chair of the Executive Committee pursuant to Article VIII, Section 1., of these Rules; and
   3. Perform such other duties as may be ordered by the Commission.

D. Secretary's Duties. The Secretary shall:
   1. Execute documents in the name of the Commission;
   2. Be responsible for the minutes of each meeting, pursuant to Article VII, of these Bylaws if there is not a recording secretary.
   3. Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
   4. Receive all communications, petitions, and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
   5. Keep attendance records pursuant to Article III, Section 3., of these Bylaws (the Secretary may delegate this duty to Commission staff);

6. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 *et seq.* (the Secretary may delegate this duty to Commission staff);
7. Prepare an agenda for Commission meetings pursuant to Article VI, Section 11., of these Bylaws (the Secretary may delegate this duty to Commission staff);
8. Act as member and Secretary of the Executive Committee pursuant to Article VIII, Section 1., of these Bylaws; and
9. Perform such other duties as may be ordered by the Commission.

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

ARTICLE VI
Meetings

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

Section 2. Special Meetings. Special meetings shall be called in the following manner:

A. By the Chair.
B. By any two members of the Commission.
C. By the Chair at the request of any non-member of the commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be calculated as follows: The current amount of per diem paid times the total number on the Commission, regardless if they attend the meeting or not, plus the sum of travel reimbursement of each member, regardless if they each attend the meeting or not, plus the total Planning Department budget, which represents the costs of operating the Planning Department, divided by 365.
D. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 *et seq.*).

Section 3. Recess. The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The commission shall then decide to finish that meetings agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. No agenda item may be started after 9:00 p.m. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 *et seq.*). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

Section 4. Quorum. More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of

business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

Section 5. Motions.

A. Motions shall be restated by the Chair before a vote is taken.

B. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.

1. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
2. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
3. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

Section 6. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

Section 7. Commission Action. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

Section 8. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised,* (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.

Section 9. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public.

A. Public Comment on all non-agenda items should be presented at the beginning of the meeting where provided during the agenda item for public comment.

B. Public comment on agenda items shall only be given during the public comment period of the agenda item. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.

C. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.

Section 10. Consensus Business. Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies

as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can be made, in effect adopting all agenda items still included as Consent Items. The approval of minutes and the expense report shall be proposed on the agenda as Consent Items. Consensus business can be proposed for any item on the agenda, but shall never include any of the following:

A. Items of business which are listed in Section 18 of these bylaws.
B. Review of plans and zoning ordinances, or any part or amendment thereto.
C. Action on special use permits, planned unit developments, site plans, and similar administrative actions.
D. Election of officers.
E. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.
F. The motion to adopt Consent items in the minutes shall clearly list each item and indicate its action/disposition.

Section 11. Order of Business. Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:

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

Section 12. Delivery of Agenda. The agenda and accompanying materials shall be mailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Tuesday of the week prior to the Commission meeting, pursuant to Article VI, Section 1.

Section 13. Placement of Items on the Agenda.

A. The Department of Land Use Services shall be the office of record for the Commission.
B. The Director of Land Use Services may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
C. Items received by the Director of Land Use Services between seven business days prior to the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature, or items normally receiving staff review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.
D. The deadline to add items to the Commission's meeting agenda shall be seven business days prior to the next regularly scheduled Commission meeting.

ARTICLE VII
Records

Section 1 Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings which shall at a minimum include an indication of the following:

A. Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*)

B. Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:

1. Time and place the meeting was called to order.
2. Attendance.
3. Indication of others present (listing names if others choose to sign in and/or a count of those present).
4. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
5. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alterative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
6. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
   a. Who testified and a summary of what was said.
   b. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
   c. The location of the property involved (tax parcel number and description, legal description is best).
   d. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
   e. What evidence was considered (summary of discussion by members at the meeting).
   f. The administrative body's findings of fact.
   g. Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
   h. The decision (e.g. approve, deny, approve with modification).
   i. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
   j. List of all changes to the map/drawing/site plan that was submitted. (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black.)
   k. Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix `A', and made a part of these minutes...").
7. Who called the question.
8. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."
9. That a person making a motion withdrew it from consideration.
10. All the Chair's rulings.
11. All challenges, discussion and vote/outcome on a Chair's ruling.
12. All parliamentary inquiries or point of order.
13. When a voting member enters or leaves the meeting.

14. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
15. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
16. The start and end of each recess.
17. All Chair's rulings of discussion being out of order.
18. Full text of any resolutions offered.
19. Summary of announcements.
20. Summary of informal actions, or agreement on consensus.
21. Time of adjournment.

C. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.

D. Retention. Commission records shall be preserved and kept on file according to the following schedule:
1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent.
2. Correspondence: Permanent.

ARTICLE VIII
Committees

Section 1. Executive Committee.

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

B. The Executive Committee has limited power to act only on housekeeping matters, budget, office policy, and overseeing contracts and personnel when time constraints require action prior to the next regularly scheduled Commission meeting. Such actions shall be reported at the next regularly scheduled Commission meeting and are subject to the Commission's review and/or veto.

C. All members of the Commission shall be notified of Executive Committee meetings and are encouraged to attend.

Section 2. Ad Hoc Committees. The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an ad hoc committee at any given time.

Section 3. Citizen Committees. The Commission, Chair, or Director of Land Use Services/Zoning Administrator may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serve on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the Otsego County.

ARTICLE IX
Rules of Procedures for All Committees

Section 1. Subservient to the Commission. All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

Section 2. Same Principles. The same principals of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:

A. Officers. Officers of committees are appointed by the Chair of the Commission at the time the committee is created, or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
B. Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.
C. Voting. Only those appointed members of a committee, who are present at the time of a vote shall be eligible to cast a vote.
D. Attendance. If any member of a committee is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee Secretary-Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary-Vice-Chair shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).
E. Minutes. The Secretary-Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and filed in the same office as the Commission's minutes.
F. Staff. Committees have reasonable use of Department of Land Use Services/Zoning Administrator staff time and assistance and direction for performing the work of the committee.
G. Public. All committee meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principals found in P.A. 267 of 1976, as amended, (being Michigan Open Meetings Act, M.C.L. 15.261 *et seq.*).
H. Subcommittees. Citizen committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes, or public participation. Subcommittee membership shall consist of less than half the parent committee's membership.

ARTICLE X
Otsego County Department and Subdivisions; and Intergovernmental Coordination

Section 1. The Commission shall be responsible for coordination of all related plans between departments or subdivisions of Otsego County and intergovernmental coordination of all related planned activities among the state, federal, and municipal governments concerned. The Commission may use committees (pursuant to Article VII, Section 2., of these rules), Department of Land Use Services/Zoning Administrator staff, citizen committees (pursuant to section 7.C of these rules), and interagency staff teams for purposes of accomplishing coordination. If a staff team is used, the team shall not be a committee of the Planning Commission or any other public body and shall not be a public body. The team shall be an employee level technical review with only powers to recommend.

ARTICLE XI
Mileage and Per Diem

Section 1. Mileage and per diem shall be paid to members of the Commission at rates established by the Otsego County Board of Commissioners for attending Commission meetings and Executive Committee meetings, and other authorized meetings and trips to represent the Otsego County, if those Commission members bill the Otsego County for the same. Only mileage shall be paid for attendance at ad hoc committee meetings, if those Commission members bill the Otsego County for the same. No mileage or per diem is paid to any members of a citizen committee, unless authorized and budgeted by the Otsego County Board of Commissioners with recommendation by the Commission.

ARTICLE XII
Hearings

Section 1. Plan Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Otsego County Board of Commissioners, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation.

Section 2. Special Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested, and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance.

Section 3. Notice of Decision. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

ARTICLE XIII
Zoning Responsibilities

Section 1. All powers of the zoning commission have been transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act.

Section 2. Zoning adoption or amendment (including PUD zoning amendments). The commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the legislative body. At a minimum the recommendation shall include:

A. Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government;
B. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
C. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and
D. The manner of administering and enforcing the zoning ordinance.

Section 3. Special Use Permit (including PUDs). The Commission shall review and act on all special use permits pursuant to the Zoning Act and zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to Article VI, Section 5. B., of these Bylaws.

Section 4. Site Plan Review. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to Article VI, Section 5.B of these Bylaws.

Section 5. Appeals. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

ARTICLE XIV
Plan Reviews

Section 1. The Commission shall review all adjacent, or contiguous, local government plans (township, village, and city), adjacent county plans, local governments government plans (township, village, and city plans) within the boundaries serviced by the Commission, and the county plans in which the Commission's service area is located.

Section 2. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Article VI, Section 5. B., of these Bylaws.

Section 3. The review should focus on:

A. First and foremost, the process is intended to increase coordination of planning between governments.
B. Consistencies or inconsistencies with your government's plan(s) for matters such as:
C. Border issues
    1. Issues of greater than local concern
    2. Comparison with local plan contents
    3. Comparison with county/regional plan contents
    4. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.).
    5. Comparison to various implementation strategies.
D. If the county planning commission considered the proposed plan inconsistent with the plan of any city, village, township, or region that received a copy of the draft plan (or amendment).
E. If the county planning commission considers the draft plan (or amendment) to be inconsistent with a county plan(s), if any.
F. Action by the Commission shall be based on, in part, a review of possible boundary conflicts between the plans of two municipalities. If a boundary conflict is found to exist the following shall apply:
    1. The assumption is made that there should not be any provision of a municipal plan which is in conflict with the county plan.
    2. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed plans with the plans of municipalities having a common boundary. If a conflict is found to exist, it is not proper to assume the proposed plan is the problem. The problem could be the municipality which is adjacent to the municipality for which the plan is being reviewed. The problem could be both plans.
    3. The criteria to determine which municipality has the plan which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the plan which contributes to the boundary conflict.

Section 4. The review shall be in the form of a letter and shall take into account:

A. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
B. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
D. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

ARTICLE XV
Township Zoning Reviews

Section 1. The Commission shall review all zoning ordinances and zoning amendments for townships within the county.

Section 2. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Article VI, Section 5. B., of these Bylaws.

Section 3. Township zoning, which shall be submitted with the following information:

A. The text of the proposed ordinance,
B. The map for the proposed ordinance,

C. A letter from the township's attorney of their choice indicating:
   1. proper procedure for adoption and
   2. the ordinance has been reviewed against all other applicable statutes and law, and
   3. the ordinance is appropriately drafted for use as a legal/ordinance document.

Section 4. Action by the Commission shall be based, in part, on a review of possible boundary conflicts between the zoning of two municipalities. If a boundary conflict is found to exist the following shall apply:

A. The assumption is made that there should not be any provision of the township plan which is in conflict with the county plan. Thus the proposed zoning, which is based on the township plan, should also comply with the county plan.
B. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed zoning ordinances with the zoning ordinances of other municipalities having a common boundary with the township. If a conflict is found to exist, it is not proper to assume the Township's proposed zoning is the problem. The problem could be the township or municipality which is adjacent to the township for which the zoning is being reviewed. The problem could be both zoning ordinances.
C. The criteria to determine which municipality has the zoning which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the zoning which contributes to the boundary conflict.

Section 5. The review shall be in the form of a letter and shall take into account:

A. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt, and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
D. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

ARTICLE XVI
Capital Improvements Review

Section 1. Capital Improvements (the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings, or properties before work is started and after municipal capital improvement planning approval is obtained). If the funding for the capital improvement project is from a grant, this approval must be obtained prior to applying for the grant or done as part of the state or federal grant clearinghouse process.

Section 2. All preliminary plans and reports for the physical development of the Otsego County, including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals.

Section 3. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Article VI, Section 5. B., of these Bylaws.

Section 4. When reviewing the proposed project the planning commission should at a minimum consider the following issues. If the answer to any of the below is "no," then the planning commission's review of the project should not be favorable.

A. Is the proposed project consistent with adopted plans?
B. Is the project consistent with other governmental management plans?
C. Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?

D. Is the project consistent with adopted, if any, capital improvement plans?

Section 4. The review shall be in the form of a letter, sent within 35 days after the proposal is filed for review, and shall take into account:

A. Respect for the idea that the submission and review stages are near the end of a process. A community may be ready to start construction and others may be waiting for the task to be done.
B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments or agencies of governments.
D. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

ARTICLE *XVII*
Capital Improvements Program

Section 1. Annually, a capital improvement program (CIP) of public structures and improvement shall be adopted.

Section 2. To do so, the Commission shall establish a committee consisting of volunteers from the community or a combination of volunteers and representatives from each department within the local unit of government.

Section 3. The planning commission should also include the following individual, individuals, agencies, and departments in preparing the CIP.

A. Chief Executive (city manager, department heads, township manager, county controller/administrator, supervisor, city mayor, village president, etc.);
B. All departments within the government;
C. Finance and budget department: The financial office or the person responsible who conducts the financial analysis and projections on costs and revenues for a capital improvement program and determines the best possible means to finance each capital project.
D. The Planning department staff (if any exist).

Section 4. The committee shall cause to be requested from each agency or department of the local unit of government (with authority for public structures or improvements) for an annual inventory of desired public improvement projects with lists, plans and estimates of time and cost involved.

Section 5. The committee or planning staff shall organize the proposed public structures and improvements in the general order of their priority, that in the committee's judgment will be needed or desired or can be undertaken in the ensuing 6-year period.

A. In doing so, the committee may make use of expert advice and information from staff from the planning department or private consultants:
    1. Governmental Accounting Standards Board (GASB) Statement No. 34, Basic Financial Statements –and Management's Discussing and Analysis– For State and Local Governments.
    2. Population studies
    3. Economic studies
    4. Land Use Maps
    5. Future Plans
B. In doing so, the committee shall develop a formal set of criteria or use other techniques to use to organize the proposed public structures and improvements in order of importance. The following issues at a minimum should be considered:
    1. Description, location, and purpose of project;
    2. Justification for the need for project;
    3. An explanation of its relationship to other projects;
    4. The cost of project (submit detailed budget);
    5. Estimated annual income from projects;
    6. Estimated annual operation costs for the project;

7. Status of plans/specifications for the project and the expected length of time the capital project will last;
8. Year construction of project should start;
9. The rank/importance of project within department submitting it;
10. Environmental, health, and safety impacts and energy consumption.

C. The proposed public structures and improvements in order of importance shall be considered a draft CIP, which shall be presented to the Commission.

Section 6. The planning commission shall review the CIP:

A. The review shall include each project to determine the conformance of the projects with community comprehensive plans, development policies, and the objectives and goals of the community.
B. The review shall include an opportunity for agencies to present their arguments for why any given project should be included in the program and at what order of priority.
C. Upon completion of the review, a second draft of the CIP shall be prepared.

Section 7. The planning commission shall hold a public hearing on the second draft of the CIP.

Section 8. After the hearing, if needed, a third draft of the CIP shall be prepared. The planning commission then:

A. Formally adopts the CIP in the form of a recommendation to the legislative body for adoption; or
B. Adopts an amended version of the CIP in the form of a recommendation to the legislative body for adoption; or
C. Does not approve, thus does not adopt the ranked listing/project priorities, and proceeds to further revise the CIP until the Commission is prepared to adopt the CIP.

Section 9. If the legislative body refers the CIP back to the Commission, the Commission shall further review the CIP, make modifications, and submit another version of the CIP to the legislative body.

Article XVIII
Subdivision Review

Section 1. Prepare a Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), or amendments to the same, to submit to the legislative body.

Section 2. Proposed Subdivisions.

A. Staff for the Commission is to receive a plat and determine that the submission is complete. If incomplete, the plat shall be returned to the applicant with a list of deficiencies. If complete, the plat shall be received on behalf of the Commission.
B. Conduct a review of plats of proposed subdivisions (and/or site-condominium).
C. Hold a hearing on a proposed subdivision (and/or site-condominium) with notice of the hearing sent not sent less than 15 days before the date of the hearing.
    1. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, time, place of the hearing, where written comments may be submitted, and the deadline for those written comments.
    2. The notice shall be sent to the person indicated on the plat (and/or draft site-condominium master deed) as the proprietor or other person(s) to whom notice of the hearing shall be sent, the property owner, and adjacent property owners.
    3. The notice shall be published in a newspaper of general circulation in the Otsego County
    4. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).
D. Within 63 days of a complete plat (and/or draft site-condominium master deed) being submitted, act on the proposed subdivision (and/or site-condominium) in the form of a recommendation to the legislative body of the municipality in which the proposed subdivision (and/or site-condominium) is located.
    1. If applicable standards under the Land Division Act (M.C.L. 560.101 *et seq.*), Condominium Act (M.C.L. 559.101 *et seq.*) if applicable, and Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), the Commission shall recommend approval.

2. Grounds for any recommendation of disapproval of a plat (and/or Site-Condominiums) shall be stated upon the record of the Commission.
3. If the Commission does not act within the 63-day period, the plat (and/or Site-Condominiums) shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Commission upon request of the applicant. The applicant may waive the 63-day period and grant an extension.

Section 3. Master Plan Amendment. Commission approval of a subdivision shall be considered to be an amendment to the master plan and a part there of. The Commission shall cause the official copies of the master plan to be modified to reflect the amendment to the master plan within 30 days of the subdivision approval.

ARTICLE XIX
Other Matters to be considered by the Commission

Section 1. Commission Action. The following matters shall be presented for consideration at a meeting of the Commission:

A. At least annually, the adoption of priorities for the Commission's plan of work.
B. Annually, preparation of an annual report of the Commission.
C. Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.
D. The general character, extent and layout of the re-planning and redevelopment of blighted districts and slum areas.
E. Land subdivision plats.
F. All Planning reports and plans before publication.
G. Matters which properly come before the Otsego County Designated Solid Waste Planning Agency, pursuant to Part 115 of P.A. 451 of 1994, as amended, (being the Solid Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11501 *et seq.*)
H. Soil and Sedimentation Control Board of Appeals cases.
I. All matters of business of the Otsego County Resource Conservation and Development Committee, with the Commission acting as that committee.
J. All matters of business of the Otsego County policy committee as created by the Otsego County, County Remonumentation Plan.
K. Such other matters as the Director shall find it advisable or essential to receive consideration by the Commission.

Section 2. Staff Policy. From time to time the Commission shall publish policy to further define and categorize work done by staff for municipalities in Otsego County as:

A. Tasks which are a basic purpose of the County Planning Commission and for which no charge or fee shall be charged.
B. A secondary purpose of the Commission which is to include "assistance" to municipalities in Otsego County for which a fee may or may not be charged, as may be established from time to time by the Commission.

ARTICLE XX
Commission Staff

Section 1. General Responsibility. The Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Commission, appropriate for the Otsego County and its environs and are within the scope of the Planning Act and the Zoning Act.

Section 2. Advocacy. The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to the Commission in person, through an agent, or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent staff from helping an individual or group be better informed and to present their own views. Nothing herein is intended to prevent staff from expressing their own views as private citizens.

Section 3. Coordinated Enforcement. To further supplement the small number of staff responsible for inspections and enforcement of various regulations, staff shall report all suspected problems or violations seen during the course of their work. Staff shall follow the following procedures and guidelines:

A. When observing a problem or suspected violation, do not assume a violation exists or confront the suspected perpetrator. Avoid a situation where discussion or confrontation exists in an area outside the staff person's jurisdiction.
B. Report the problem or suspected violation to the Otsego County department, county, state, or federal agency which has jurisdiction, as quickly as possible.
C. When observing or receiving a report from another Otsego County department, county, state, or federal agency, of a problem or suspected violation, pursue enforcement, or its resolution through normal procedures for the particular situation.

Section 4. Conflict of Interest.

A. All members of the Commission's staff shall avoid situations which are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
    1. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
    2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
    3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
    4. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
    5. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
    6. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
        a. an applicant or agent for an applicant, or
        b. has a direct interest in the outcome.
B. When a conflict of interest exists staff shall do all of the following immediately, upon first review of the case and determining a conflict exists:
    1. declare a conflict exists,
    2. cease to process the case any further, and
    3. forward the case, and all pertinent records, to an alternate, assistant, or manager so the case is dealt with by someone else.
C. Other than as part of work for the Commission staff shall not (1) provide private consultation services, or advise on similar related services for clients, (2) provide work in professions or services which is or could be regulated by the Commission (such as, but not limited to planning, zoning, real estate, land development, solid waste, land surveying, architecture, professional and civil engineering, landscape architecture, sociology, economics, geography, political science, public administration consulting or work) within a site within the boundaries of Otsego County or for clients who are or may be applicants before the Commission, Zoning Board of Appeals, or the Commission's staff. This is not intended to prevent a staff person from assisting residents, municipalities, or others seeking help from the Commission, which are normally part of an employee's duties.
D. Public Relations. Director of Land Use Services shall:
    1. Officially present the Commission's recommendations to the governing body.
    2. Officially represent the Commission and its staff at planning conferences, interdepartmental meetings of the county government, and serve generally as a liaison between the Commission and the public.
    3. Encourage private development or investment in accord with comprehensive plans.

4. Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
5. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding of and government cooperation with planning efforts.
6. Accept other responsibilities as may be directed by the Commission, Governing Body, or Chief Executive.

E. Commission duties delegated to the Director of Land Use Services.
   1. To oversee and coordinate Commission staff teams, pursuant to Article X of these rules as directed.

ARTICLE XXI
Adoption, Repeal, Amendments

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

A. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
B. These Bylaws may be amended at any regular or special meeting by a two-thirds (⅔) vote of the appointed members.
C. Proposals to amend these Bylaws may be made at a regular meeting of the Commission. However, the final vote on proposed amendments shall be delayed until the next regular meeting of the commission.

Revised 04-07-09
Revised 03-19-12

OTSEGO COUNTY PLANNING COMMISSION
BYLAWS
APRIL 2009

Adopted, effective immediately, April 7, 2009
(Amended May 16, 2016)

ARTICLE I
Name

Section 1 The name shall be the Otsego County Planning Commission, hereafter known as the "Commission".

ARTICLE II
Purpose

Section 1 These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, (MCL 125.3801 *et seq.*), hereinafter "the Planning Act."

Section 2 These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in PA 110 of 2006 as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 *et seq.*), hereinafter "the Zoning Act."

ARTICLE III
Membership

Section 1 Members: Members of the Commission are appointed by the Otsego County Board of Commissioners pursuant to the Otsego County Planning Commission Ordinance of July 3, 2003, as amended.

Section 2 Membership shall be 11 members:

A. One member shall be a member of the Otsego County Board of Commissioners.
B. One member shall be a member of a public school board or an administrative employee of a school district included in whole or in part, within the county's boundaries.
C. Other members shall be representatives of important segments of the community such as economic, governmental, educational, and social development of the local unit of government, in accordance with major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
D. The members shall be representative of the entire geography of the county with one residing in each township of the county.

Section 3 First priority each member shall represent and advocate what is best for the Otsego County as a whole, putting aside personal or special interests.

Section 4 Liaisons: The purpose of liaisons is to provide certain Otsego County officials and quasi-officials the ability to participate in discussions with the Commission, in addition to speaking in public participation and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Article III, Section 3 of these bylaws. Liaisons, if not already appointed Commission members, are:

A. Planning Department staff and their agents and consultants
B. The Commission's consultants
C. Otsego County Attorney
D. Otsego County engineering, water, sewer, DPW or similar department heads
E. Otsego County attorney and corporate council
F. Otsego County Administrator
G. Chairman of the Otsego County Board of Commissioners
H. Manager of the County Road Commission and village or city road agency

I. The County Emergency Management Coordinator
J. The County Soil Erosion and Sedimentation Control Officer
K. District Health Department senior or supervisory Registered Sanitarian
L. The County Surveyor, except when the issue before the Commission is to review his or his client's work
M. The County Register of Deeds
N. The County Extension Director
O. The Conservation District, Otsego, Administrator (*The Otsego Conservation District Administrator)*
P. Regional (multi-county) Planning Staff

Section 5 Attendance: If any member of the Commission is absent from three (3) consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Otsego County Board of Commissioners to remove a member from the Commission for nonperformance of duty or misconduct, after holding a public hearing on the matter. The Commission secretary or acting secretary in the absence of the elected secretary, shall keep attendance records and shall notify the Otsego County Board of Commissioners whenever any member of the Commission is absent from three (3) consecutive regularly scheduled meetings, so the Otsego County Board of Commissioners can consider further action allowed under law or excuse the absences.

Section 6 Incompatibility of Office:

A. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include but not necessarily be limited to, the following:
    1. Issuing, deliberating on, voting on or reviewing a case concerning him or her;
    2. Issuing, deliberating on, voting on or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her;
    3. Issuing, deliberating on, voting on or reviewing a case involving a corporation, company, partnership or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss;
    4. Issuing, deliberating on, voting on or reviewing a case which is an action which results in a pecuniary benefit to him or her;
    5. Issuing, deliberating on, voting on or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law or members of his or her household;
    6. Issuing, deliberating on, voting on or reviewing a case where his or her employee or employer is:
        a. an applicant or agent for an applicant or
        b. has a direct interest in the outcome
B. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
C. When a conflict of interest exists, the member of the Commission or committee shall do all of the following immediately upon first knowledge of the case and determining that a conflict exists:
    1. declare a conflict exists or at the first available *meeting* of the Commission or committee;
    2. cease to participate at the Commission or committee meetings or in any other manner or represent one's self before the Commission, its staff or other; and
    3. during deliberation of the agenda item before the Commission or committee, leave the meeting or remove one's self from the front table where members of the Commission sit until that agenda item is concluded
D. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic

resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

ARTICLE IV
Duties of all Members

Section 1 *Ex Parte* contact

A. Members shall avoid *Ex Parte* contact about cases where an administrative decision is before the commission whenever possible.
B. Despite one's best efforts it is sometimes not possible to avoid *Ex Parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

Section 2 Not Voting on the Same Issue Twice

Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include but not necessarily be limited to, the following:

1. When the appeal is of an administrative or other decision by Commission and the member of the Commission sits both on the Commission and Zoning Board of Appeals;
2. When the appeal is of an administrative or other decision by any committee of the Commission, Otsego County Board of Commissioners or other committee and the member of the Commission sits both on that committee and Zoning Board of Appeals or both on the Commission and Zoning Board of Appeals;
3. When the case is an administrative decision which was decided by the Commission and sent to the Otsego County Board of Commissioners for further action and the member of the Commission sits both on the Commission and Otsego County Board of Commissioners.

Section 3 Accepting gifts

A. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
B. As used here, gifts shall mean cash, any tangible item or service, regardless of value; and food valued over $10.
C. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to MCL 125.3823(3), §23(3) of the Planning Act.

Section 4 Spokesperson for the Commission

A. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
B. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
C. From time-to-time or on a specific issue, the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

ARTICLE V
Officers

Selection 1 At the regular meeting in September of each year, the Commission shall select from its membership a Chair, Vice-Chair and Secretary. Candidates shall require the support of a majority of Commissioners present and voting. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Commission shall select a successor to the office of Secretary for the

unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording secretary.

A. Tenure: The Chair, Vice-Chair and Secretary shall take office October 1st following their selection and shall hold office for a term of one (1) year or until their successors are selected and assume office.

B. Chair's Duties: The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
   1. Preside at all meetings with all powers under parliamentary procedure;
   2. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs or similar topics; profanity; or other remarks which are not about the topic before the Commission;
   3. Restate all motions as pursuant to Article VI, Section 5 A, of these Bylaws;
   4. Appoint committees;
   5. Appoint officers of committees or choose to let the committees select their own officers;
   6. May call special meetings pursuant to Article VI, Section 2, of these Bylaws;
   7. Act as member and Chair of the Executive Committee pursuant to Article VIII, Section 1, of these Bylaws;
   8. Act as an Ex-Officio member of all committees of the Commission;
   9. Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting;
   10. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if he or she so chooses;
   11. Periodically meet with the Director of Land Use Services and/or other Planning Department staff to review Planning Department operation, procedures and to monitor progress on various projects;
   12. Assist in the interview and selection process for a Director of Land Use Services;
   13. Act as the Commission's and Planning Department's chief spokesman and lobbyist to represent the Commission at local, regional and state government levels;
   14. Represent the Commission, along with the Otsego County Board of Commissioners' Commission member, before the Otsego County Board of Commissioners; and
   15. Perform such other duties as may be ordered by the Commission

C. Vice-Chair's Duties:
   1. Act in the capacity of Chair, with all the powers and duties found in Article V, Section 1 B, of these Bylaws, in the Chair's absence;
   2. Act as member and Vice Chair of the Executive Committee pursuant to Article VIII, Section 1, of these Bylaws; and
   3. Perform such other duties as may be ordered by the Commission

D. Secretary's Duties:
   1. Execute documents in the name of the Commission;
   2. Be responsible for the minutes of each meeting, pursuant to Article VII of these Bylaws if there is not a recording secretary;
   3. Review the draft of the minutes, sign them and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission (the Secretary may delegate this duty to Commission staff);
   4. Receive all communications, petitions and reports to be addressed by the Commission, delivered or mailed to the Secretary in care of the Planning Department Office;
   5. Keep attendance records pursuant to Article III, Section 3, of these Bylaws (the Secretary may delegate this duty to Commission staff);
   6. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, PA 267 of 1976, as

amended, MCL 15.261 *et seq.* (the Secretary may delegate this duty to Commission staff);

7. Prepare an agenda for Commission meetings pursuant to Article VI, Section 11, of these Bylaws (the Secretary may delegate this duty to Commission staff);
8. Act as member and Secretary of the Executive Committee pursuant to Article VIII, Section 1, of these Bylaws; and
9. Perform such other duties as may be ordered by the Commission

E. Recording Secretary's Duties The Recording Secretary shall not be a member of the commission or any of its committees and shall:

1. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to Article VII of these Bylaws for review and signature by the Secretary; and
2. Perform such other duties as may be ordered by the Commission or secretary.

ARTICLE VI
Meetings

Section 1 Regular meetings: Meetings of the Commission will be held the third (3rd) Monday of every month at 6 pm in the Planning and Zoning meeting room located in the Land Use Services Building at 1322 Hayes Rd Gaylord Michigan. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice of regularly scheduled Commission meetings shall comply with PA 267 of 1976, as amended, (being the Michigan Open Meeting Act MCL 15.261 *et seq.*)

Section 2 Special Meetings: Special meetings shall be called in the following manner:

A. By the Chair
B. By any two members of the Commission
C. By the Chair at the request of any non-member of the commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be calculated as follows: The current amount of per diem paid times the total number on the Commission, regardless if they attend the meeting or not, plus the sum of travel reimbursement of each member, regardless if they each attend the meeting or not, plus the total Planning Department budget, which represents the costs of operating the Planning Department, divided by 365.
D. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting (the Secretary may delegate this function to staff). In addition notices shall comply with PA 267 of 1976, as amended, (being the Michigan Open Meetings Act MCL 15.261 *et seq.*).

Section 3 Recess: The Chair or the Commission, after the meeting has been in session for two (2) hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn) or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. No agenda item may be started after 9:00 pm. If applicable, such action shall include the time, day, month, date, year and location the Commission will reconvene. If more than eighteen (18) hours will pass before the reconvened Commission, public notice shall be given to comply with PA 267 of 1976, as amended, (being the Michigan Open Meeting Act MCL 15.261 *et seq.*). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

Section 4 Quorum: More than half the total number of seats for members of the Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

Section 5 Motions:

A. Motions shall be restated by the Chair before a vote is taken
B. Findings of Fact: All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts:
    1. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant and untrue statements;
    2. Conclusions to list reasons based on the facts for the Commission's action, often directly related or not, to a finding of compliance or noncompliance to standards;
    3. The Commission's action; recommendation or position, approval, approval with conditions or disapproval.

Section 6 Voting: Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for Commission members, regardless of the existence of vacancies and/or absences, shall be necessary for the adoption or recommendation for adoption, of any plan or amendment to a plan.

Section 7 Commission Action: Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

Section 8 Parliamentary Procedure: Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised,* (10th Edition, Perseus Publishing, New York, 2000 (ISBN 0-7382-037-6)) for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.

Section 9 Public Participation: All regular and special meetings, hearings, records and accounts shall be open to the public.

A. Public comment on all non-agenda items should be presented at the beginning of the meeting where provided during the agenda item for public comment.
B. Public comment on agenda items shall only be given during the public comment period of the agenda item. After that point, public comment is normally not allowed however sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting.
C. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting without time limit or an extended time limit.

Section 10 Consensus Business: Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can

be made, in effect adopting all agenda items still included as Consent Items. The approval of minutes and the expense report shall be proposed on the agenda as Consent Items. Consensus business can be proposed for any item on the agenda but shall never include any of the following:

A. Items of business which are listed in Section 18 of these Bylaws
B. Review of plans and zoning ordinances or any part or amendment thereto
C. Action on special use permits, planned unit developments, site plans and similar administrative actions
D. Election of officers
E. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting
F. The motion to adopt Consent Items in the minutes shall clearly list each item and indicate its action/disposition.

Section 11 Order of Business: Agenda: The Secretary or designee shall prepare an Agenda for each meeting and the order of business shall be as follows:

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

Section 12 Delivery of Agenda: The agenda and accompanying materials shall be mailed to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be but not always, mailed by first class mail on the Tuesday of the week prior to the Commission meeting, pursuant to Article VI, Section 1.

Section 13 Placement of Items on the Agenda:

A. The Department of Land Use Services shall be the office of record for the Commission.
B. The Director of Land Use Services may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight (8) business days prior to the next regularly scheduled Commission meeting.
C. Items received by the Director of Land Use Services between seven (7) business days prior to the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or set aside action to the subsequent regular or special Commission meeting. Those items of a major nature or items normally receiving staff review, analysis or recommendation, shall be postponed until the subsequent regular or special Commission meeting.
D. The deadline to add items to the Commission's meeting agenda shall be seven (7) business days prior to the next regularly scheduled Commission meeting.

ARTICLE VII
Records

Section 1 Minutes and Record: The Commission Secretary shall keep or cause to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:

A. Copy of the meeting posting pursuant to PA 267 of 1976, as amended, (being the Michigan Open Meetings Act, MCL 15.261 *et seq.*)
B. Copy of the minutes and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence:
    1. Time and place the meeting was called to order
    2. Attendance
    3. Indication of others present (listing names if others choose to sign in and/or a count of those present)
    4. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
    5. Summary of all points made in public participation or at a hearing by the applicant, officials and guests and an indication of who made the comments. An alterative is to attach a copy of the public's statement, petition or letter if it is provided in written form.
    6. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
        a. Who testified and a summary of what was said
        b. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
        c. The location of the property involved (tax parcel number and description, legal description is best);
        d. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes)
        e. What evidence was considered (summary of discussion by members at the meeting)
        f. The administrative body's findings of fact
        g. Reasons for the decision made (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
        h. The decision (e.g. approve, deny, approve with modification)
        i. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any
        j. List of all changes to the map/drawing/site plan that was submitted (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black.)
        k. Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix 'A' and made a part of these minutes...")
    7. Who called the question
    8. The type of vote and its outcome; If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."
    9. That a person making a motion withdrew it from consideration
    10. All the Chair's rulings
    11. All challenges, discussion and vote/outcome on a Chair's ruling
    12. All parliamentary inquiries or point of order
    13. When a voting member enters or leaves the meeting

14. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting
15. All calls for an attendance count, the attendance and ruling if a quorum exists or not
16. The start and end of each recess
17. All Chair's rulings of discussion being out of order
18. Full text of any resolutions offered
19. Summary of announcements
20. Summary of informal actions or agreement on consensus
21. Time of adjournment

C. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes

D. Retention: Commission records shall be preserved and kept on file according to the following schedule:
   1. Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission or department publications: Permanent
   2. Correspondence: Permanent

ARTICLE VIII
Committees

Section 1 Executive Committee:

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

B. The Executive Committee has limited power to act only on housekeeping matters, budget, office policy and overseeing contracts and personnel when time constraints require action prior to the next regularly scheduled Commission meeting. Such actions shall be reported at the next regularly scheduled Commission meeting and are subject to the Commission's review and/or veto.

C. All members of the Commission shall be notified of Executive Committee meetings and are encouraged to attend.

Section 2 Ad Hoc Committees: The Commission or Chair may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary; Less than a quorum may serve on an ad hoc committee at any given time.

Section 3 Citizen Committees: The Commission, Chair or Director of Land Use Services/Zoning Administrator may establish and appoint citizen committees with the consent of the Commission. Membership can be any number so long as less than a quorum of the Commission serves on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the Otsego County.

ARTICLE IX
Rules of Procedures for All Committees

Section 1 Subservient to the Commission: All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

Section 2 Same Principles: The same principals of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:

A. Officers: Officers of committees are appointed by the Chair of the Commission at the time the committee is created or are elected by the committee's membership at their first meeting. Officers, at a minimum, include a Chair and Secretary-Vice-Chair.
B. Quorum: A committee's quorum shall be at least half the total appointed membership of the committee.
C. Voting: Only those appointed members of a committee, who are present at the time of a vote shall be eligible to cast a vote.
D. Attendance: If any member of a committee is absent from three (3) consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee Secretary-Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary-Vice-Chair, shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).
E. Minutes: The Secretary-Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and filed in the same office as the Commission's minutes.
F. Staff: Committees have reasonable use of Department of Land Use Services/Zoning Administrator staff time and assistance and direction for performing the work of the committee.
G. Public: All committee meetings are open meetings available for public attendance and participation and minutes of the meetings are to be available for public inspection under the same principals found in PA 267 of 1976, as amended, (being Michigan Open Meetings Act, MCL 15.261 *et seq.*).
H. Subcommittees: Citizen committees may form subcommittees from their own membership and/or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance requirements, minutes or public participation. Subcommittee membership shall consist of less than half the parent committee's membership.

ARTICLE X
Otsego County Department and Subdivisions; and Intergovernmental Coordination

Section 1 The Commission shall be responsible for coordination of all related plans between departments or subdivisions of Otsego County and intergovernmental coordination of all related planned activities among the state, federal and municipal governments concerned. The Commission may use committees (pursuant to Article VII, Section 2 of these rules), Department of Land Use Services/Zoning Administrator staff, citizen committees (pursuant to section 7C of these rules) and interagency staff teams for purposes of accomplishing coordination. If a staff team is used, the team shall not be a committee of the Planning Commission or any other public body and shall not be a public body. The team shall be an employee level technical review with only powers to recommend.

ARTICLE XI
Mileage and Per Diem

Section 1 Mileage and per diem shall be paid to members of the Commission at rates established by the Otsego County Board of Commissioners for attending Commission meetings and Executive Committee meetings and other authorized meetings and trips to represent the Otsego County, if those Commission members bill the Otsego County for the same. Only mileage shall be paid for attendance at ad hoc committee meetings, if those Commission members bill the Otsego County for the same. No mileage or per diem is paid to any members of a citizen committee, unless authorized and budgeted by the Otsego County Board of Commissioners with recommendation by the Commission.

ARTICLE XII
Hearings

Section 1 Plan Hearings: Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan or recommending approval of an amendment to the Otsego County Board of Commissioners, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than fifteen (15) days prior to such hearing, by at least one (1) publication in each newspaper of general circulation.

Section 2 Special Hearings: Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem or discussion of a particular problem with interested parties will be given in the most practical manner and to persons or group representatives most interested and as required by the Planning Act, Zoning Act and relevant local zoning ordinance.

Section 3 Notice of Decision: A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

ARTICLE XIII
Zoning Responsibilities

Section 1 All powers of the zoning commission have been transferred to this Commission, pursuant to MCL 125.3301 of the Zoning Act.

Section 2 Zoning adoption or amendment (including PUD zoning amendments): The Commission shall review and act on all proposed zoning ordinances or zoning amendments pursuant to the Zoning Act. At least one (1) hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the legislative body. At a minimum, the recommendation shall include:

A. Zoning plan for the areas subject to zoning or zoning amendment of the local unit of government;
B. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
C. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and
D. The manner of administering and enforcing the zoning ordinance.

Section 3 Special Use Permit (including PUDs): The Commission shall review and act on all special use permits pursuant to the Zoning Act and zoning ordinance. At least one (1) hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action and the Commission's action, pursuant to Article VI, Section 5B of these Bylaws.

Section 4 Site Plan Review: The Commission shall review and act on all site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action and the Commission's action, pursuant to Article VI, Section 5B of these Bylaws.

Section 5 Appeals: The Commission shall not act or otherwise hear issues on zoning ordinance interpretation, zoning map interpretation, non-use variances or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

ARTICLE XIV
Plan Reviews

Section 1 The Commission shall review all adjacent or contiguous, local government plans (township, village, and city), adjacent county plans, local governments' government plans

(township, village, and city plans) within the boundaries serviced by the Commission and the County plans in which the Commission's service area is located.

Section 2 Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action and the Commission's advisory action, pursuant to Article VI, Section 5B of these Bylaws.

Section 3 The review should focus on:

A. First and foremost, the process is intended to increase coordination of planning between governments.
B. Consistencies or inconsistencies with your government's plan(s) for matters such as:
C. Border issues
    1. Issues of greater than local concern
    2. Comparison with local plan contents
    3. Comparison with county/regional plan contents
    4. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.).
    5. Comparison to various implementation strategies
D. If the County Planning Commission considered the proposed plan inconsistent with the plan of any city, village, township or region that received a copy of the draft plan (or amendment)
E. If the County Planning Commission considers the draft plan (or amendment) to be inconsistent with a county plan(s), if any.
F. Action by the Commission shall be based on, in part, a review of possible boundary conflicts between the plans of two (2) municipalities. If a boundary conflict is found to exist, the following shall apply:
    1. The assumption is made that there should not be any provision of a municipal plan which is in conflict with the county plan.
    2. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed plans with the plans of municipalities having a common boundary. If a conflict is found to exist, it is not proper to assume the proposed plan is the problem. The problem could be the municipality which is adjacent to the municipality for which the plan is being reviewed. The problem could be both plans.
    3. The criteria to determine which municipality has the plan which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the plan which contributes to the boundary conflict.

Section 4 The review shall be in the form of a letter and shall take into account:

A. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
B. Focus only on significant issues, in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
D. Include mutual respect of others so the comments are factual, objective and based on sound planning principles.

ARTICLE XV
Township Zoning Reviews

Section 1 The Commission shall review all zoning ordinances and zoning amendments for townships within the County.

Section 2 Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action and the Commission's advisory action, pursuant to Article VI, Section 5B of these Bylaws.

Section 3 Township zoning, to be submitted with the following information:

A. The text of the proposed ordinance,
B. The map for the proposed ordinance,
C. A letter from the township's attorney of their choice indicating:
   1. proper procedure for adoption;
   2. the reviewed ordinance against all other applicable statutes and law;
   3. an appropriately drafted ordinance for use as a legal/ordinance document.

Section 4 Action by the Commission shall be based in part, on a review of possible boundary conflicts between the zoning of two municipalities. If a boundary conflict is found to exist the following shall apply:

A. The assumption is made that there should not be any provision of the township plan which is in conflict with the county plan. Thus the proposed zoning, which is based on the township plan, should also comply with the county plan.
B. The Commission shall use compliance with the county plan as its main tool for purposes of coordination of the proposed zoning ordinances with the zoning ordinances of other municipalities having a common boundary with the township. If a conflict is found to exist, it is not proper to assume the Township's proposed zoning is the problem. The problem could be the township or municipality which is adjacent to the township for which the zoning is being reviewed. The problem could be both zoning ordinances.
C. The criteria to determine which municipality has the zoning which causes the boundary conflict shall be the Commission's finding of compliance with the county plan. The municipality (or both municipalities) not in compliance with the county plan shall be deemed to have the zoning which contributes to the boundary conflict.

Section 5 The review shall be in the form of a letter and shall take into account:

A. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt, and others may be waiting for the task to be done. Do not extend the adoption more than necessary.
B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments.
D. Include mutual respect of others so the comments are factual, objective and based on sound planning principles.

ARTICLE XVI
Capital Improvements Review

Section 1 Capital Improvements (the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings or properties before work is started and after municipal capital improvement planning approval is obtained). If the funding for the capital improvement project is from a grant, this approval must be obtained prior to applying for the grant or done as part of the state or federal grant clearinghouse process.

Section 2 All preliminary plans and reports for the physical development of ~~the~~ Otsego County, including the general location, character and extent of streets and roads, viaducts, bridges, farmland, agricultural land, forest land, parks and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals.

Section 3 Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Article VI, Section 5B of these Bylaws.

Section 4 When reviewing the proposed project, the Planning Commission should at a minimum consider the following issues. If the answer to any of the below is "no", then the Planning Commission's review of the project should not be favorable.

A. Is the proposed project consistent with adopted plans?
B. Is the project consistent with other governmental management plans?

C. Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?
D. Is the project consistent with adopted, if any, capital improvement plans?

Section 5 The review shall be in the form of a letter, sent within thirty-five (35) days after the proposal is filed for review and shall take into account:

A. Respect for the idea that the submission and review stages are near the end of a process. A community may be ready to start construction and others may be waiting for the task to be done.
B. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
C. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments or agencies of governments.
D. Include mutual respect of others so the comments are factual, objective and based on sound planning principles.

ARTICLE XVII
Capital Improvements Program

Section 1 Annually, a capital improvement program (CIP) of public structures and improvement shall be adopted.

Section 2 To do so, the Commission shall establish a committee consisting of volunteers from the community or a combination of volunteers and representatives from each department within the local unit of government.

Section 3 The planning commission should also include the following individual, individuals, agencies and departments in preparing the CIP.

A. Chief Executive (city manager, department heads, township manager, county controller/administrator, supervisor, city mayor, village president, etc.);
B. All departments within the government;
C. Finance and budget department: The financial office or the person responsible who conducts the financial analysis and projections on costs and revenues for a capital improvement program and determines the best possible means to finance each capital project.
D. The planning department staff (if any exist).

Section 4 The committee shall cause to be requested from each agency or department of the local unit of government (with authority for public structures or improvements) for an annual inventory of desired public improvement projects with lists, plans and estimates of time and cost involved.

Section 5 The committee or planning staff shall organize the proposed public structures and improvements in the general order of their priority, that in the committee's judgment will be needed or desired or can be undertaken in the ensuing six (6) year period.

A. In doing so, the committee may make use of expert advice and information from staff from the planning department or private consultants:
    1. Governmental Accounting Standards Board (GASB) Statement No 34, Basic Financial Statements –and Management's Discussing and Analysis– For State and Local Governments.
    2. Population studies
    3. Economic studies
    4. Land Use Maps
    5. Future Plans
B. In doing so, the committee shall develop a formal set of criteria or use other techniques ~~to use~~ to organize the proposed public structures and improvements in order of importance. The following issues at a minimum should be considered:
    1. Description, location and purpose of project;
    2. Justification for the need for project;
    3. An explanation of its relationship to other projects;
    4. The cost of project (submit detailed budget);

5. Estimated annual income from projects;
6. Estimated annual operation costs for the project;
7. Status of plans/specifications for the project and the expected length of time the capital project will last;
8. Year construction of project should start;
9. The rank/importance of project within department submitting it;
10. Environmental, health and safety impacts and energy consumption.

C. The proposed public structures and improvements in order of importance shall be considered a draft CIP, which shall be presented to the Commission.

Section 6 The planning commission shall review the CIP:

A. The review shall include each project to determine the conformance of the projects with community comprehensive plans, development policies and the objectives and goals of the community.
B. The review shall include an opportunity for agencies to present their arguments for why any given project should be included in the program and at what order of priority.
C. Upon completion of the review, a second draft of the CIP shall be prepared.

Section 7 The planning commission shall hold a public hearing on the second draft of the CIP.

Section 8 After the hearing, if needed, a third draft of the CIP shall be prepared. The planning commission then:

A. Formally adopts the CIP in the form of a recommendation to the legislative body for adoption; or
B. Adopts an amended version of the CIP in the form of a recommendation to the legislative body for adoption; or
C. Does not approve, thus does not adopt the ranked listing/project priorities and proceeds to further revise the CIP until the Commission is prepared to adopt the CIP.

Section 9 If the legislative body refers the CIP back to the Commission, the Commission shall further review the CIP, make modifications and submit another version of the CIP to the legislative body.

Article XVIII
Subdivision Review

Section 1 Prepare a Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), or amendments to the same, to submit to the legislative body.

Section 2 Proposed Subdivisions:

A. Staff for the Commission is to receive a plat and determine that the submission is complete. If incomplete, the plat shall be returned to the applicant with a list of deficiencies. If complete, the plat shall be received on behalf of the Commission.
B. Conduct a review of plats of proposed subdivisions (and/or site-condominium).
C. Hold a hearing on a proposed subdivision (and/or site-condominium) with notice of the hearing sent not sent less than fifteen (15) days before the date of the hearing.
    1. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, the time, the place of the hearing, where written comments may be submitted and the deadline for those written comments.
    2. The notice shall be sent to the person indicated on the plat (and/or draft site-condominium master deed) as the proprietor or other person(s) to whom notice of the hearing shall be sent, the property owner and adjacent property owners.
    3. The notice shall be published in a newspaper of general circulation in the Otsego County
    4. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance).
D. Within sixty-three (63) days of a complete plat (and/or draft site-condominium master deed) being submitted, act on the proposed subdivision (and/or site-condominium) in the form of a recommendation to the legislative body of the municipality in which the proposed subdivision (and/or site-condominium) is located.

1. If applicable standards under the Land Division Act (M.C.L. 560.101 *et seq.*), Condominium Act (M.C.L. 559.101 *et seq.*) if applicable, and Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), the Commission shall recommend approval.
2. Grounds for any recommendation of disapproval of a plat (and/or Site-Condominiums) shall be stated upon the record of the Commission.
3. If the Commission does not act within the sixty-three (63) day period, the plat (and/or Site-Condominiums) shall be considered to have been recommended for approval and a certificate to that effect shall be issued by the Commission upon request of the applicant. The applicant may waive the sixty-three (63) day period and grant an extension.

Section 3 Master Plan Amendment: Commission approval of a subdivision shall be considered to be an amendment to the master plan and a part there of. The Commission shall cause the official copies of the master plan to be modified to reflect the amendment to the master plan within thirty (30) days of the subdivision approval.

ARTICLE XIX
Other Matters to be considered by the Commission

Section 1 Commission Action: The following matters shall be presented for consideration at a meeting of the Commission:

A. At least annually, the adoption of priorities for the Commission's plan of work
B. Annually, preparation of an annual report of the Commission
C. Office or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff
D. The general character, extent and layout of the re-planning and redevelopment of blighted districts and slum areas
E. Land subdivision plats
F. All Planning reports and plans before publication
G. Matters which properly come before the Otsego County Designated Solid Waste Planning Agency, pursuant to Part 115 of PA 451 of 1994, as amended, (being the Solid Waste Management part of the Natural Resources and Environmental Protection Act, MCL 324.11501 *et seq.*)
H. Soil and Sedimentation Control Board of Appeals cases
I. All matters of business of the Otsego County Resource Conservation and Development Committee, with the Commission acting as that committee
J. All matters of business of the Otsego County policy committee as created by the Otsego County/County Remonumentation Plan
K. Such other matters as the Director shall find it advisable or essential to receive consideration by the Commission

Section 2 Staff Policy: From time to time the Commission shall publish policy to further define and categorize work done by staff for municipalities in Otsego County as:

A. Tasks which are a basic purpose of the County Planning Commission and for which no charge or fee shall be charged.
B. A secondary purpose of the Commission, which is to include "assistance" to municipalities in Otsego County for which a fee may or may not be charged, as may be established from time to time by the Commission.

ARTICLE XX
Commission Staff

Section 1 General Responsibility: The Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Commission, appropriate for the Otsego County and its environs and are within the scope of the Planning Act and the Zoning Act.

Section 2 Advocacy: The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to

the Commission in person, through an agent or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent staff from helping an individual or group be better informed and to present their own views. Nothing herein is intended to prevent staff from expressing their own views as private citizens.

Section 3 Coordinated Enforcement: To further supplement the small number of staff responsible for inspections and enforcement of various regulations, staff shall report all suspected problems or violations seen during the course of their work. Staff shall follow the following procedures and guidelines:

A. When observing a problem or suspected violation, do not assume a violation exists or confront the suspected perpetrator. Avoid a situation where discussion or confrontation exists in an area outside the staff person's jurisdiction.
B. Report the problem or suspected violation to the Otsego County department, county, state, or federal agency which has jurisdiction, as quickly as possible.
C. When observing or receiving a report from another Otsego County department, county, state, or federal agency of a problem or suspected violation, pursue enforcement or its resolution through normal procedures for the particular situation.

Section 4 Conflict of Interest:

A. All members of the Commission's staff shall avoid situations which are conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
    1. Issuing, deliberating on, voting on or reviewing a case concerning him or her
    2. Issuing, deliberating on, voting on or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her
    3. Issuing, deliberating on, voting on or reviewing a case involving a corporation, company, partnership or any other entity in which he or she is a part owner or any other relationship where he or she may stand to have a financial gain or loss
    4. Issuing, deliberating on, voting on or reviewing a case which is an action which results in a pecuniary benefit to him or her
    5. Issuing, deliberating on, voting on or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law or members of his or her household
    6. Issuing, deliberating on, voting on or reviewing a case where his or her employee or employer is:
        a. an applicant or agent for an applicant or
        b. has a direct interest in the outcome
B. When a conflict of interest exists, staff shall do all of the following immediately, upon first review of the case and determining a conflict exists:
    1. declare a conflict exists;
    2. cease to process the case any further and;
    3. forward the case and all pertinent records to an alternate, assistant or manager so the case is dealt with by someone else
C. Other than as part of work for the Commission, staff shall not (1) provide private consultation services or advise on similar related services for clients, (2) provide work in professions or services which is or could be regulated by the Commission (such as, but not limited to planning, zoning, real estate, land development, solid waste, land surveying, architecture, professional and civil engineering, landscape architecture, sociology, economics, geography, political science, public administration consulting or work) within a site within the boundaries of Otsego County or for clients who are, or may be applicants before the Commission, Zoning Board of Appeals or the Commission's staff. This is not intended to prevent a staff person from assisting residents, municipalities or others seeking help from the Commission, which are normally part of an employee's duties.
D. Public Relations: Director of Land Use Services shall:
    1. Officially present the Commission's recommendations to the governing body.

2. Officially represent the Commission and its staff at planning conferences, interdepartmental meetings of the county government and serve generally as a liaison between the Commission and the public.
3. Encourage private development or investment in accord with comprehensive plans.
4. Cooperate with public and private agencies and with individuals for the development, acceptance and effectuation of plans.
5. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding of, and government cooperation with planning efforts.
6. Accept other responsibilities as may be directed by the Commission, Governing Body or Chief Executive.

E. Commission duties delegated to the Director of Land Use Services:
1. To oversee and coordinate Commission staff teams, pursuant to Article X of these rules as directed.

ARTICLE XXI
Adoption, Repeal, Amendments

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

A. The Commission may suspend any of these Bylaws for the duration of, not more than one (1) agenda item or meeting.

B. These Bylaws may be amended at any regular or special meeting by a two-thirds (⅔) vote of the appointed members.

C. Proposals to amend these Bylaws may be made at a regular meeting of the Commission. However, the final vote on proposed amendments shall be delayed until the next regular meeting of the Commission.

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PUBLIC HEARING FORMAT

SPECIAL USE PERMIT

- Present Case
  - State case number and purpose for the record
- Open Public Hearing
  - State time
- Introduce applicant
  - Applicant states case
- Public comment
  - Questions & Answers
- Close Public Hearing
  - State time
- Planning Commission members discuss
  - Questions & Answers
- Present General Finding of Fact
  - Motion made in the affirmative to accept Finding of Fact as presented or with additions
  - Second
  - Motion restated by Chairperson
  - Vote
- Read Article 19/Section 19.7 Standards for Special Land Use-Specific Finding of Fact
  - Decide item by item if standards have been met
  - If not met, conditions to be placed on Special Use or reasons why
- Motion made in the affirmative to approve Special Use Permit
  - State case number, purpose, location and conditions if any
  - Second
  - Motion restated by Chairperson
  - Vote
    - ...or Motion made to deny Special Use Permit
      - State case number, purpose and reason(s)
      - Second
      - Motion restated by Chairperson
      - Vote

SITE PLAN REVIEW

- Present Case
  - State case number and purpose for the record

- Introduce applicant
  - Applicant states case

- Planning Commission members discuss
  - Questions & Answers

- Present Finding of Fact
  - Motion made to accept Finding of Fact as presented or with additions
  - Second
  - Motion restated by Chairperson
  - Vote

- Motion made in the affirmative to approve Site Plan Review
  - State case number, purpose and conditions if any
  - Second
  - Motion restated by Chairperson
  - Vote
    - ...or Motion made to deny Site Plan Review
      - State case number, purpose and reason(s)
      - Second
      - Motion restated by Chairperson
      - Vote

* **Roll call votes upon request of a Commission member**

* **Should a motion need to be 'set aside' or 'postponed':**

Set aside (to be dealt with later during meeting):

- Motion should state...'lay on the table' or 'set aside'

Postponed (delayed until a later date):

- Motion should state' postponed' and state date for action
- Term *'Tabled'* should not be used

Leading Effective Board Meetings

BEFORE MEETING:

- Why have meeting?

  (decision-making, problem-solving, planning, evaluation)
- What are desired outcomes?
- Who is responsible for each item?
- Confirm environment and equipment
- Room arrangement
  - ◊ To give information → Auditorium style
  - ◊ To get participation → Circle
  - ◊ Combination → Horseshoe
- Prepare Agenda
  - ◊ Considerations
    - All items relate to mandate?
    - Are items for action?
    - Agenda clear?
    - Location on agenda?
  - ◊ Specifics
    - Start and end time for meeting
    - Start and end time for each item?
    - Require business items (motions) be submitted in advance
    - Assign tasks
- Distribute meeting packet
- Distribute agenda in advance
- Ensure everyone on agenda knows role

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DURING MEETING:

- Call to order on time
- Stay focused using agenda
- Focus on substance, not form
- End meeting/each item on time
- Use unanimous consent, when possible
- Use consent agenda, if possible
- Encourage participation/equalize participation
    - ◊ Prompt comments, if necessary
- Control interruptions and digressions
    - ◊ "Park" digressions
    - ◊ "Deflate windbags"
    - ◊ Clarify and rephrase
- Manage conflict
- Ensure decisions/assignments clear
- More formal procedure if larger group (12+)
- More formal procedure depending on controversy/importance
- Close the meeting on time
- Close the meeting positively

PROBLEM AREAS:

- Rambling member ("park digressions")
- Dominating member ("deflate windbags")
- Argumentative member
- Discouraging member
- Argument between two members
- Side conversations
- Non-participating member

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