

**OTSEGO COUNTY  
PLANNING COMMISSION  
December 18, 2017  
6:00 PM**

**MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1322 HAYES ROAD**

1. CALL TO ORDER

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2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From November 20, 2017 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 HEARINGS
9. ADVERTISED CASES
10. UNFINISHED COMMISSION BUSINESS:
  1. Section 21.33 Signs and Billboards – Review – *Proposed language changes – Send to Townships*
11. NEW BUSINESS:
  1. 2018 Planning Commission Meeting Dates
12. REPORTS AND COMMISSION MEMBER’S COMMENTS:
  1. Otsego County Parks & Recreation report / Judy Jarecki
  2. Land Use Services / Jim Mouch
13. ADJOURNMENT

# Otsego County Planning Commission

Proposed Minutes for November 20, 2017

**Call to Order:** 6:00pm by Chairperson Hartmann

Pledge of Allegiance

**Roll Call:**

Present: Chairperson Hartmann, Vice Chairperson Jarecki, Secretary Arndt, Mr. Borton, Mr. Brown, Mrs. Norton, Mr. Caverson, Mr. Bauman, Ms. Corfis

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

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

Public Present: Randy Stults, Eric Lappan, Barbara Lappan

**Approval of minutes from:** October 16, 2017

Motion made to approve minutes as presented by Mr. Brown; Seconded by Mrs. Norton.

Motion approved unanimously

**Consent Agenda:** None

**Other:** None

**Public participation for items not on the agenda:**

Eric Lappan, Lappans of Gaylord, was present and was questioning the rules and regulations on signage due to their sign permit application being denied. He stated the sign was significantly smaller than some of the existing signs along that stretch of Old 27.

Mr. Mouch stated the plan review was denied because the square footage exceeded the thirty-two square feet maximum specified in the current zoning ordinance and the signs referred to have existed for many years.

Mr. Lappan stated the signs in question are newer businesses and have been reconstructed. His proposed sign is a John Deere sign, was professionally designed and will be professionally installed by Allen Industries. The new sign is taller vertically than the old one but will be smaller overall because it did not include a frame. He requested a variance for the sign.

It was stated a variance could be applied for from the Zoning Board of Appeals but the five criteria of that process would have to be met. The process was explained and Mr. Lappan was given an application for a variance along with the ordinance section pertaining to the Zoning Board of Appeals.

Further discussion ensued concerning nonconformities.

**Public Hearing:** None

**Advertised Case:** None

**Unfinished Commission Business:**

1. Section 21.38 Signs & Billboards *Proposed language changes* – Send to townships

Chairperson Hartmann stated Mr. Arndt and Mr. Mouch had met and had restructured Section 21.38 for ease of use and understanding. The sign committee met and discussed the changes to the section and

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made additional changes before presenting to the Planning Commission. He asked Mr. Arndt to open the discussion.

Mr. Arndt stated the changes to the sign section were driven from an enforcement point of view and restructuring of the section easily defines what can be done in what zoning district and what conditions apply.

Mr. Mouch stated the International Property Maintenance and International Zoning Codes for the United States are formatted similarly. They are typically set up to explain 'if this happens, then this follows'. It makes it much easier for enforcing violations when each item can be addressed separately. The numbering is also formatted differently so the sections can be easily sorted in the database and with adding the extra '0' in front of a single digit, everything falls in line.

Mr. Arndt stated the City of Gaylord's sign ordinance was reviewed as well as MDOT regulations to understand signage on controlled roads. Language was also added to allow the Zoning Administrator the authority to grant a twenty percent variance on signage to prevent minor issues from coming before the Planning Commission or Zoning Board of Appeals.

It was suggested criteria be added to the authority of granting a twenty percent variance, less it be requested by everyone. Language suggestions were proposed for criteria.

Discussion continued on other items concerning window signage and banners with suggestions for changes as well. Chairperson Hartmann thanked Mr. Stults for his input on verbiage and requested the Sign Committee reconvene to address the changes discussed. Section 21.38 will be presented at December's meeting.

## **New Business:**

### 1. Section 21.12 Home Occupation – Review – *Proposed language changes– sent via email*

Chairperson Hartmann stated the formatting had been changed on the other sections being presented as well and opened discussion on the proposed changes to Section 21.12.

It was stated a home occupation could only occupy fifteen percent of the *home and attached garage*; it did not include any detached structures.

It was recommended by Mr. Brown to send Section 21.12 to townships for input. Members concurred unanimously.

### 2. Section 21.34 Restricted Uses – Review – *Proposed language changes –sent via email*

Chairperson Hartmann opened discussion on the proposed changes to Section 21.34.

Referring to number two under '*Exceptions*', it was suggested *snowplowing purposes* be changed to *service of the premises* because a vehicle could be used for other purposes on premises other than plowing.

Vice Chairperson Jarecki questioned compost piles in conjunction to garbage.

It was suggested stating 'Enclosed compost piles are not considered garbage'.

It was recommended by Chairperson Hartmann to send Section 21.34 to townships for input. Members concurred unanimously.

# Otsego County Planning Commission

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## Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report / Judy Jarecki

Mrs. Jarecki reported Eric Drews had presented some good ideas and suggestions for the Dog Park; the Groen property transfer was still underway and moving forward; two parcels contiguous to the County Park were being appraised for possible purchase to enlarge the entrance to the park and a beach area was being considered by removing some of the grasses and brining in sand.

2. Land Use Services report / Jim Mouch

Mr. Mouch stated it was enlightening working on the zoning ordinance language trying to set absolutes for public ease of understanding and usability. He also stated a fiber optic business was moving into the old Norandex building and would provide up to one hundred new jobs. They should be opening in February.

Mr. Bauman stated Livingston Township was wrapping up their Master Plan.

Mr. Arndt stated the Kassuba Road project in Bagley Township had been completed and looked good.

Mr. Borton stated at a recent Michigan Association of Counties (MAC) meeting in Lansing, the Governor attended and presented an update of the State's status opposed to where it was seven years previously. He had offered good advice as far as managing growth in northern Michigan in terms of offering quality housing and broadband accessibility stating without that, there would not be a draw to the area.

Chairperson Hartmann adjourned the meeting.

**Adjournment:** 7:55pm by Chairperson Hartmann

Approved as Edited



Ken Arndt

Secretary to the OCPC

Christine Boyak-Wohlfeil; Recording Secretary

*Current Language:*

**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, HX 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.

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- 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 or 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.

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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.

*Proposed Language*

**Section 21.38**  
**Signs and Billboards**

**Intent:**

The sign standards contained in this Ordinance are declared to be necessary to protect the general health, safety, and welfare of the citizens of Otsego County.

It is the intent of this regulation to insure a degree of standardization in signage throughout the county, to insure the safety of pedestrians and motorists who must drive or otherwise negotiate installed signage and motorists who depend on the visibility of a sign's message to safely arrive at an intended destination. Standardization will preserve the aesthetics, appearance and functionality of all installed signage.

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:

Sign plans shall be reviewed for approval, conditional approval or rejection by the Zoning Administrator. For disagreements with the rulings of the Zoning Administrator, the applicant may appeal to the Zoning Board of Appeals, who in such instances has final authority on the sign plan.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes. Compliance with this Section does not relieve the applicant from the responsibility of compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the County Zoning Ordinance.

**Section 21.38.01**  
**Signs Authorized and Requiring a Permit**

All applications for a Sign Permit shall first be submitted to the Zoning Administrator. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Zoning Administrator showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed by a registered design professional. The Zoning Administrator may issue such permits when all applicable provisions of this Ordinance have been met.

**Section 21.38.01.01**  
**Accessory Signs**

**Section 21.38.01.01.01**

Districts: R1, R2, R3, RR

Number Allowed:	1
Maximum Height:	8 ft.
Measured:	From the average grade at the base of the sign to the top of the sign support.
Maximum Size:	15 sq. ft.

**Section 21.38.01.01.02**

Districts: AR, FR

Number Allowed:	1
Maximum Height:	8 ft.
Measured:	From the average grade at the base of the sign to the top of the sign support.
Maximum Size:	32 sq. ft.

**Section 21.38.01.01.03**

Districts: B1, B2, B3, HX, I

Number Allowed:

**Condition 1:**

Maximum Size:

**2 (With Conditions 1, 2, 3)**

1 Sign shall be affixed to or be within 2 feet of and be parallel with the wall of the main building.

Signs mounted on and parallel with the wall of the main building shall not exceed a total area of 2 ½ times the length of the mounting wall. If a premise contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

**Condition 2:**

Maximum Height:

Maximum Size:

**Condition 3:**

Maximum Height:

Maximum Size:

1 Sign may be a freestanding sign.

12 ft.

56 sq. ft. and length shall not be longer than 3 times its width.

1 Sign may be a pylon sign.

35 ft.

Sign Specifications must be prepared by a design professional and must comply with any Airport Zoning Ordinance and the Tall Structures Act. Pylon Signs approved and installed before the date of this ordinance change shall be allowed provided they exhibit structural integrity, are safe and well maintained.

**Condition 4:**

All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than 20% of the total window area. Where multiple windows are installed, signage may not be aggregated to cover any window 100% restricting all visibility from the interior and exterior. Signage may cover no more than 50% of the window on the horizontal and vertical dimension. Total coverage for multiple window panels will not change.

**Section 21.38.01.01.04**

Signs for shopping centers or other commercial developments with 2 or more units developed as offices, office service units, research facilities, manufacturing facilities, retail spaces with multiple stores, commercial PUD's, large retail stores with a building area over 100,000 sq. ft. or other commercial developments requiring Special Use Approval and which have a common off street parking and a common entrance or entrances may install accessory signs in accordance with the following regulations:

Regulation 01: Signs which direct traffic movement within a property and which do not exceed 4 sq. ft. in area for each sign are permitted.

Regulation 02: 1 free-standing identification sign for each street that the development faces.

- a. The freestanding 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 100 sq. ft.
- c. Freestanding signs shall not exceed a height of 30 feet measured from the average grade at the base of the sign to the top of the horizontal sign frame supporting the sign face.
- d. Tenants of the shopping center or the owner of outlets included with the development plan or PUD shall not be permitted individual freestanding signs, except gas stations as noted below:

Regulation 03: Businesses within the development or PUD shall be permitted exterior wall signs; the total area of the exterior wall signs shall not exceed 20% of the area of the signage wall.

Regulation 04: All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than 20% of the total window area. Where multiple windows are installed, signage may not be aggregated to cover any window 100% restricting all visibility from the interior and exterior. Signage may cover no more than 50% of the window on the horizontal or vertical dimension. Total coverage for multiple window panels will not change.

- Regulation 05: An automobile service station located on an outlet or an individual lot within the development or PUD may have 1 freestanding sign in addition to the freestanding sign utilized for the development. The freestanding 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 21.38.01.03 above.
- Regulation 06: Signs proposed for installation along MDOT regulated highways designed to advertise a specific business location must be permitted in accordance with current MDOT Regulation 225. A specific time requirement for the developed site is required and is usually 2 years. A business sign is a sign designed to advertise a particular business location rather than being used for general outdoor advertising not necessarily specific to a particular business. Billboards or signage also referred to as outdoor advertising or outdoor highway advertising are permitted and controlled by MDOT under sections of MDOT Regulation 225. A valid permit and sign approval is required prior to construction of a billboard designed for general outdoor advertising

**Section 21.38.02**  
**Non-Accessory Signs and Billboards**

**Section 21.38.02.01**

Billboards, poster boards and non-accessory signs may be permitted in B2, B3 and I Districts provided the area of the sign does not exceed an area of 200 sq. ft. in B2 and B3 Districts and 300 sq. ft. in I Districts. A non-accessory sign or billboard shall not measure longer than 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.

**Section 21.38.03**  
**Sign Lighting (also see Section 21.19 Lighting Outdoor)**

**Section 21.38.03.01**

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 set back a minimum of 10 feet from all road right-of-ways and 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 1 hour after sunrise and continuing until 1 hour before sunset, shall not be greater than 3000 nits, or greater than 100 nits at all other times.

Signs that are externally illuminated shall have the light mounted on 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 such that reflected luminance does not exceed 100 nits per square meter.

**Section 21.38.04**  
**Signs Prohibited**

- Section 21.38.04.01** No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
- Section 21.38.04.02** No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
- Section 21.38.04.03** Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

<b>Section 21.38.04.04</b>	Signs containing flashing, intermittent or moving lights. (A sign with messages or images accomplished by instantaneous re-pixilation not more often than 1 time in 60 seconds shall not be considered flashing, intermittent or moving and shall be allowed.)
<b>Section 21.38.04.05</b>	Signs with moving or revolving parts.
<b>Section 21.38.04.06</b>	Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following ( With Conditions 1,2,3):
<b>Condition 1:</b>	The primary purpose of such a vehicle or trailer is not the display of signs.
<b>Condition 2:</b>	The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and does not break the silhouette of the vehicle.
<b>Condition 3:</b>	The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.
<b>Section 21.38.04.07</b>	Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
<b>Section 21.38.04.08</b>	Any sign copy that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 14 days after written notification from the Zoning Administrator.

**Section 21.38.05**  
**Signs Authorized and Not Requiring a Permit**

<b>Section 21.38.05.01</b>	Official notices, authorized by a court, public body or public safety official.
<b>Section 21.38.05.02</b>	Directional, warning or information signs authorized by federal, state or municipal governments.
<b>Section 21.38.05.03</b>	Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.
<b>Section 21.38.05.04</b>	The flag of a government or noncommercial institution, such as a school.
<b>Section 21.38.05.05</b>	Religious symbols and seasonal decorations within the appropriate public holiday season.
<b>Section 21.38.05.06</b>	Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
<b>Section 21.38.05.07</b>	Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 sq. ft. in area.
<b>Section 21.38.05.08</b>	The changing or maintenance or components of an approved existing sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.
<b>Section 21.38.05.09</b>	Bulletin Boards that do not exceed 15 sq. ft. for churches, public and semi-public institutions and/or schools.
<b>Section 21.38.05.10</b>	Temporary signs not exceeding 10 sq. ft. advertising a premises being for rent, for lease and/or for sale in any district. All such signs shall be removed within 14 days of the consummated lease or sale of the premises.
<b>Section 21.38.05.11</b>	Accessory directional signs affixed to the building and not exceeding 2 sq. ft., such as but not necessarily limited to: Boiler Room, Entrance, Exit, Garage, Loading Dock, Low Clearance, Office, Service, Warehouse and the like.
<b>Section 21.38.05.12</b>	Maximum of 2 accessory properties directional signs each not to exceed 2 sq. ft. identifying or directing to the following: Entrance, Exit, No Parking, Visitors Parking, Other Traffic Flow Directions, and similar Functional Signs.

- Section 21.38.05.13** Temporary advertising banners that are flexible (made of canvas, plastic composite etc.) meant to be attached to a fixed commercial building structure which is currently occupied. All banners may not exceed 32 sq. ft. and must be maintained in good condition while displayed.
- Section 21.38.05.14** Political signs shall be permitted in all zoning districts (With Conditions 1, 2, 3).  
Condition 1: Such signs shall follow the Accessory Signs restrictions as it relates each individual Zoning District.
- 
- Condition 2: Such signs for election candidate or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.
- Condition 3: Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

**Section 21.38.06**  
**Placement of Signs and Setbacks**

**Section 21.38.06.01**  
**Signs in rights-of-way**

No sign other than an official traffic sign shall be erected within any public right-of-way unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

**Section 21.38.06.02**

**Sign and Setbacks**

Signs in any zoning district must be placed at least 2 feet back from any right of way and any lot line.

**Section 21.38.07**  
**Off-Premises Directory Sign – Private**

**Section 21.38.07.01**

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, 1 off-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 15 sq. ft. Community directional signs serving more than 1 use may be permitted to a maximum size of 32 sq. ft.

**Section 21.38.08**  
**Approval Authority**

**Section 21.38.08.01**

The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site Plans for a Special Use Permit shall be forwarded by the Zoning Administrator to the Planning Commission for review and action. In addition, at the request of the Zoning Administrator or Planning Commission, a site plan for a Principal Permitted Use may be submitted for Planning Commission review before final action by the Zoning Administrator. The Zoning Administrator and Planning Commission have the authority to approve, deny or grant conditional approval for any site plan submitted under the provisions of this ordinance. The Zoning Administrator may hold or the Planning Commission may table a site plan, pending further information or addition, reasonably needed to complete a site plan or comply with requirements of this Ordinance.



## PLANNING COMMISSION 2018 MEETING DATES

Meetings are held in the multipurpose room at the  
Otsego County Land Use Services / Building Department facility, \*1322 Hayes Road\*, Gaylord, Michigan

**ALL MEETINGS BEGIN AT 6:00 PM  
THIRD MONDAY OF EACH MONTH**

### MONDAY EVENINGS

**JANUARY 15, 2018**

**FEBRUARY NO MEETING SCHEDULED / PRESIDENT'S DAY**

**MARCH 19, 2018**

**APRIL 16, 2018**

**MAY 21, 2018**

**JUNE 18, 2018**

**JULY 16, 2018**

**AUGUST 20, 2018**

**SEPTEMBER 17, 2018**

**OCTOBER 15, 2018**

**NOVEMBER 19, 2018**

**DECEMBER 17, 2018**

ANY CHANGES TO THE MEETING DATES, TIMES OR LOCATIONS SHALL BE MADE PUBLIC  
AT LEAST EIGHTEEN (18) HOURS PROIR TO THE MEETING IN QUESTION.

Visit the County Website Events Calendar for any updates to meeting postings: <http://www.otsegocountymi.gov/events-calendar-9/>

*In compliance with the Americans Disabilities Act, persons with physical limitation that may tend to restrict access to or participation in this meeting should contact the Land Use Services office (989-731-7420) at least twelve (12) hours prior to the scheduled start of the meeting.*

# Director Update

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## Communications Permit Updates

12/18/2017

1. Enforcement/Permit Summary Update
2. New Departmental Reports:
  - a. Permit(s) List Detail Report – Township
    - i. Emailed to Planning Commission Members and Township Supervisors.
  - b. Enforcement(s) List Detail Report - Township
    - i. Emailed to Planning Commission Members and Township Supervisors.
3. Planning Commission – Bylaws
4. Hayes Township – Mary Sanders email
5. I have re-arranged the tables in Planning Commission Room.

## Otsego County Land Use

Permit(s) / Enforcement(s) by Category Summary Report(s)  
12/18/2017

	Zoning Applications	Enforcements	Building Applications	Electrical Applications	Mechanical Applications	Plumbing Applications
01/01/2017 thru 12/11/2017	311	442	811	439	292	147
01/01/2016 thru 12/11/2017	393	348	988	480	411	158
01/01/2015 thru 12/17/2017	274	331	815	427	439	121

**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 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 1<sup>st</sup> 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 (3<sup>rd</sup>) 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*, (10<sup>th</sup> 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 alternative 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. Increasing 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 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 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 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.

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Section 3 Master Plan Amendment: Commission approval of a subdivision shall be considered to be an amendment to the master plan and a part thereof. 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 ( $\frac{2}{3}$ ) vote of the appointed members.
- C. Proposals to amend these Bylaws may be made at a regular meeting of the Commission. However, the final vote on proposed amendments shall be delayed until the next regular meeting of the Commission.

## James Mouch

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**From:** msanders@freeway.net  
**Sent:** Monday, December 04, 2017 3:26 PM  
**To:** James Mouch  
**Subject:** RE: Zoning Ordinance Amendments: 21.12 Home Occupations 21.34 Restricted Uses

>Hi Jim,

I have sent the email to my board and have reviewed what you sent. I have no objections to the updates/changes for these sections. Hayes Twp is approving the work completed by the planning commission.

Mary

Good Afternoon, Township Supervisors

>

> The Planning Commission requested that we distribute an email and  
> attachments to all Townships for distribution to the appropriate  
> committees for review and suggestions for changes.

>

> Attached are the following Sections of the ordinance that have been  
> amended and for the Townships Review: Section 21.12 Home Occupation  
> (New)  
> (Old) Section 21.34 Restricted Uses (New) (Old).

>

> These sections have been revised as follows:

>

> 1. Reformatted and revised language in Sections 21.12, 21.34 and  
> 21.38 for ease of use; both for the property occupant/owner and for  
> enforcement purposes.

>

> 2. Added language from the International Property Maintenance Code  
> and International Zoning Code.

>

> 3. The committee has reviewed and discussed these sections in  
> length.

>

> During Monday's Planning Commission Meeting the following suggestions  
> were mentioned as changes to the attached documents:

>

>

> Section 21.34.01.01

>

> Sanitation

> Exterior property and premises shall be maintained in a clean, safe  
> and sanitary condition. The occupant shall keep that part of the

> exterior property that such occupant occupies or controls in a clean

> and sanitary condition and shall be free from any accumulation of garbage and/or junk.

> Enclosed compost piles are not consider garbage.

>

>  
>  
>  
> Section 21.34.01.02  
>  
> Motor Vehicles  
>  
> Except as provided for in other regulations, no inoperative or  
> unlicensed motor vehicle for uses upon the highways or waterways of  
> the State of Michigan shall be parked, kept or stored on any premises,  
> and no vehicle shall at any time be in a state of major disassembly,  
> disrepair, or in the process of being stripped or dismantled for a  
> period of 48 continuous hours. Painting of vehicles is prohibited  
> unless conducted inside an approved spray booth.  
>  
> Exceptions  
>  
> 1. A vehicle of any type is permitted to undergo major overhaul  
> including body work, provided that such work is performed inside a structure.  
>  
> 2. One unlicensed vehicle that is used for site maintenance snow  
> plowing purposes shall be permitted.  
>  
> 3. One additional vehicle that is kept under cover may be stored in  
> the rear or side yard so as to be inconspicuous to the public streets.  
>  
> 4. Agricultural Operations: Any vehicle or parts of vehicles that are  
> part of a farm operation as defined by the Michigan Right to Farm Act,  
> 1980 P.A. NO. 93, MCL 286.471, et.seq., and conducted in accordance  
> with the State of Michigan's Generally Accepted Agricultural and  
> Management Practices (GAAMPs) shall be exempt from the provisions of  
> this Section  
> 21.34 Restricted Uses.  
>  
>  
> Please have any revisions prepared as soon as possible and email back  
> to [jmouch@otsegocountymi.gov](mailto:jmouch@otsegocountymi.gov)<mailto:jmouch@otsegocountymi.gov>  
>  
> Respectfully Submitted,  
>  
> Ken Arndt, Planning Commission Secretary and James Mouch, Director  
> Land Use  
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