OTSEGO COUNTY
PLANNING COMMISSION
March 19, 2018
6:00 PM

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

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES: From January 15, 2018 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:

   1. *Forward Corporation, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*
      Driftwood Ln
      Gaylord, MI 49735
      011-760-000-031-00
      Property located in a R2/General Residential Zoning District
      PZSU17-003- proposed use of the property is to provide a storm water retention pond / snow storage for an adjacent City of Gaylord gas station project

   2. *SW Land Company Inc, owners, represented by West St Investments LLC, applicants, request a Special Use Permit/Site Plan Review for property located in Bagley Township:*
      798 N Otsego Lake Dr
      Gaylord, MI 49735
      011-225-000-002-00
      Property located in a B2/General Business Zoning District
      PZSU17-001- proposed use of the property is to construct storage units for lease or rent

   3. *Section 21.38 Signs and Billboards Proposed Text Amendment*
      Proposed amendments to the above section of the Otsego County Zoning Ordinance

   4. *Section 21.12 Home Occupation Proposed Text Amendment*
      Proposed amendments to the above section of the Otsego County Zoning Ordinance

   5. *Section 21.34 Restricted Uses Proposed Text Amendment*
      Proposed amendments to the above section of the Otsego County Zoning Ordinance

9. ADVERTISED CASES:

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   Proposed amendments to the above section of the Otsego County Zoning Ordinance

10. UNFINISHED COMMISSION BUSINESS

11. NEW BUSINESS

12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
    1. Otsego County Parks & Recreation report / Judy Jarecki
    2. Land Use Services / Jim Mouch - *Via email*

13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for January 15, 2018

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

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

Absent: Ms. Corfis

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

Public Present: None

Approval of minutes from: December 18, 2017

Vice Chairperson Jarecki suggested adding the word *'they'* to the first sentence of the third paragraph on page one…'Mr. Borton stated he has received good feedback from the townships and *'they'* did not realize just how much work was being done on their behalf.'

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

Motion approved unanimously

Consent Agenda: None

Other: None

Public participation for items not on the agenda: None

Public Hearing: None

Advertised Case: None

Unfinished Commission Business:

1. 2017 Objective List

Items on the 2017 Objective List were reviewed for progress. Items not acted upon were discussed further.

Chairperson Hartmann asked Mr. Arndt to discuss *'Private Roads'* and *'Non-Conforming Structures'*.

Mr. Arndt stated discussion of 'Private Roads' had begun so long ago, he did not have the information from years before. There had been issues concerning road maintenance and emergency vehicle access. He stated perhaps Mr. Ernst had retained information as he was on the planning commission back then and involved with that committee. Mr. Caverson volunteered to contact him and find out the status of any information. Mr. Arndt went on to discuss *'Non-Conforming Structures'* and the issues discussed on that subject as well. Both items will be added to the 2018 Objective List.

Chairperson Hartmann stated Large Tract Forestry had been discussed at a committee meeting with some revisions made and will be sent for legal counsel review; the Overlay District - Pigeon River, as suggested in the Master Plan, will need to be discussed with counsel for language.

New Business:

1. 2018 Objective List

Items not acted upon in 2017 were added to the Objective List for 2018.

Chairperson Hartmann requested suggestions on other items needing to be reviewed. He asked for input from Mr. Mouch.

Mr. Mouch stated Land Use was requesting the following items be added to the list to help with enforcement and to streamline the permit process:

Planning Commission By-laws
Article 27 Township Participation
Section 21.33 Recreational Equipment or Trailer
Section 21.10 Fences
Section 21.29 Pets and Other Animals
Section 23.01 Site Plan Review
Section 18.02 Shoreland Area

He stated he had provided the permit and enforcement reports for each township as well as a graph depicting a five (5) year overview. Although building permits were down in numbers because of the elimination of the door and window permit, Land Use continued to be busy. Mr. Mouch also stated after review and discussion with Livingston Township concerning the Gapinski rezone case, he felt the matter could be handled administratively because a special use permit had been approved. He would follow the enforcement process for compliance with that permit.

Mr. Caverson questioned the ordinance language concerning the expiration and renewal of the permit.

Mr. Mouch stated they had not constructed the building but were storing logs on the property; he did not see where the building was conditional to the log storage.

A committee meeting was set up for Thursday, January 18th at 9:00am to begin work on language amendments; Mrs. Norton joined the committee.

2. Otsego County Planning Commission 2017 Annual Report

Chairperson Hartmann asked for any questions or comments on the Annual Report; hearing none, he requested a motion.

Motion made by Mr. Arndt to approve the Otsego County Planning Commission 2017 Annual Report as presented; Seconded by Mr. Brown.

Motion approved unanimously.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki reported the remaining property at the Groen Preserve had been transferred; the Parks Committee had requested a budget amendment to purchase the two (2) parcels of land as an addition to the County Park – the parcels would include moving the parking area to the front, constructing a new entrance building on the parcel fronting West Otsego Lake Dr and possibly using the existing building as a Wi-Fi station; adding a new beach area behind the break wall was also being researched for the park and a list of items for capital improvements for Otsego County Parks and Recreation had been compiled by Mr. Ryan.

Mr. Borton stated the Finance Committee was recommending the budget amendment for the parcel purchase to the Board of Commissioners.

2. Land Use Services report/Jim Mouch

See previous comments.

Mr. Borton stated Gaylord's Mayor John Jenkins was not able to attend January's meeting because he was in Florida but looked forward to attending the next.

Mr. Arndt stated the County should be receiving a special use permit application for a treatment station in Bagley Township and the City of Gaylord was moving ahead with the 425 agreement to annex parcels stretching from Gobblers Restaurant to the Forward Shell Station along Old 27 South into the City.

Mrs. Norton stated Chester Township was holding a meeting Wednesday evening to restructure their Planning Commission. She would stress the importance of having regular meetings in order to review the issues sent from the County Planning Commission in a timely matter.

Chairperson Hartmann adjourned the meeting.

Adjournment: 6:52pm by Chairperson Hartmann

Approved 1/29/18

Kenneth R. Arndt

Secretary

OTSEGO COUNTY
PLANNING COMMISSION

PZSU17-003
Special Use Permit/Site Plan Review
011-760-000-031-00

Exhibit List

Exhibit #1: Applications for case PZSU17-003 submitted by Applicant

Exhibit #2: Otsego County Zoning Map Effective Date March 20, 2010/Amended January 24, 2017

Exhibit #3: Otsego County Zoning Ordinance Effective March 20, 2010/Amended September 12, 2017

Exhibit #4: Copy of Otsego County Equalization Department record card/Warranty Deed 704/832

Exhibit #5: Letter/Proof of Ownership of parcels included in City project/ Warranty Deed 734/823, Warranty Deed 1232/33, Quit Claim 1232/34

Exhibit #6: Site Plan/PZSU17-003 submitted by Applicant

Exhibit #7: Public Hearing Notice

Exhibit #8: Letter to Bagley Township Planning Commission dated January 4, 2018

Exhibit #9: Letter from Bagley Township Planning Commission dated January 25, 2018

Exhibit #10: Map and list of parties notified

Exhibit #11: Receipt #01314434

Exhibit #12: General Finding of Fact/PZSU17-003

Exhibit #13: Specific Finding of Fact/PZSU17-003

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SPECIAL USE PERMIT

Date: 11/14/17	Parcel Number: 011 - 760 - 000 - 031 - 00

PROPERTY LOCATION: ***(REQUIRED)***

Address: Lot 31 of Summer & Holmes Subdivision (Adjacent to 2870 S. Otsego Ave)		City: Gaylord	Zip Code: 49735
Township: Bagley	Zoning District: R-2	Section: 16	T 30 N/R 3 W

APPLICANT:

Name: Forward Corporation		Owner/Agent/Other Interest *(circle one)*	
Address: 219 N Front Street	City: Standish	State: MI	Zip Code: 48658
Phone: (989) 946 - 7104	Fax: (989) 846 - 4412		

PROPERTY OWNER: *(If different from Applicant)* - Same

Name:		Phone: ( ) -	
Address:	City:	State:	Zip Code:

DESCRIPTION OF PROJECT AND PROPOSED USE:
The vacant residential lot will be used for snow storage and storm water over flow area. This will be for the proposed gas station project on the adjacent parcel's which are within the City Limits of Gaylord.

SIGNATURE OF APPLICANT:	**DATE:** 11-10-17

***All information received by this department is subject to the Freedom of Information Act. Under this Act persons are allowed to request copies of said information. This includes but is not limited to, all copies of drawing and blueprints.

******OFFICE USE ONLY******

Date Application Received:	Permit Number: PZSU17-003	
Date Application Complete:	Fee: $700	Receipt Number: 0151434

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735

PHONE: 989.731.7400 * FAX: 989.731.7419

www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: Forward Corporation	Owner/Agent/Other Interest *(circle one)*
Address: 219 N Front Street Standish, MI 48658	
Phone: (989) 946- 7104	Fax: (989) 846- 4412

PROPERTY OWNER: *(If different from Applicant)* - Same

Name:	
Address:	
Phone: ( ) -	Fax: ( ) -

PROPERTY LOCATION:

Township: Bagley	Section: 16	T 30 N/R 3 W	Zoning District: R-2
Site Address: Lot 31 of Summer & Holmes Subdivision, Gaylord , MI 49735 (Adjacent to 2870 S. Otsego Ave)			
Parcel Number: 011 - 760 - 000 - 031 - 00			
Description of Project and Proposed Use: The vacant residential lot will be used for snow storage and storm water over flow area. This will be for the proposed gas station project on the adjacent parcel's which are within the City Limits of Gaylord.			

Signature of Applicant:	**Date:** 11-10-17

***All information received by this department is subject to the Freedom of Information Act. Under this act, persons are allowed to request copies of said information. This includes but is not limited to copyrighted drawings and blueprints

Attention

*These items **must** be submitted in conjunction with this application.

- Proof of property ownership and whether there are any options on the property or any liens against it.
- A signed statement that the applicant is officially acting on the owner's behalf.
- Appropriate fees paid to Otsego County.

*Please refer to the Otsego County Zoning Ordinance particularly Section 21 and Section 23 to assure all items are addressed on the site plan and allow for a smooth presentation to the governing body.

This checklist and the following items are required on all site plans before they can be submitted for review to the various approving entities:

1. The applicant's name, address and phone number in full.
   Yes X No___ if "No" explain:_____

2. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).
   Yes X No___ if "No" explain: (SAME)

3. The address and or parcel number of the property.
   Yes X No___ "No" explain:_____

4. Name and address of the developer (if different from the applicant).
   Yes X No___ if "No" explain: (SAME)

5. Name and address of the engineer, architect and/or land surveyor.
   Yes X No___ if "No" explain:_____

6. Project title.
   Yes X No___ if "No" explain:_____

7. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance.
   Yes X No___ if "No" explain:_____

8. A vicinity map drawn to scale with North point indicated.
   Yes X No___ if "No" explain:_____

9. The gross and net acreage of all parcels in the project.
   Yes X No___ if "No" explain:_____

10. Land uses, zoning classification(s) and existing structures on the subject parcel and within ten feet (10') of property lines of adjoining parcels.
    Yes X No___ if "No" explain:_____

11. Project completion schedule/development phases. (refer to Section 23.9)

Yes X No ___ if "No" explain: _____

12. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less or sites of less than three (3) acres and 1"=100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified.

Yes X No ___ if "No" explain: _____

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. Each site plan shall depict the following:

13. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any.

Yes X No ___ if "No" explain: _____

14. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.

Yes X No ___ if "No" explain: _____

15. The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern. Boring logs may be required if necessary to determine site suitability.

Yes X No ___ if "No" explain: _____

16. Location and type of significant existing vegetation.

Yes X No ___ if "No" explain: _____

17. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel.

Yes X No ___ if "No" explain: _____

18. Location of existing and proposed buildings and intended uses thereof, as well as the length, width and height of each building and typical elevation views of proposed structures.

Yes ___ No X if "No" explain: No Existing or Proposed buildings

19. Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, site amenities and the method(s) of screening where applicable.

Yes ___ No X if "No" explain: N/A

20. Location of existing public roads, right-of-ways and private easements of record and abutting streets. Notation of existing traffic counts and trip generation estimates may be required if deemed appropriate by the Zoning Administrator or Planning Commission.

Yes X No ___ if "No" explain: _____

21. Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations shall be separately depicted with an elevation view.

Yes ___ No X if "No" explain: N/A

22. Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing) and fire lanes.

Yes ___ No X if "No" explain: N/A

23. Location, size, and characteristics of all loading and unloading areas.

Yes ___ No X if "No" explain: N/A

24. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

Yes ___ No X if "No" explain: N/A

25. Location of water supply lines and/or wells, including fire hydrants and shut off valves, the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.

Yes X No ___ if "No" explain: - Stormwater Overflow area

26. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.

Yes X No ___ if "No" explain: ___

27. Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools if applicable.

Yes ___ No X if "No" explain: N/A

28. Location, size and specifications of all signs and advertising features with elevation views from front and side.

Yes ___ No X if "No" explain: N/A

29. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

Yes ___ No X if "No" explain: N/A

30. Location and specifications for all fences, walls and other screening features with elevation views from front and side.

Yes ___ No X if "No" explain: N/A

31. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

Yes X No ___ if "No" explain: Existing Treeline for Buffer

32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.

Yes ___ No X if "No" explain: N/A

33. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any containment structures or clear zones required by government authorities.

Yes ___ No X if "No" explain: N/A

34. North arrow, scale and date of original submittal and last revision.

Yes X No ___ if "No" explain: ___

35. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.

Yes X No ___ if "No" explain: ___

Attention

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. In the immediate area of the seal there shall also be the following statement, signed by the professional sealing the plans:

> I do hereby certify that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated: _____

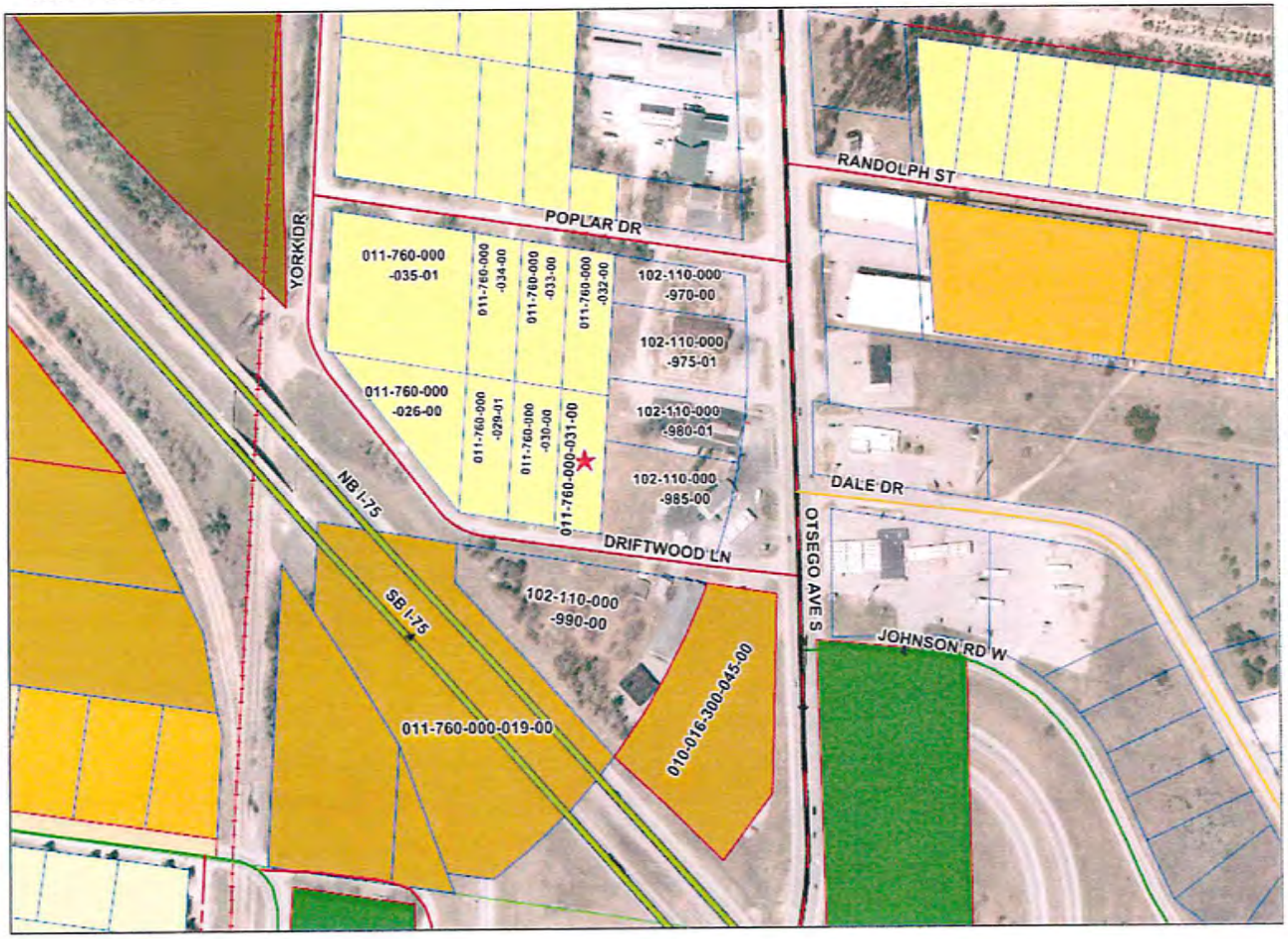
Or

> I do hereby certify that those plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated 09/2017, except for the following items: (List known variations from the Ordinance)
>
> Land Use (Apply for Special Landuse Permit)

******OFFICE USE ONLY******

Date Application Received:	Fee:	Receipt Number:
Permit No:	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

PZSU17-003
011-760-000-031-00
DRIFTWOOD LN



OTSEGO COUNTY ZONING MAP

- R-1 / RESIDENTIAL
- R-2 / GENERAL RESIDENTIAL
- R-3 / RESIDENTIAL ESTATES
- RR / RECREATION RESIDENTIAL
- FR / FORESTRY RECREATION
- AR / AGRICULTURAL RESOURCE
- B-1 / LOCAL BUSINESS
- B-2 / GENERAL BUSINESS
- B-3 / BUSINESS, LIGHT MANUFACTURING
- I / INDUSTRIAL
- HX / HIGHWAY INTERCHANGE
- MUZ MAIN / MULTIPLE USE ZONING - MAIN STREET
- MUZ TWN CN / MULTIPLE USE ZONING - TOWN CENTER
- PUD / PLANNED UNIT DEVELOPMENT
- STATE LAND
- N/A

Exhibit 2

Parcel Number: 69-011-760-000-031-00 Jurisdiction: BAGLEY TOWNSHIP County: OTSEGO Printed on 01/03/2018

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
PYKE, JOHN P & TAMELA	FORWARD CORPORATION	95,000	12/01/1998	WD	Good	704:832	Buyer	0.0

Property Address

Class: 402 RES VACANT Zoning: R-2

School: Gaylord Community

P.R.E. 0%

: 0.00

2018 Est TCV 7,600(Value Overridden)

Building Permit(s)	Date	Number	Status
DEMOLITION	09/27/2004	PB040627	

Owner's Name/Address

FORWARD CORPORATION
219 N FRONT ST
STANDISH MI 48658-9428

Improved X Vacant

Land Value Estimates for Land Table .

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
			0.670 Acres		0	100		0
		0.67 Total Acres			Total Est. Land Value =			0

Public Improvements

Dirt Road
Gravel Road
Paved Road
Storm Sewer
Sidewalk
Water
Sewer
Electric
Gas
Curb
Street Lights
Standard Utilities
Underground Utils.

Topography of Site

Level
Rolling
Low
High
Landscaped
Swamp
Wooded
Pond
Waterfront
Ravine
Wetland
Flood Plain

Who When What

Tax Description

LOT 31. SUMMERS & HOLMES.

Comments/Influences

5/10/12 ADDRESS OF 600 DRIFTWOOD LN BEING REMOVED, VACANT PROPERTY. DB

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2018	3,800	0	3,800			3,800S
2017	3,800	0	3,800			3,800S
2016	3,800	0	3,800			3,800S
2015	3,800	0	3,800			3,800S

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: County of Otsego, Michigan

*** Information herein deemed reliable but not guaranteed***

Exhibit 4

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich., } 12-11-98

I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of collection.

Erma Bachenskal COUNTY TREASURER

LIBER 0704 PAGE 832

OTSEGO COUNTY
MICHIGAN
RECEIVED FOR RECORD

98 DEC 11 AM 9:07

EVELYN M. PRATT
CLERK / REGISTER OF DEEDS

MICHIGAN
Dept. of Taxation
County of Otsego
0058785 11 Dec 1998

REAL ESTATE
TRANSFER TAX
$104.50-C
$712.50-S
#0005946

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **John P. Pyke and Tamela L. Pyke, Husband and Wife,** whose address is: **600 Driftwood Lane , Gaylord, MI 49735**

Warrants and Conveys to **Forward Corporation, A Michigan Corporation**, whose address is: **219 N. Front Street , Standish, MI 48658**

Land in the Township of Bagley, County of Otsego, Michigan described as:

Lot 31, Summers & Holmes Subdivision, according to the plat thereof as recorded in Liber 2 of Plats, Page 48, Otsego County Records.

For consideration of **Ninety-Five Thousand And 00/100**
Subject to easements, reservations and restrictions of record.

Dated: 12/09/1998

Witnesses:

Nancy L. Ross
NANCY L. ROSS

Kay M. Pagel
KAY M. PAGEL

Signed and Sealed:

John P. Pyke
John P. Pyke

Tamela L. Pyke
Tamela L. Pyke

STATE OF MICHIGAN
COUNTY OF OTSEGO ss.

This foregoing instrument was acknowledged before me this 9th day of December , 1998 by John P. Pyke and Tamela L. Pyke

Kay M. Pagel
KAY M. PAGEL
Notary Public Otsego County, Michigan

My commission expires 9/23/2000

Instrument
Drafted by: RICHARD G. BENSINGER, ATTORNEY FOR ALPINE TITLE COMPANY
Business Address: 114 East Main Street, Gaylord, MI 49735
(09813017/KK)

Recording Fee: $10.00 : When recorded return to: GRANTEE
County Transfer Tax : $104.50 : Send subsequent tax bill to GRANTEE
State Transfer Tax: $712.50
Tax ID: #011-760-000-031-00

58785 104.50 712.50

Exhibit 4

FORWARD CORPORATION
Since 1925 90 YEARS
989-846-4501 • 800-664-4501 • Fax: 989-846-4412
219 N. Front Street • Standish, MI 48658

November 13, 2017

To Whom It May Concern:

Enclosed is proof of ownership for:

Lot 31
Lots 14 & 15, Summers & Holmes Subdivision
Lot 12 (Schnapps & Hops)
Parcel of land lying between the Easterly line of Lot 13 and west of a line 100 feet of the center of Old 27.

There are no options or liens on the properties listed.

David Gould

Dave Gould
Vice President

Exhibit 5

MICHIGAN TRANSFER TAX
Dept of Taxation
County of Otsego
0065692 30 Sep 1999
$286.00-C
$1,950.00-S
#0007317

LIBER 0734 PAGE 823

OTSEGO COUNTY
MICHIGAN
RECEIVED FOR RECORD

99 SEP 30 PM 1:32

EVELYN M. PRATT
CLERK / REGISTER OF DEEDS

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich.,
9-30-99
I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of collection.
Bonnie Lynch Dep. COUNTY TREASURER

WARRANTY DEED

THE GRANTOR: North Central Oil Company, a Michigan Corporation, whose address is: 1025 Mankowski Road, Gaylord, Michigan 49735

CONVEYS AND WARRANTS TO: Forward Corporation,, a Michigan Corporation, whose address is: P.O. BOX 549, Standish, Michigan 48658-0549

the following described premises situate in the City of Gaylord, County of Otsego, State of Michigan:

Lots 14 and 15, Summers & Holmes Subdivision, as recorded in Liber 2 of Plats, Page 48, Otsego County Records, according to the Certificate of Survey by Wade-Trim/Granger Job No. GSU 3178-01, as recorded in Liber 438, Page 11, Otsego County Records, and described as: Beginning at the Southwest corner of Lot 15 of said plat; thence N3°28'07"E 199.39 feet; thence S80°55'04"E, 310.01 feet; thence S1°37'E, 201.31 feet along the West right of way of Old 27; thence N81°01'36"W 327.88 feet to the point of beginning.

For the sum of: Two Hundred, Sixty Thousand ($260,000.00) Dollars

Subject to easements, restrictions, and reservations of record.

Dated this 30th day of September, 1999.

In the presence of:

John M. Dennany

Hope S. Washburn

North Central Oil Company,
A Michigan Corporation

BY: Kenneth T. Schreur
ITS: President

State of Michigan)
County of Otsego)

The foregoing instrument was acknowledged before me this 30th day of September, 1999, by Kenneth T. Schreur, President of North Central Oil Company, a Michigan Corporation, for and on behalf of said Corporation.

Hope S. Washburn
Notary Public
Otsego County, Michigan
My Comm. Expires: 7-17-2001.

Send Subsequent Tax Bills & Return to:
Grantee :

Drafted by:
John M. Dennany,
Attorney at Law
114 N. Court St/P.O. BOX 973
Gaylord, MI 49735

Tax Parcel ID No. 102-110-000-985-00

Recording Fee: $9.00 [+ $1.00 Tax Cert]

Revenue Stamps: $2236.00

Exhibit 5

65692 286 - 1750 -

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich.,

6-23-10

I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of collection.

Cynthia Hurlstine Deputy COUNTY TREASURER

LIBER 1232 PAGE 33

OTSEGO COUNTY MICHIGAN
RECEIVED FOR RECORD
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
06/23/2010 2:49:53 PM

06-23-10P02:25 RCVD

OTSEGO COUNTY
JUNE 23. 2010
RECEIPT #25046

STATE OF MICHIGAN
REAL ESTATE TRANSFER TAX
$ 440.00-CO
$ 3000.00-ST
STAMP # 5734

WARRANTY DEED

(Statutory Form – Corporation)

The Grantor(s) **Hops & Schnapps of Gaylord, Inc., a Michigan Corporation, f/k/a Knotts Hops and Schnapps of Gaylord, Inc., a Michigan Corporation**

whose address is **P.O. Box 1638, Gaylord, MI 49734**

convey(s) and warrant(s) to **McTAGGART FAMILY, LLC**

whose address is **219 N. Front Street, Standish, Michigan 48658**

the following described premises situated in **City of Gaylord**, County of **Otsego**, State of **Michigan** to-wit:

The South 40 feet of Lot 12, Summer and Holmes Subdivision, as recorded in Liber 2 of Plats, page 48, Otsego County Records.

AND

Lot 13, Summer and Holmes Subdivision, as recorded in Liber 2 of Plats, page 48, Otsego County Records.

Commonly known as: **2804 S. Otsego Avenue, Gaylord, MI 49735**

Parcel I.D. Number: **102-110-000-980-01**

For the sum of **Four Hundred Thousand and 00/100 ($400,000.00) dollars**

Subject to restrictions, easements, and reservations of record, if any.

Excludes Oil, Gas and Mineral rights.

Dated: **June 23, 2010**

Hops and Schnapps of Gaylord, Inc

By: KHK
Kevin H. Kelly
Its: President

State of Michigan)
County of Otsego)ss

The foregoing instrument was acknowledged before me on this 23 day of **June, 2010**, by **Hops & Schnapps of Gaylord Inc., a Michigan Corporation, f/k/a Knotts Hops and Schnapps of Gaylord, Inc, a Michigan corporation, by Kevin H. Kelly it's President, on behalf of said corporation.**

LINDA ROCK
NOTARY PUBLIC, ANTRIM COUNTY, MI
MY COMMISSION EXPIRES: 8-31-2011
ACTING IN THE COUNTY OF Otsego

Linda Rock
Notary Public
Antrim County, Michigan
My Commission Expires:
Acting in the County of: Otsego

Drafted by:Kevin H. Kelly, P.O. Box 1638, Gaylord, MI 49734 , assisted by Otsego County Abstract Company
When recorded return to: **Grantee(s)**
Send future tax bills to: **Grantee(s)**
Recording Fee: **$21.00**
State Transfer Tax: **$3,000.00**
County Transfer Tax: **$440.00**

3440

3

14/1

Exhibit 5

LIBER 1232 PAGE 34

OTSEGO COUNTY MICHIGAN
RECEIVED FOR RECORD
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
06/23/2010 2:49:53 PM

06-23-10PC 1:25 RCVD

QUIT CLAIM DEED

(Statutory Form – Individuals)

The Grantor(s) Kevin H. Kelly and Christine Kelly, Husband and Wife

whose address is P.O. Box 1638, Gaylord, MI 49734

quit claims to McTaggart Family, LLC

whose address is 219 N. Front Street, Standish, MI 48658

the following described premises situated in the **City of Gaylord, County of Otsego, State of Michigan** to-wit:

That parcel of land lying between the Easterly line of Lot 13 of the Plat of Summers & Holmes Subdivision according to recorded plat thereof, and West of a line 100 feet of the center line of the present County Highway known as Old 27, being a part of the East ½ of the Southwest ¼ of Section 16, Town 30 North, Range 3 West.

Commonly known as: vacant land

For the sum of One and 00/100 ($1.00)

Dated: June 23, 2010

KHK
Kevin H. Kelly

Christine Kelly
Christine Kelly

State of Michigan)
County of Otsego)ss

The foregoing instrument was acknowledged before me on this 23 day of June, 2010 , by Kevin H. Kelly and Christine Kelly

LINDA ROCK
NOTARY PUBLIC, ALPENA COUNTY, MI
MY COMMISSION EXPIRES: 8-31-2011
ACTING IN ALPENA COUNTY OF OTSEGO

Linda Rock
Notary Public
Antrim County, MI
My Commission Expires:
Acting in the County of: Otsego

Drafted by: Kevin H. Kelly, P.O. Box 1638, Gaylord, MI 49734
When recorded return to: **Grantee(s)**
Send future tax bills to: **Grantee(s)**
Recording Fee: $14.00
State Transfer Tax: **$0**
County Transfer Tax:**$0**

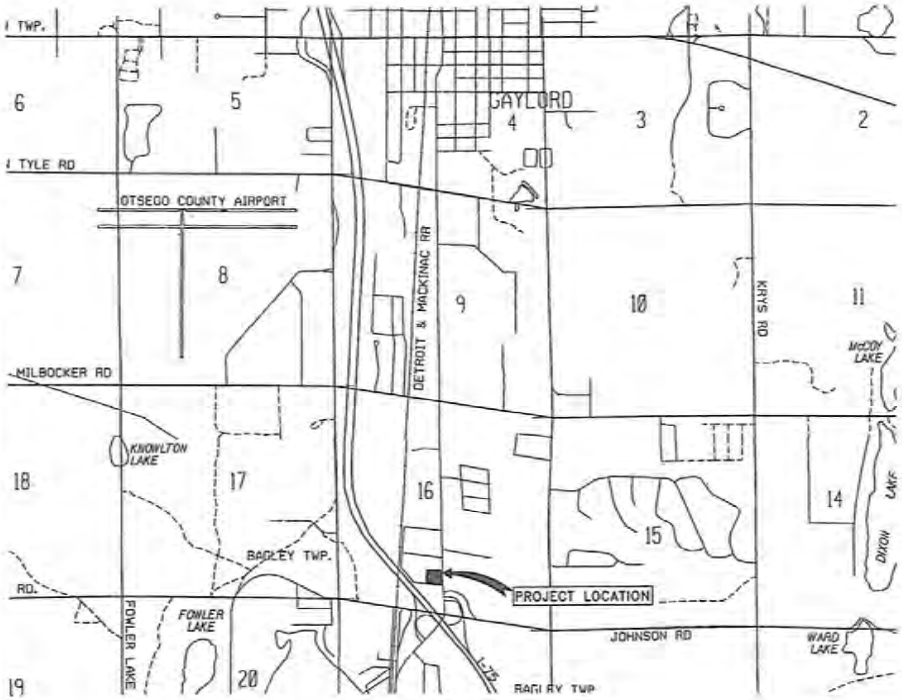
OCA 14

Exhibit 5

SITE PLANS
FOR
FORWARD CORPORATION
2870 S OTSEGO AVE
GAYLORD, MI 49735

KEY MAP
NO SCALE

CONTACTS	
OWNER/DEVELOPER	FORWARD CORPORATION 219 N FRONT STREET STANDISH, MI 48658 989.946.7103
ARCHITECT	WTA ARCHITECTS 100 S. JEFFERSON AVE, SUITE 601 SAGINAW, MI 48607 989.752.8107
ELECTRIC	CONSUMERS ENERGY COMPANY
GAS	DTE ENERGY
WATER, SEWER & STORM	CITY OF GAYLORD WATER/SEWER DEPARTMENT ATTN: WILLIAM E. THOLL, III 102 E SEVENTH STREET GAYLORD, MI 49735 989.732-5475
CITY OF GAYLORD PLANNING AND ZONING	CITY OF GAYLORD ZONING ADMINISTRATOR ATTN: TRAVIS HEWITT 225 WEST MAIN STREET GAYLORD, MI 49735 989.732.4060
BAGLEY TOWNSHIP PLANNING AND ZONING	OTSEGO COUNTY LAND USE SERVICES ATTN: JAMES MOUCH 1322 HAYES ROAD GAYLORD, MI 49735 989.731.7400
ROADS	MICHIGAN DEPARTMENT OF TRANSPORTATION GAYLORD TSC ATTN: GABE PHELPS 1088 M-32 EAST GAYLORD, MICHIGAN 49735 989.732.3832
STORM WATER	MICHIGAN DEPARTMENT OF TRANSPORTATION GAYLORD TSC ATTN: KIM MIKULA 1088 M-32 EAST GAYLORD, MICHIGAN 49735 989.732.3832
ROADS (MUNICIPALITY)	OTSEGO COUNTY ROAD COMMISSION 669 W McCOY RD GAYLORD, MI 49735 989.732.5202
SOIL EROSION CONTROL	OTSEGO CONSERVATION DISTRICT 800 LIVINGSTON BLVD, SUITE 4A GAYLORD, MI 49735 989.732.4021



VICINITY MAP
SCALE: 1" = 1,320' (0.25 MILES)

SHEET INDEX	
GENERAL SHEETS	SHEET NO.
COVER SHEET	C-0.0
TOPOGRAPHIC SURVEY	C-1.0
SOIL EROSION AND SEDIMENTATION CONTROL PLAN	C-2.0
SOIL EROSION AND SEDIMENTATION CONTROL DETAILS	C-2.1
SITE PLAN	C-3.0
SITE DETAILS	C-3.1
LANDSCAPE DETAILS	C-3.2
GRADING PLAN	C-4.0
UTILITY PLAN	C-5.0
FLOOR PLAN	A1
EXTERIOR ELEVATIONS	A2
SITE LIGHTING PLAN	SC1

ISSUED TO OTSEGO COUNTY W/REVISIONS BASED ON CITY AND OWNER COMMENTS	12/15/17
RE-ISSUED COVERSHEET FOR BAGLEY TWP SUP/SPA	11/21/17
ISSUED FOR CITY OF GAYLORD SITE PLAN APPROVAL & BAGLEY TOWNSHIP SPECIAL USE PERMIT/SPA	11/14/17
ISSUED FOR MDOT DISCUSSION	10/31/17

JOB NO.	SHEET
FWD2002.01B	C-0.0

WADETRIM

PREPARED UNDER THE SUPERVISION OF:

MATTHEW C. QUIBS — 61336 REGISTRATION NO.

I DO HEREBY CERTIFY THAT THESE PLANS HAVE BEEN PREPARED UNDER MY SUPERVISION AND, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, UNDERSTANDING AND INFORMATION, THE DESIGN OF THIS PROJECT IS IN COMPLIANCE WITH THE OTSEGO COUNTY ZONING ORDINANCE DATED SEPTEMBER 2013, EXCEPT FOR THE FOLLOWING ITEMS:
1. LAND USE (APPLYING FOR SPECIAL LANDUSE PERMIT)

811 Know what's below. Call before you dig.

Exhibit 6

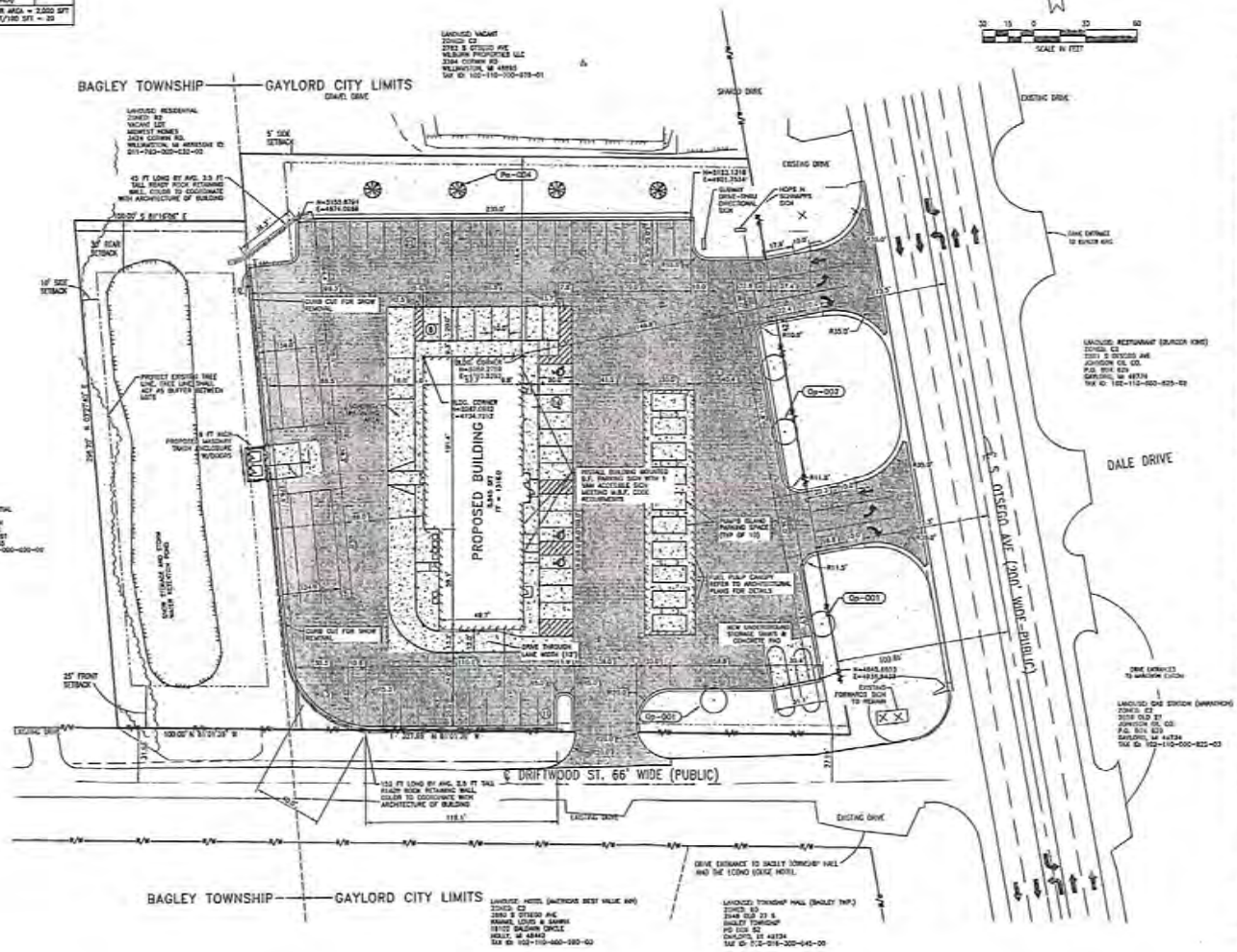
PARKING REQUIREMENTS

TYPE	NO. OF SPACES
REQUIRED	
RETAIL STORE OR PERSONAL SERVICE ESTABLISHMENT NOT OTHERWISE SPECIFIED HEREIN (ONE PARKING SPACE FOR EACH 200 SFT OF FLOOR AREA)	25
GAS STATION FLOOR AREA = 6,845 SFT THEREFORE, 6,845 SFT/200 SFT = 35	
RESTAURANT, NIGHT CLUB, CAFE, DANCE HALL, OR SIMILAR RECREATION OF AMUSEMENT ESTABLISHMENT OR AN ASSEMBLY OR EXHIBITION HALL WITHOUT FIXED SEATS (ONE PARKING SPACE FOR EACH 100 SFT OF FLOOR AREA)	29
SUBWAY RESTAURANT FLOOR AREA = 2,900 SFT THEREFORE, 2,900 SFT/100 SFT = 29	

TOTAL REQUIRED PARKING SPACES	75
PROVIDED	
PROPOSED REGULAR PARKING SPACES	53
ADA SPACES	
REQUIRED	
51 TO 75 TOTAL PARKING SPACES (PER A.D.A. ACCESSIBILITY GUIDELINES	3
PROVIDED	
TOTAL A.D.A. PARKING	3
ADDITIONAL LARGE VEHICLE PARKING	4

PLANT LIST:

KEY	QTY.	BOTANICAL/COMMON NAME	SIZE	SPACING	ROOT
TREES					
Pn	4	PINUS NIGRA AUSTRIAN SPRUCE	5'-6' H.	As Shown	B&B
Gb	4	GLEDITSIA TRIACANTHOS VAR. INERMIS	2.5"Cal	As Shown	B&B



PROPOSED LEGEND

- BUILDING LINE
- CURB AND GUTTER
- BUILDING SETBACK
- EDGE OF WAY LINE
- THICKENED EDGE CONCRETE
- PARKING COUNT
- TRAFFIC FLOW ARROW
- BITUMINOUS SURFACE
- CONCRETE
- ACCESSIBLE SURFACE
- PAINTED ISLAND
- 4" TOPSOIL, HYDROSEED, AND MULCH
- LIGHT POLE AND LIGHT POLE BASE

NOTE: FOR EXISTING FEATURES SEE TOPOGRAPHIC SURVEY OR EXISTING CONDITIONS PLAN.

SITE DATA TABLE

EXISTING ZONING (CITY OF GAYLORD LOTS)	C-2
EXISTING ZONING (BAGLEY TWP. LOT)	R-2
TAX PARCEL # (CITY OF GAYLORD LOTS)	102-110-000-880-01
	102-110-000-885-00
TAX PARCEL # (BAGLEY TWP. LOT)	011-760-000-031-00
SITE ADDRESS	2870 S. OTSEGO AVE.
EXISTING LAND USE (CITY OF GAYLORD LOTS)	GAS STATION/CONVENIENCE STORE
EXISTING LAND USE (BAGLEY TWP. LOT)	RESIDENTIAL LOT
PROPOSED LAND USE (CITY OF GAYLORD LOTS)	GAS STATION/SUBWAY RESTAURANT/CONVENIENCE STORE
PROPOSED LAND USE (BAGLEY TWP. LOT)	SNOWMELT STORAGE AND OVERFLOW STORM WATER AREA
PROJECT COMPLETION	2018
MINIMUM LOT SIZES	
WIDTH	N/A
DEPTH	N/A
LOT AREA	N/A
ACTUAL LOT SIZES (CITY OF GAYLORD)	
WIDTH	343 FT
DEPTH	328 FT
TOTAL LOT AREA	5.27 ACRES
ACTUAL LOT SIZE (BAGLEY TWP)	
WIDTH	100 FT
DEPTH	289 FT
TOTAL LOT AREA	0.69 ACRES
MINIMUM BUILDING SETBACKS (CITY OF GAYLORD LOTS)	
FRONT	N/A
SIDE	0
REAR	25
ACTUAL SETBACKS (CITY OF GAYLORD LOTS)	
FRONT (EAST, I-75 BUS.)	140.8'
REAR (WEST)	88.0'
SIDE (NORTH)	116.4'
SIDE (SOUTH)	58.6'
MINIMUM BUILDING FLOOR AREA	725 SFT
TOTAL BUILDING AREA	8,845 SFT
GAS STATION/CONVENIENCE STORE FLOOR AREA	6,845 SFT
SUBWAY FLOOR AREA	2,000 SFT
BUILDING HEIGHT MAXIMUM	150'
BUILDING HEIGHT	SEE ARCH. PLANS
PARKING REQUIRED (SEE CALCULATION THIS SHEET)	55
REQUIRED PARKING SPACE SIZE	10 FT X 20 FT
PROP. PARKING SPACE SIZE	10 FT X 20 FT
REGULAR PARKING SPACES	53
PROPOSED A.D.A. SPACES	3
PUMP PARKING SPACES	10
LARGE VEHICLE PARKING	8
TOTAL PROPOSED PARKING	72
LOADING/UNLOADING	1
PERMITS REQ'D	MDOT (DRIVE APPROACH) MDEQ (SWA, EMR REL.) SOIL EROSION CONTROL DEMOLITION PERMIT SIGN PERMIT BUILDING PERMIT ELECTRICAL PERMIT PLUMBING PERMIT

PROJECT DESCRIPTION:
THE PROJECT WILL INCLUDE THE REMOVAL OF THE EXISTING ON-SITE BUILDING STRUCTURE, GAS PUMP ISLANDS/CANOPY, AND ADJACENT HOPE AND SCHWAPPS BUILDING. THE NEW CONSTRUCTION WILL INCLUDE A SINGLE STRUCTURE WHICH WILL BE A 6,845 SFT BUILDING W/ 5 PUMP ISLANDS AND CANOPY. THE BUILDING WILL INCLUDE RETAILS SALES AND A NEW SUBWAY RESTAURANT.

PROJECT COMPLETION: 2018

REV	DATE	DESCRIPTION	BY

WADETRIM

FORWARD CORPORATION
219 N FRONT ST.
STANDISH, MI 48658

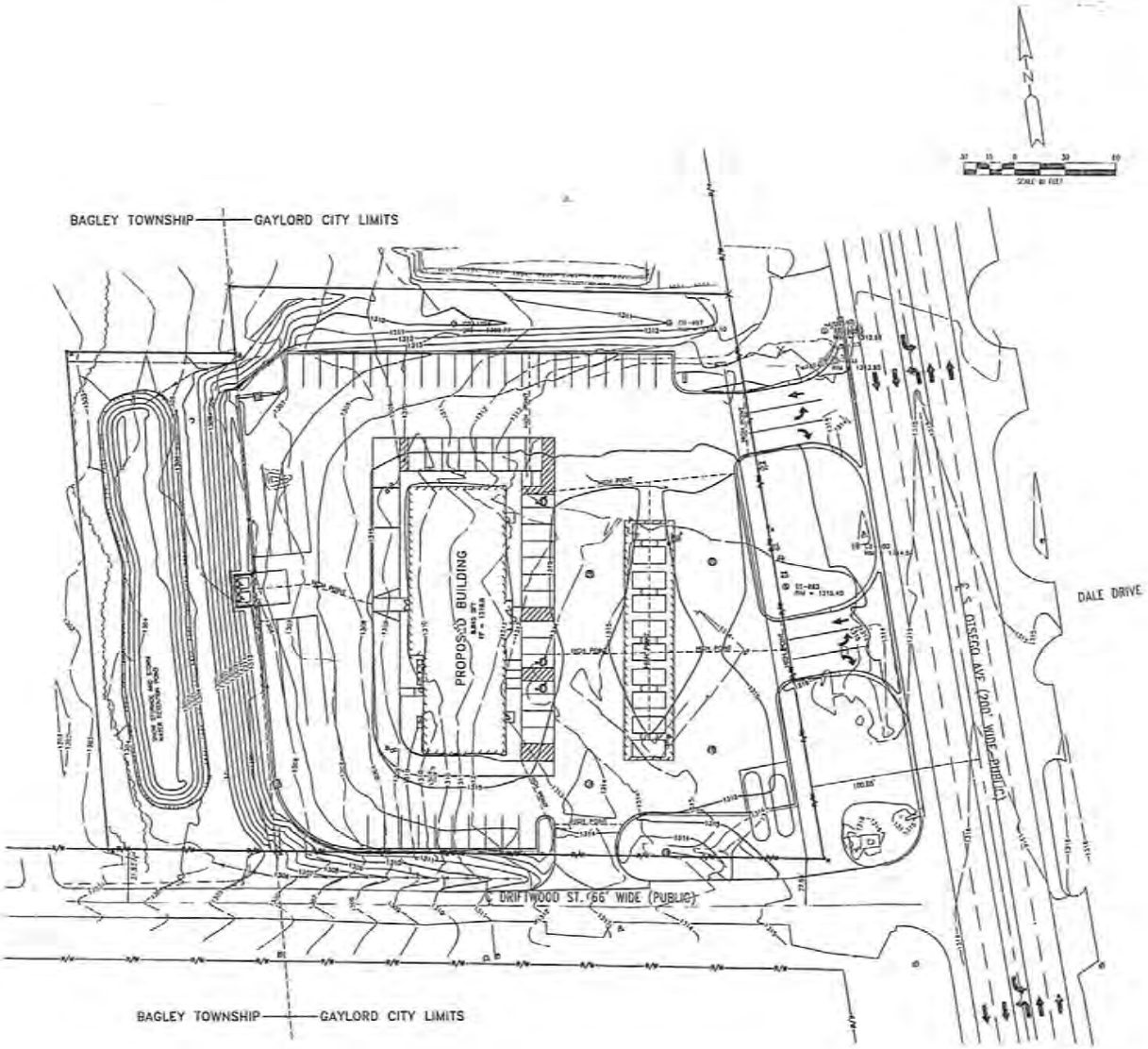
SITE PLAN
FOR
FORWARD CORPORATION – 2870 S OTSEGO AVE, GAYLORD, MI 49735

ISSUED FOR: DATE: BY:
MDEQ
DISCUSSION 10/10/17 MCR
SPA & SPECIAL USE 11/14/17 MCR
MDEQ SA PER COMMENTS 12/13/17 MCR

JOB NO. FWD2002.01B

SHEET C-3.0

Know what's below. Call before you dig.



PROPOSED LEGEND

CURB ELEVATION WHERE: T = TOP OF CURB, G = GUTTER OR PVMT.	
THICKENED EDGE WALK ELEV. WHERE: T = TOP OF WALK, P = PAVEMENT	
SPOT ELEV.	
WHERE KEY IS ONE OF THE FOLLOWING:	
TOP OF CONCRETE ELEV.	TOC
FINISH GRADE ELEV.	FG
DOOR ELEV.	DOOR
RIM ELEV.	RIM
BACK OF CURB ELEV.	BOC
GUTTER ELEV.	GUT
MATCH EXISTING ELEV.	MATCH
TOP OF PAVEMENT ELEV.	T/P
TOP OF WALL ELEV.	TOW
BOTTOM OF WALL ELEV.	BOW
TOP OF BANK ELEV.	TOB
TOE OF SLOPE ELEV.	TOE
FINISH FLOOR ELEV.	FFE
DRAINAGE FLOW	
DRAINAGE SLOPE	1.0%
FINISH GRADE SLOPE	4:1
MAJOR CONTOUR	100
MINOR CONTOUR	100
STORM CATCH BASIN	
STORM CURB INLET	
STORM MANHOLE	
DOWNSPOUT	DS
STORM SEWER END SECTION	C
STORM SEWER LINE	
STORM SEWER UNDERDRAIN	
HIGH POINT	H.P.
GRADE BREAK	G.B.
DRAINAGE SWALE	
TOP OF BANK	

NOTE: FOR EXISTING FEATURES SEE TOPOGRAPHIC SURVEY OR EXISTING CONDITIONS PLAN

REV#	DATE	DESCRIPTION

WADETRIM

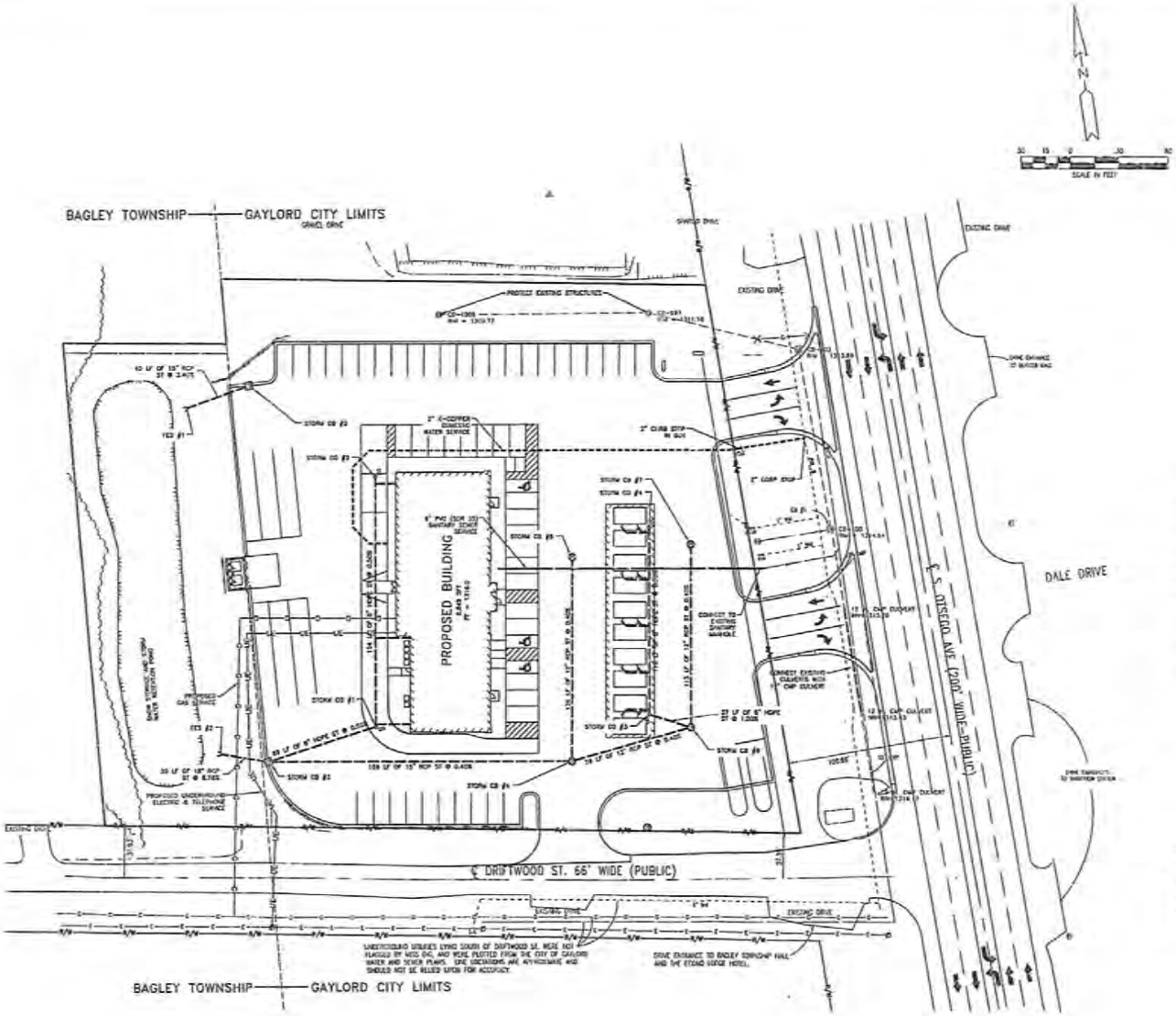
FORWARD CORPORATION
219 N FRONT ST.
STANDISH, MI 48658

GRADING PLAN
FOR
FORWARD CORPORATION - 2870 S OTSEGO AVE, GAYLORD, MI 49735

ISSUED FOR:	DATE:
NOTE: DISCUSSION	10/31/17 NCD
SUB & SPECIAL USE	11/11/17 NCD
REVISION FOR COMMENTS	12/13/17 NCD

JOB NO. FW02002.018

SHEET C-4.0



PROPOSED LEGEND

DOMESTIC WATER SHUT OFF	
DOMESTIC WATER SERVICE	
FIRE HYDRANT	
GATE VALVE	
SANITARY SEWER CLEAN OUT	
SANITARY SEWER MAIN	
STORM CATCH BASIN	
STORM MANHOLE	
STORM SEWER LINE	
TRANSFORMER BOX	
ELECTRIC METER	
GAS METER	
GAS MAIN OR SERVICE	
UNDERGROUND ELECTRIC	

NOTE: FOR EXISTING FEATURES SEE TOPOGRAPHIC SURVEY OR EXISTING CONDITIONS PLAN.

SITE STORM WATER DESIGN NOTE:

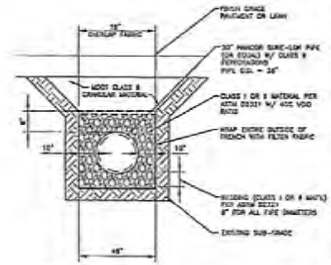
STORM WATER DRAINAGE WILL REMAIN ONSITE. THE DEVELOPED AREA WILL UTILIZE PERFORATED STORM SEWER TO UTILIZE INFILTRATION. IN THE EVENT A RAINFALL EVENT IS GREATER THAN THE THE PROPOSED SYSTEM CAN INFILTRATE, STORM CB'S #2 AND #3 ARE DESIGNED TO OVERFLOW AND THE STORM WATER WILL FLOW TO THE WEST ON THE ADJACENT LOT. THE LOT IS DESIGNED FOR SNOW STORAGE AND OVERFLOW OF STORM WATER IN WHICH IT WILL ALSO INFILTRATE.

ON THE NORTH SIDE OF THE SITE, THE ADJACENT GREEN AREA WILL DRAIN TO EXISTING CATCH BASINS.

ALL ROOF CONDUCTORS WILL BE COLLECTED UNDERGROUND.

STORM SEWER STRUCTURE TABLE

STR. #	SIZE	RIM	INVERTS	NORTHING	EASTING
FES #1		1308.44	E 15" 1306.50	9124.88	4811.07
FES #3		1307.21	E 18" 1305.00	4910.48	4853.70
STORM CB #2	48"	1313.14	W 15" 1307.87	9133.14	4853.52
STORM CB #3	48"	1312.01	W 18" 1307.00 E 15" 1307.88 E 8" 1309.75	4901.05	4821.02
STORM CB #4	48"	1313.73	W 15" 1308.70 E 12" 1310.70 N 12" 1309.73	4874.97	4819.08
STORM CB #5	48"	1314.23	S 12" 1310.33	4909.58	4834.27
STORM CB #6	48"	1314.30	W 12" 1309.00 N 12" 1309.80 NW 8" 1310.50	4864.93	4801.67
STORM CB #7	48"	1314.42	S 12" 1310.42	4906.72	4807.72
STORM CB #1	48"	1316.13	W 8" 1310.10 N 8" 1310.10	4913.37	4809.99
STORM CB #2	48"	1316.22	S 8" 1310.87	5066.20	4721.95
STORM CB #3	48"	1314.83	SE 8" 1310.77 N 8" 1310.77	4898.28	4867.44
STORM CB #4	48"	1315.04	S 8" 1311.25	5010.89	4883.83



"LANDMAX" DETENTION TRENCH (24" PIPE)
NOT TO SCALE

WADETRIM

FORWARD CORPORATION
219 N FRONT ST.
STANDISH, MI 48658
UTILITY PLAN
FOR
FORWARD CORPORATION - 2870 S OTSEGO AVE, GAYLORD, MI 49735

REV#	DATE	DESCRIPTION	BY

ISSUED FOR:	DATE	BY
MDOT		
DIVISION/PW	12/19/17	MCD
DPA & SPECIAL LET	11/11/17	MCD
REVISION PER COMMENTS	12/15/17	MCD

JOB No. FWD2002.018

SHEET C-5.0

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
March 19, 2018

The Otsego County Planning Commission will hold a public hearing on Monday, March 19, 2018 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1. Forward Corporation, owners, request a Special Use Permit/Site Plan Review for property located in Bagley Township on Driftwood Ln Gaylord, MI 49735. The proposed use of the property is to provide a storm water retention pond / snow storage for an adjacent City of Gaylord gas station project. The property is located in a R2/General Residential Zoning District.

   Parcel identification number: **011-760-000-031-00**
   Driftwood Ln
   Gaylord, MI 49735

   Legal Description:
   LOT 31 SUMMERS & HOLMES.

2. SW Land Company Inc, owners, represented by West St Investments LLC, applicants, request a Special Use Permit/Site Plan Review for property located in Bagley Township at 798 N Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct storage units for lease or rent. The property is located in a B2/General Business Zoning District. Mini storage units are a permitted use subject to special conditions in a B2 Zoning District.

   Parcel identification number: **011-225-000-002-00**
   798 N Otsego Lake Dr
   Gaylord, MI 49735

   Legal Description:
   LOT 2 COMMERCE PARK. SEC 16 T30N R3W

3. **SECTION 21.38 SIGNS AND BILLBOARDS**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

4. **SECTION 21.12 HOME OCCUPATION**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

5. **SECTION 21.34 RESTRICTED USES**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

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

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

Exhibit 7

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Department of Land Use Services
1322 Hayes Rd • Gaylord, MI 49735
Phone: 989.731.7400 • Fax: 989.731.7419
www.otsegocountymi.gov

January 4, 2018

Bagley Township
PO Box 52
Gaylord, MI 49734

Pursuant to Article 27 of the Otsego County Zoning Ordinance/Township Participation in County Zoning, I am forwarding the application for a Special Use Permit.

If you require the applicant, Forward Corporation, be present at your meeting, they can be notified at the following:

Forward Corporation
219 N Front St
Standish, MI 48658
989.946.7104

If you have any questions, please contact us and we will be glad to assist you. We anticipate your input concerning this matter. Thank you for your participation in County Zoning.

Sincerely,

James Mouch
Otsego County Land Use Director

cbw

encl

Exhibit 8

Bagley Township Planning Commission

Bagley Township, Michigan

Established 1868

January 25, 2018

Subject: Meeting Minutes and record of decisions for Scheduled Meeting on the above date.

Parcel Involved:

Case 1. 69 011 225 000 002 00, Construction of New Self Storage Warehouses, North Otsego Lake Drive

Case 2. PZSU 17-003 Construction of New Forward's station and C Stores at South Otsego and Driftwood Street

Item 1. Discussion and Recommendation of Zoning Ordinance changes to Restricted Uses (S 21.34)

Item 2. Discussion and Recommendation of Zoning Ordinance changes to Home Occupations (S 21.12)

Item 3. Discussion and Recommendation of Zoning Ordinance changes to Signs and Billboards (S 21.38)

Item 4. Discussion and Recommendation of Zoning Ordinance changes to Fences (21.10)

Members Present:

Ken Arndt
Brian Goebel
Wally Loney by Skype
Larry Beckett

Other Attendees:
Michelle Noirot, Supervisor
Celeste Szymanski, Voting Trustee, Planning Commission

Citizens Attending: Representative for Forward's Corporation (Wade Trim); Representative for proposed self-storage units: None

Meeting Opened at 7:00PM by Arndt

Exhbit 9

Case 2. Forward Corporation. (City of Gaylord) Members reviewed and consented to general and specific findings of fact presented by OCZD as summarized by the chair. Chair notes that the only specific recommendations made by this commission applies to Bagley property at the west side of the Forwards property planned as the catchment basis and snow storage area. Other discussions are a request to the developer to comply with certain conditions.

Wade Trim representative explained the project and discussed his understanding that the contamination noted in the past had been fully remediated. He also indicated that the plans the commission saw were final and approved by the key public entities controlling access, runoff and so on (as noted on the plans).

Meeting opened for public comment. None offered.

Meeting closed to public comment for commission discussion.

Bagley Township Supervisor asked that no changes be made to the access on Driftwood which would further congest traffic from the motel and from the township hall. Representative indicated that there were no further plans to change the layout to the station or its access.

Chair asked about runoff calculations and sufficiency of the catchment basin. Representative agreed to provide engineer's comments and support for the catchment basin adequacy and estimated runoff from the roof and paved areas of the site.

Discussion followed concerning lighting arrangements IAW with zoning requirements.

Discussion ended at 7:20 PM.

Commission requested two items at the county commission meeting:

1. Documentation that the previous fuel spills were effectively remediated.

2. Explanation of the calculations of the water runoff plan showing that the catchment basin was sufficient to hold expected water runoff.

Motion made by Brian Goebel to approve the plan for the water runoff holding area and use of the area as intended conditioned on receiving the information in 1 and 2 above. Seconded by Larry Beckett.

All in favor, none opposed. *7:40PM*

Case 1. West Street Investment LLC's Proposed Construction of self-storage units *along North Otsego Lake Drive.*

The project was not represented by an owner or owner's representative. Members listened to the chair's comments based on examination of the plans and discussion with the zoning director and examined the drawing prepared DEM architects and the general and specific finding of facts. General and specific findings of fact that did not became consent items in this case.

1. Among the essential findings are that the area is zoned B-2 and suitable for the project.

2. Water system is private and shared within the development.

3. Residential uses are not generally permitted in this zoning district except as used for a family care facility or a commercial day care. Both of these uses would require substantially different structure development than that proposed.

4. Any residential use of the existing proposed property improvements as planned would require a separate development plan and permitting.

Meeting Closed to public discussion.

Commission felt that the proposed primary use was supportable in the current location and would provide useful service to the public.

Notes on the plan with respect to adding some units with water and sewer brought negative comments by the commission given the lack of specific information provided. The sentiment was that, if build out to office or other uses was anticipated, the changes to the plan in place will have to be more fully developed. The commission felt that adding water and sewer to the planned self-storage units invited temporary use of the units as substandard housing, whether the units were occupied by a small RV unit or simply occupied as living area. Given the probable water runoff and the site area occupied by the buildings, the commission found it difficult to see where a drain field could be installed (shared water, private sewer required in this sub).

Consensus developed that the self-storage units were a useful development but that no water and sewer should be added to the units and no further build out beyond the shell storage units should be allowed without further permitting. Feeling was unanimous. BG felt that installed heating could be a benefit to the public since heated storage brings a premium price in the storage markets. No disagreement.

Larry Beckett made a motion that we recommend approval of the self-storage structures with heat at the option of the owner, but without water or sewer or further build out allowed without additional permitting.

Wally Loney seconded the motion.

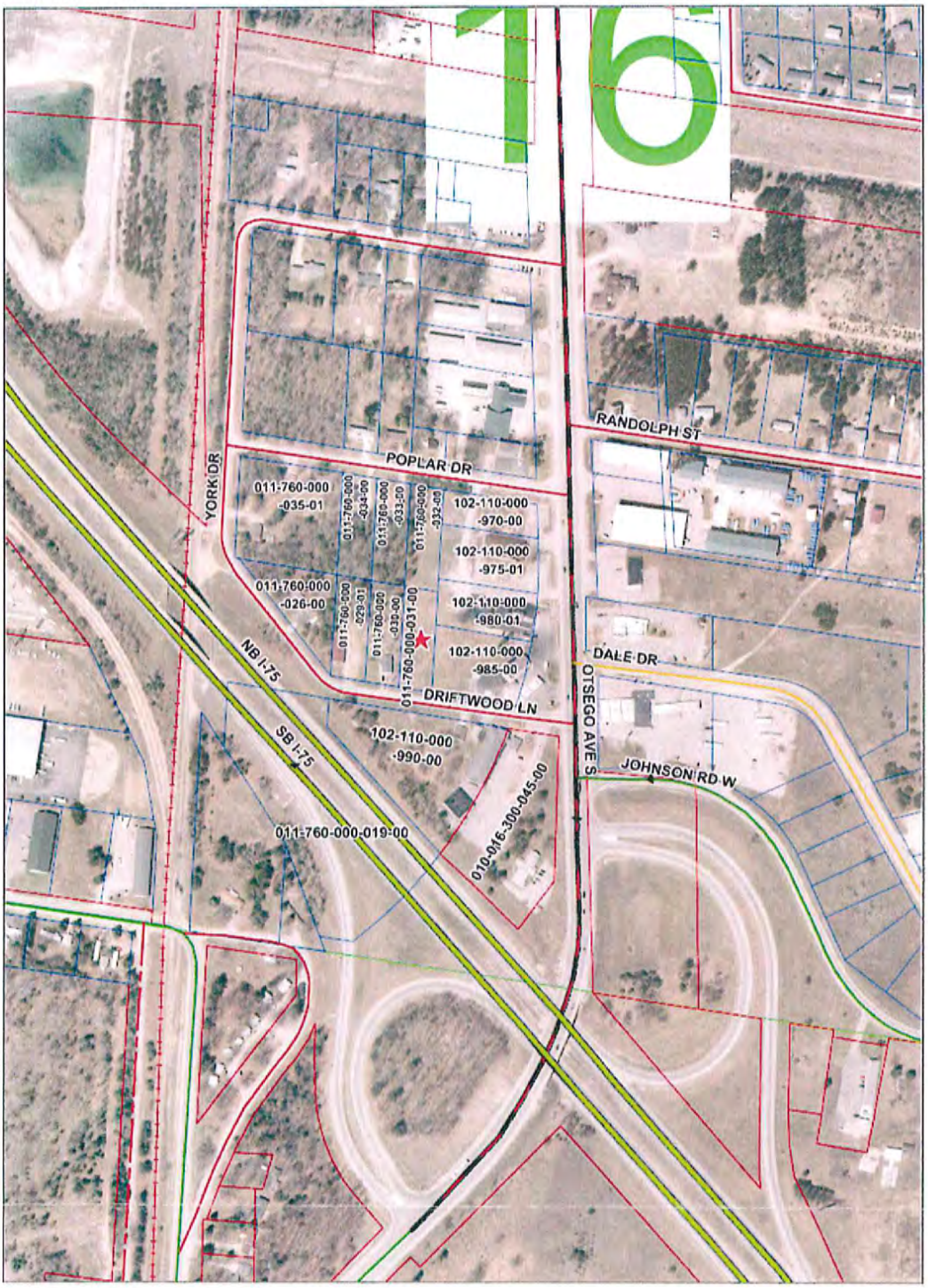
All in favor, none opposed. 8:12PM

PZSU17-003 011-760-000-031-00 Driftwood Ln

OWNERS WITHIN THREE HUNDRED FEET (300')								
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Zoning Code
010-016-300-045-00	2946 OLD 27 S	BAGLEY TOWNSHIP	PO BOX 52	GAYLORD	MI	49734-0052	2.80	B3
011-760-000-019-00		STATE HIGHWAY	PO BOX 30050	LANSING	MI	48909-7550	5.55	B3
011-760-000-026-00	656 DRIFTWOOD LN	MUTER - SMITH	656 DRIFTWOOD LN	GAYLORD	MI	49735-9407	0.96	R2
011-760-000-029-01	620 DRIFTWOOD LN	KELLY, WILLIAM TROY	900 N KINGSBURY ST	CHICAGO	IL	60610-7436	0.68	R2
011-760-000-030-00	638 DRIFTWOOD LN	K&G STORAGE LLC	547 E PETOSKEY ST	GAYLORD	MI	49735-1622	0.66	R2
011-760-000-031-00		FORWARD CORPORATION	219 N FRONT ST	STANDISH	MI	48658-9428	0.66	R2
011-760-000-032-00		MIDWEST HOMES INC	3424 CORWIN RD	WILLIAMSTON	MI	48895-9711	0.66	R2
011-760-000-033-00	607 POPLAR DR	TEMPLE, ROBERT C & ANGELA	PO BOX 502	GAYLORD	MI	49734-0502	0.67	R2
011-760-000-034-00	627 POPLAR DR	HALL, DENISE M	627 POPLAR DR	GAYLORD	MI	49735	0.68	R2
011-760-000-035-01	647 POPLAR DR	MAYER, GARY & ANN TRUST	647 POPLAR DR	GAYLORD	MI	49735	2.03	R2
102-110-000-970-00		SOUTHSIDE CROSSING LLC	3424 CORWIN RD	WILLIAMSTON	MI	48895	0.63	N/A
102-110-000-975-01	2782 S OTSEGO AVE	WILBURN PROPERTIES LLC	3394 CORWIN RD	WILLIAMSTON	MI	48895	1.05	N/A
102-110-000-980-01	2804 S OTSEGO AVE	MCTAGGART FAMILY LLC	219 N FRONT ST	STANDISH	MI	48658	0.91	N/A
102-110-000-985-00	2834 S OTSEGO AVE	FORWARD ENTERPRISES	219 N FRONT ST	STANDISH	MI	48658	1.20	N/A
102-110-000-990-00	2880 S OTSEGO AVE	SHRI LAKSHMI HOLDINGS INC	855 ST RT 103	BLUFFTON	OH	45817	2.81	N/A

Exhibit 10

PZSU17-003
011-760-000-031-00
DRIFTWOOD LN



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011-760-000-029-01
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011-760-000-031-00
011-760-000-032-00
011-760-000-033-00
011-760-000-034-00
011-760-000-035-01
102-110-000-970-00
102-110-000-975-01
102-110-000-980-01
102-110-000-985-00
102-110-000-990-00

Exhibit 10

OTSEGO COUNTY LAND USE SERVICE
1322 HAYES RD
GAYLORD, MI 49735
PH: 989-731-7400
FAX: 989-731-7419
INSPECTION LINE: 989-731-7401

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Paid By:

FORWARD CORPORATION

219 N FRONT ST

STANDISH, MI 48658-9428

RECEIPT NUMBER

01314434

12/22/2017

Type	Record	Category	Description	Amount
Permit	PZSU17-003	ADMIN ZONING	SPECIAL USE PERMIT/PC	$ 700.00

Total	**$ 700.00**
Cash	
Check	$ 700.00
Credit	
Transferred	
Tendered	**$ 700.00**
Change	**$ 0.00**
To Overpayment	**$ 0.00**

Expiration of permit:

A permit will remain valid as long as work is progressing and inspections are requested and conducted. A permit will become invalid if the authorized work has not commenced within 6 months of issuance or if the authorized work is suspended or abandoned for a period of 6 months.

Exhibit 11

OTSEGO COUNTY
PLANNING COMMISSION

PZSU17-003
Special Use Permit/Site Plan Review
011-760-000-031-00

GENERAL FINDING OF FACT

1. This is a proposal for a storm water retention pond / snow storage for an adjacent City of Gaylord gas station project. *Exhibit #1, Exhibit #6*

2. The property is located in a R2/General Residential Zoning District. *Exhibit #2*

3. The proposed use is a permitted use in a R2/General Residential Zoning District with the approval of a special use permit. *Exhibit #3*

4. The proposed property is .67 acres. *Exhibit #4*

5. The property is currently under the ownership of Forward Corporation. *Exhibit #4*

6. The Public Hearing Notice was published in the Herald Times on March 2, 2018. *Exhibit #7*

7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*

8. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*

9. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*

10. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*

11. The application deemed complete by Land Use Services. *Exhibit #1*

12. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant/Representative. *Exhibit #4, Exhibit #6, Exhibit #7, Exhibit #10, Exhibit #11, Exhibit #12...*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU17-003
Special Use Permit/Site Plan Review
011-760-000-031-00

SPECIFIC FINDING OF FACT

FINDINGS UNDER ARTICLE 5 / SECTION 5.2

ARTICLE 5 R2 GENERAL RESIDENTIAL DISTRICT

SECTION 5.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

5.2.1 All uses subject to special conditions in the R1 District

5.2.2 The following uses provided there is direct access to a County primary or State trunkline highway, as defined by the County Road Commission:

5.2.2.1 Motels and hotels provided there is a minimum lot width of one hundred fifty (150) feet

5.2.2.2 Fraternal halls, sportsmen associations, and athletic clubs within completely enclosed buildings with a minimum lot of five (5) acres with a road frontage of two hundred (200) feet

5.2.2.3 Professional offices for medical, dental, legal, engineering, architectural, or accounting services

5.2.2.4 Convenience retail establishments

5.2.3 Churches

5.2.4 Manufactured Housing Parks

5.2.5 Hospitals Convalescent or Nursing Home Care Facilities

FINDINGS UNDER ARTICLE 4 / SECTION 4.2

ARTICLE 4 R1 RESIDENTIAL DISTRICT

SECTION 4.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

4.2.1 Churches, public libraries, public buildings (excluding public works garages and storage yards) and uses normally incidental thereto

4.2.2 Public, parochial, and other private elementary, middle, and/or secondary schools; and all accessory school bus parking lots

4.2.3 Colleges, and other institutions of higher learning, public or private, offering courses in general, technical, or religious education, all are subject to the following conditions:

4.2.3.1 Any use permitted herein shall be developed only on sites of at least five (5) acres in area

4.2.3.2 No building other than a structure for residential purpose shall be closer than fifty (50) feet to any property line

4.2.4 Private, Non-commercial recreational areas and recreational facilities

4.2.5 Golf courses, or miniature golf courses, providing that:

4.2.5.1 Accessory restaurant and bar uses shall be housed within the club house. Uses strictly related to operation of the golf course itself, such as maintenance garage, or pro shop, may be located in separate structures. No structure, except minor rain shelters, shall be located closer than seventy (70) feet from the lot - line of any adjacent residential land and from any public right-of-way;

4.2.5.2 All parking areas shall be surfaced or so treated as to prevent any dust nuisance;

4.2.5.3 Refer to Article 21.11 for additional conditions pertaining to golf courses

4.2.6 Group care facilities meeting applicable state licensing requirements

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

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

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

4.2.10 Unlisted property uses if authorized under Article 21.44

***Permitted Use Subject to Special Conditions in R2 Zoning District**

FINDINGS UNDER ARTICLE 21 /SECTION 21.10

SECTION 21.10 FENCES

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

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

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

21.10.2

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

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

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

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

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

*Planning Commission input

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

The purpose of this section is: to protect and enhance property values, economic welfare and community attractiveness; to provide beneficial climatic impacts by cleaning the air and providing shade; to protect health, safety and welfare by reducing air and water borne pollutants, flooding and noise; to mitigate adverse effects of sighting different uses near one another through buffering; to facilitate preservation of existing valuable trees and other vegetative cover; to provide wildlife habitat and environmental standards within developed areas; to protect privacy.

21.18.2 General Performance Standards:

This, Section 21.18 Landscaping, requirements shall not apply to single family residences located on individual lots. The Section shall apply to residential plats and site condominiums.

All areas not covered by buildings, parking or other structures shall be treated with landscape materials including street trees, shrubs and groundcovers consistent with these provisions. The selected combination of plant materials shall be a harmonious combination of deciduous and evergreen trees, shrubs, vines and/or ground covers so arranged to present an aesthetically pleasing whole.

21.18.2.1 Landscape Materials:

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

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

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

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

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

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

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

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

21.18.2.2 Irrigation & Maintenance Performance Standards:

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

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

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

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

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

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

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

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

21.18.2.3 Existing Vegetation:

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

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

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

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

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

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

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

21.18.3 Buffer Yards:

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

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

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

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

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

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

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

21.18.4 Roadside Greenbelt Buffers:

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

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

21.18.5 Screening of Unsightly Areas:

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

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

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

21.18.6 Parking Lot Screening:

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

Landscaping design standards:

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

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

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

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

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

***Tree line being maintained as buffer between residential parcels - See Table I**

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

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

FINDINGS UNDER SECTION 21.42

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

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

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

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

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

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

***Trash Receptacles enclosed**

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

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
HAS – HAS NOT BEEN MET

19.7.2 The proposed special land use will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.
HAS – HAS NOT BEEN MET

19.7.3 The proposed special land use will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
HAS – HAS NOT BEEN MET

19.7.4 The proposed special land used will be designed, constructed, operated and maintained so as not to diminish the opportunity for the surrounding properties to be used and developed as zoned.
HAS – HAS NOT BEEN MET

19.7.5 The proposed special land use will not place demands on fire, police or other public resources in excess of current capacity.
HAS – HAS NOT BEEN MET

19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities and refuse collection and disposal services.
HAS – HAS NOT BEEN MET

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity no rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.
HAS – HAS NOT BEEN MET

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.
HAS – HAS NOT BEEN MET

SECTION 19.8 - CONDITIONS

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

19.8.1 Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use and the community as a whole.

19.8.2 Be related to the valid exercise of the police power and purposes which are affected by the proposed special land use.

19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be rated to the standards established in the ordinance for the special land use under consideration and be necessary to insure compliance with those standards.

Exhibit 13

OTSEGO COUNTY
PLANNING COMMISSION

PZSU17-001
Special Use Permit/Site Plan Review
011-225-000-002-00

Exhibit List

Exhibit #1:	Applications for case PZSU17-001 submitted by Applicant
Exhibit #2:	Otsego County Zoning Map Effective Date March 20, 2010/Amended January 24, 2017
Exhibit #3:	Otsego County Zoning Ordinance Effective March 20, 2010/Amended September 12, 2017
Exhibit #4:	Copy of Otsego County Equalization Department record card/Warranty Deed
Exhibit #5:	Site Plan/PZSU17-001 submitted by Applicant - Representative
Exhibit #6:	Street Address Application
Exhibit #7:	Letter of representation dated September 11, 2017
Exhibit #8:	Public Hearing Notice
Exhibit #9:	Letter to Bagley Township Planning Commission dated January 25, 2018
Exhibit #10:	Response from Bagley Township Planning Commission dated January 25, 2018
Exhibit #11:	Map and list of parties notified
Exhibit #12:	Receipt #01314405
Exhibit #13:	General Finding of Fact/PZSU17-001
Exhibit #14:	Specific Finding of Fact/PZSU17-001
Exhibit #15:	Driveway Permit Application from Otsego County Road Commission
Exhibit #16:	Email request for Letter of Addendum per Land Use Director

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SPECIAL USE PERMIT

Date: 10-27-17	Parcel Number: 011 - 225 - 000 - 02 - 00

PROPERTY LOCATION: *(REQUIRED)*

Address: 798 N. OTSEGO LAKE DR.		City: GAYLORD	Zip Code: MI
Township: BAGLEY	Zoning District: B2	Section: 16	T 30 N/R 3 W

APPLICANT:

Name: WEST ST. INVESTMENTS L.L.C.		Owner/Agent/Other Interest *(circle one)*	
Address: 1002 WEST ST.	City: GAYLORD	State: MI	Zip Code: 49735
Phone: (989) 858 0323	Fax: (989) 732-9473		

PROPERTY OWNER: *(If different from Applicant)*

Name: S.W. LAND COMPANY INC		Phone: (989) 732-5161	
Address: P.O. BOX 1400	City: GAYLORD	State: MI	Zip Code: 49734

DESCRIPTION OF PROJECT AND PROPOSED USE:

VARIOUS SIZE STORAGE UNITS TO BE LEASED OR RENTED TO INTERESTED PARTIES

SIGNATURE OF APPLICANT: Andy Kheginat	**DATE:** 10-27-17

***All information received by this department is subject to the Freedom of Information Act. Under this Act, persons are allowed to request copies of said information. This includes but is not limited to, all copies of drawing and blueprints.

OFFICE USE ONLY

Date Application Received:	Permit Number: PZ3417.001	
Date Application Complete:	Fee: $700	Receipt Number: 01514405

Exhibit 1

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: WEST ST. INVESTMENT L.L.C.	Owner/Agent/Other Interest *(circle one)*
Address: 1002 WEST ST. GAYLORD MI. 49735	
Phone: ( ) -	Fax: ( ) -

PROPERTY OWNER: *(If different from Applicant)*

Name: S.W. LAND COMPANY INC	
Address: P.O. BOX 1400 GAYLORD MI. 49734-5400	
Phone: (989)732-5161	Fax: ( ) -

PROPERTY LOCATION:

Township: BAGLEY-T30N-R3W	Section: 16	T 30 N/R 3 W	Zoning District: B-2
Site Address: NORTH OTSEGO LAKE DRIVE			
Parcel Number: 011-225-000-02-00			
Description of Project and Proposed Use: VARIOUS SIZE STORAGE UNITS TO BE LEASED OR RENTED TO INTERESTED PARTIES			

Signature of Applicant: Andy Kraynak	**Date:** 9-29-17

***All information received by this department is subject to the Freedom of Information Act. Under this act, persons are allowed to request copies of said information. This includes but not limited to, copyrighted drawings and blueprints.

Attention

*Please refer to the Otsego County Zoning Ordinance particularly Section 21 and Section 23 to assure all items are addressed on the site plan and allow for a smooth presentation to the governing body.

The following items are required on all site plans before they can be submitted for review to the various approving entities:

1. The applicant's name, address and phone number in full.

   Yes X No____ NA____ if "NA" explain:_____

2. Proof of property ownership and whether there are any options on the property or any liens against it.

   Yes____ No____ NA X if "NA" explain: WILL PURCHASE IF SPECIAL USE PERMIT IS GRANTED

3. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.

   * Yes X No____ NA____ if "NA" explain:_____
   APPLICANT IS TO SECURE THIS FROM SW LAND COMPANY

4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).

   Yes X No____ NA____ if "NA" explain:_____

5. The address and or parcel number of the property.

   Yes X No____ NA____ if "NA" explain:_____

6. Name and address of the developer (if different from the applicant).

   Yes X No____ NA____ if "NA" explain:_____

7. Name and address of the engineer, architect and/or land surveyor.

   Yes X No____ NA____ if "NA" explain:_____

8. Project title.

   Yes X No____ NA____ if "NA" explain:_____

9. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance.

   Yes X No____ NA____ if "NA" explain:_____

10. A vicinity map drawn at a scale of 1"=2000' with North point indicated.

    Yes X No____ NA____ if "NA" explain:_____

11. The gross and net acreage of all parcels in the project.

    Yes X No____ NA____ if "NA" explain:_____

12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.

    Yes X No____ NA____ if "NA" explain:_____

13. Project completion schedule/development phases.

    Yes____ No____ NA X if "NA" explain: PROJECT WILL "NOT" PROCEED UNLESS THE SPECIAL USE PERMIT APPLICATION IS GRANTED

14. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less for sites of less than three (3) acres and 1"=100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified.

Yes X No ___ NA ___ if "NA" explain: _____

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect and each site plan shall depict the following:

15. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any.

Yes X No ___ NA ___ if "NA" explain: _____

16. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.

Yes ___ No X NA ___ if "NA" explain: _____

17. The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern. Boring logs may be required if necessary to determine site suitability.

Yes ___ No X NA X if "NA" explain: DEVELOPER WILL SECURE A SITE SURVEY IF THE SPECIAL USE PERMIT IS GRANTED

18. Location and type of significant existing vegetation.

Yes X No ___ NA ___ if "NA" explain: _____

19. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel.

Yes ___ No X NA X if "NA" explain: THERE ARE NONE EXISTING

20. Location of existing and proposed buildings and intended uses thereof, as well as the length, width and height of each building and typical elevation views of proposed structures.

Yes X No ___ NA ___ if "NA" explain: _____

21. Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment and the method of screening where applicable.

Yes ___ No ___ NA X if "NA" explain: FINAL CONSTRUCTION DRAWINGS WILL BE COMPLETED IF THE SPECIAL USE PERMIT APPLICATION IS GRANTED

22. Location of existing public roads, right-of-ways and private easements of record and abutting streets. Notation of existing traffic counts and trip generation estimates may be required if deemed appropriate by the Zoning Administrator or Planning Commission.

Yes X No ___ NA ___ if "NA" explain: _____

23. Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations shall be separately depicted with an elevation view.

Yes X No ___ NA X if "NA" explain: NO CURBS, DECELERATION LANES OR PASSING LANES EXISTING ALONG PROPOSED LANE DRIVE AND/OR ON EXISTING ADJACENT PROPERTIES

24. Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing) and fire lanes.

Yes ___ No ___ NA X if "NA" explain: THESE WILL BE INDICATED ON CONSTRUCTION DRAWING IF THE SPECIAL USE PERMIT IS GRANTED

25. Location, size, and characteristics of all loading and unloading areas.

Yes ___ No X NA ___ if "NA" explain: _____

26. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

Yes ___ No ___ NA X if "NA" explain: NONE ARE PLANNED - NOR EXIST ON ADJACENT PROPERTIES

27. Location of water supply lines and/or wells, including fire hydrants and shut off valves, the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.

Yes ___ No ___ NA ___ if "NA" explain: _____

28. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.

Yes X No ___ NA ___ if "NA" explain: _____

29. Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools if applicable.

Yes ___ No X NA X if "NA" explain: _____

30. Location, size and specifications of all signs and advertising features with elevation views from front and side.

Yes ___ No X NA X if "NA" explain: THESE ITEMS WILL BE INDICATED ON FINAL CONSTRUCTION DRAWINGS IF SPECIAL USE IS GRANTED

31. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

Yes ___ No X NA ___ if "NA" explain: _____

32. Location and specifications for all fences, walls and other screening features with elevation views from front and side.

Yes ___ No X NA ___ if "NA" explain: _____

33. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

Yes ___ No X NA ___ if "NA" explain: _____

34. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.

Yes ___ No X NA X if "NA" explain: AGAIN THESE WILL BE INDICATED ON CONSTRUCTION DRAWINGS IF THE SPECIAL USE PERMIT IS GRANTED

35. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any containment structures or clear zones required by government authorities.

Yes ___ No X NA X if "NA" explain: _____

36. Identification of any significant site amenities or unique natural features.

Yes ___ No X NA ___ if "NA" explain: _____

37. Identification of any significant views onto or from the site to or from adjoining areas.

Yes ___ No X NA ___ if "NA" explain: _____

38. North arrow, scale and date of original submittal and last revision.

Yes X No ___ NA ___ if "NA" explain: _____

39. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.

Yes X No ___ NA ___ if "NA" explain: _____

40. Paid appropriate fees to Otsego County.

Yes X No ___ NA ___ if "NA" explain: _____

PZSU17-001
011-225-000-002-00
798 N OTSEGO LAKE DR

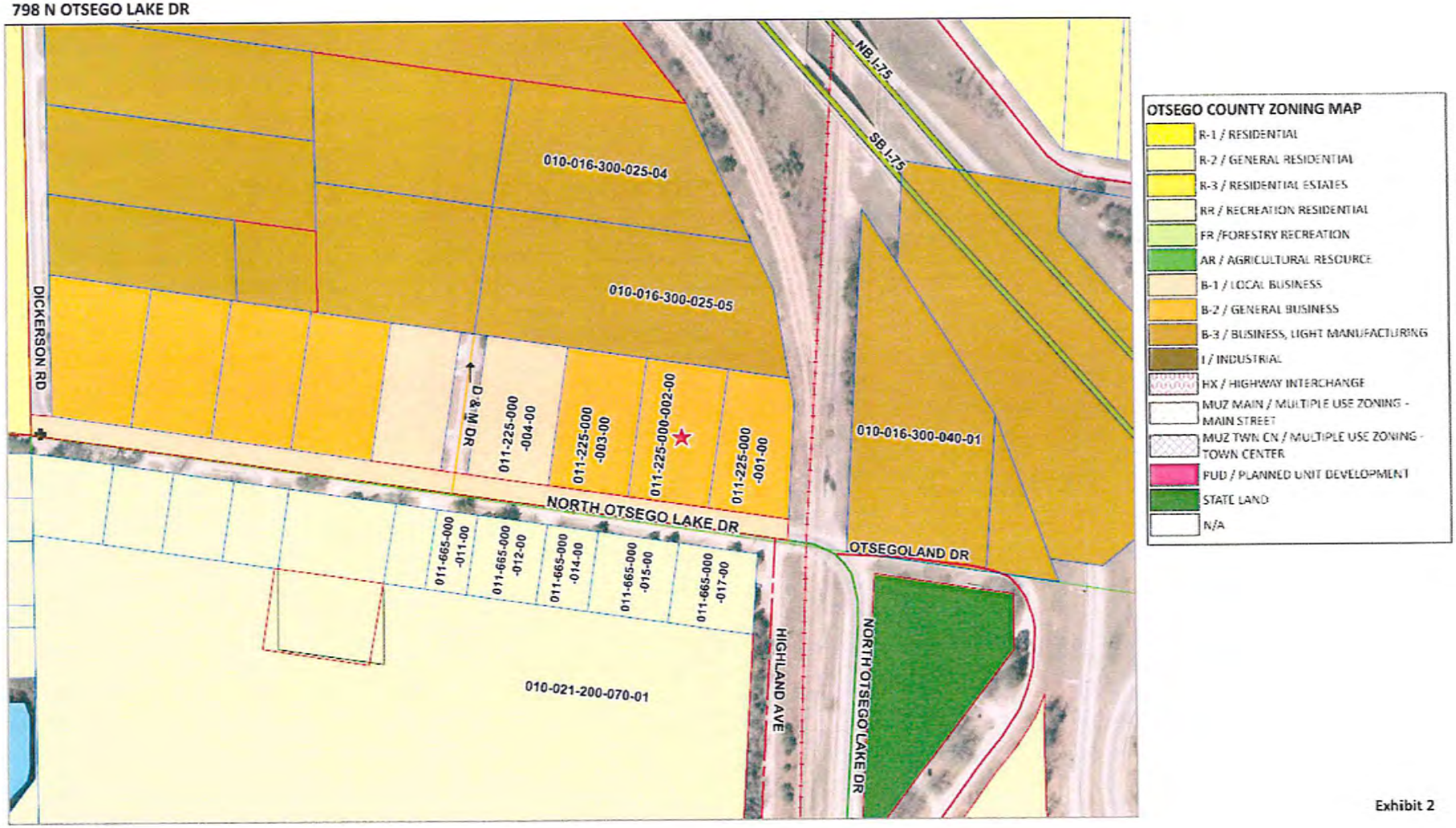


Exhibit 2

STATE OF MICHIGAN
Dept of Taxation
Cou [redacted] 02

REAL ESTATE TRANSFER TAX
(M) $38.50-C
(X) $262.50-S
#0011797

LIBER 0891 PAGE 454

OTSEGO COUNTY
MICHIGAN
RECEIVED FOR RECORD

02 NOV -5 AM 11:03

EVELYN M. PRATT
CLERK / REGISTER OF DEEDS

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich., Nov. 5, 2002

I hereby certify that according to our records all taxes returned to this office are paid for Five years preceding the date of this instrument. This does not include taxes in the process of collection or B.O.R. adjustments.

Connie Lynch/Dep COUNTY TREASURER

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That **Dale J. Smith Broker Inc., a Michigan Corporation**, whose address is: **P.O. Box 309, Gaylord, MI 49734**

Warrants and Conveys to **SW Land Company Inc., a Michigan Corporation**, whose address is: **P.O. Box 1400, Gaylord, MI 49734**

Land in the Township of Bagley, County of Otsego, Michigan described as:

Lot 2, Commerce Park, according to the plat thereof as recorded in Liber 5 of Plats, Pages 10 and 11, Otsego County Records.

Subject to easements, reservations and restrictions of record.
for consideration of **Thirty-Five Thousand And 00/100**

Dated: 10/31/2002

Dale J. Smith Broker Inc.
a Michigan Corporation

Dale J. Smith

By: Dale J. Smith, Broker

STATE OF Michigan
COUNTY OF Otsego ss.

This foregoing instrument was acknowledged before me this 1st day of **November, 2002** by **Dale J. Smith, President of Dale J. Smith Broker Inc., a Michigan Corporation, on behalf of said corporation**

My commission expires 07/19/03

Glenna D. Powers
Notary Public Otsego County, Michigan
Glenna D. Powers

Instrument Drafted by: Daniel J. Bebble, attorney for Alpine Title Company
Business Address:114 E. Main St., Gaylord, MI 49735(02218351/BB)

Recording Fee **$10.00** : When recorded return to: GRANTEE
County Transfer Tax **$38.50** : Send subsequent tax bill to GRANTEE
State Transfer Tax: **$262.50**
Tax ID: #011-225-000-002-00

9770

38.50 262.50

AT
9

Exhibit 4

Parcel Number: 69-011-225-000-002-00 Jurisdiction: BAGLEY TOWNSHIP County: OTSEGO Printed on 12/12/2017

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
DALE J SMITH BROKER INC	SW LAND COMPANY INC	35,000	10/31/2002	WD	Good	891/454	Buyer	100.0
OTTO, FREDERICK A TRUST	DALE J SMITH BROKER INC	0	12/01/1999	WD	No Sale Price	749:415	Buyer	0.0

Property Address
798 N OTSEGO LAKE DR

Owner's Name/Address
SW LAND COMPANY INC
PO BOX 1400
GAYLORD MI 49734-5400

Tax Description
LOT 2. COMMERCE PARK. SEC 16 T30N R3W

Comments/Influences
APPROX CONST 9-1-05

Class: 202 COM VACANT Zoning: B-2
School: Gaylord Community
P.R.E. 0%
: 0.00
2018 Est TCV 17,200(Value Overridden)

Building Permit(s)	Date	Number	Status

Improved X Vacant

Land Value Estimates for Land Table .

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
			0.900 Acres		0	100		0
		0.90	Total Acres		Total Est. Land Value =			0

Public Improvements
Dirt Road
Gravel Road
Paved Road
Storm Sewer
Sidewalk
Water
Sewer
Electric
Gas
Curb
Street Lights
Standard Utilities
Underground Utils.

Topography of Site
Level
Rolling
Low
High
Landscaped
Swamp
Wooded
Pond
Waterfront
Ravine
Wetland
Flood Plain

Who When What

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2018	8,600	0	8,600			5,562C
2017	8,600	0	8,600			5,448C
2016	5,400	0	5,400			5,400S
2015	10,000	0	10,000			9,245C

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: County of Otsego, Michigan

*** Information herein deemed reliable but not guaranteed***

Exhibit 4

OTSEGO COUNTY EQUALIZATION DEPARTMENT

800 Livingston Blvd Ste 1-D
Gaylord, MI 49735
Phone: (989) 731-7410 Fax: (989) 731-7418

APPLICATION FOR STREET ADDRESS

THERE IS A **$25.00 CHARGE** FOR A PROPERTY ADDRESS

Date 10/3/17

Property Owner / Applicant or Contractors Name ANDY KRAJNIAK / WEST ST. INVESTMENTS LLC

Current Mailing Address 1002 WEST ST (989) 858-0323 ( ) Fax#
Street Apt # Phone # Fax#
1002 WEST ST MI 49735
City State Zip

Property Code Number 69 - 011 - 225 - 000 - 02 - 00

Is this parcel part of a property split occurring since the first of January?
Yes ☐ No ☒ If yes, please include date of land division approval _____ Date

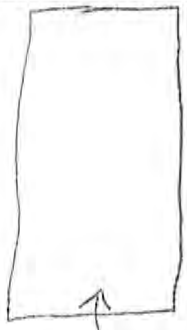
Type of Structure to be Built: (Check one)
☐ Home ☒ Pole Building (STORAGE BARNS) ☐ Commercial/Industrial
☐ Garage ☐ Temporary Electrical ☐ Tower/Well Site ☐ Other _____

Approximate Start of Construction Date: ____/____/____

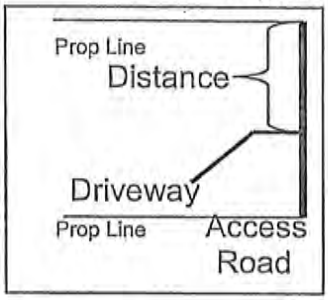
Name of Access Road N. OTSEGO LAKE DR

Signature of Applicant [signature]

BRIEFLY SKETCH PROPERTY BOUNDARIES AND LOCATION OF THE DRIVEWAY
PLEASE INCLUDE DISTANCE OF DRIVEWAY FROM PROPERTY LINES



Example:



OFFICE USE: rev.7/09
OFFICIAL HOUSE NUMBER ASSIGNED TO THIS PARCEL: 798 N Otsego Lake Dr
DATE ASSIGNED: 10-3-17 POST OFFICE: Gaylord MI 49735

Exhibit 6

I Gene Skiba, acting on behalf of SW Land Co, give permission to West Street Investments to proceed with the Special Use Permit for parcel number 011-225-000-02-00.

Gene Skiba

9-11-17

Date

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
March 19, 2018

The Otsego County Planning Commission will hold a public hearing on Monday, March 19, 2018 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1. Forward Corporation, owners, request a Special Use Permit/Site Plan Review for property located in Bagley Township on Driftwood Ln Gaylord, MI 49735. The proposed use of the property is to provide a storm water retention pond / snow storage for an adjacent City of Gaylord gas station project. The property is located in a R2/General Residential Zoning District.

   Parcel identification number: **011-760-000-031-00**
   Driftwood Ln
   Gaylord, MI 49735

   Legal Description:
   LOT 31 SUMMERS & HOLMES.

2. SW Land Company Inc, owners, represented by West St Investments LLC, applicants, request a Special Use Permit/Site Plan Review for property located in Bagley Township at 798 N Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct storage units for lease or rent. The property is located in a B2/General Business Zoning District. Mini storage units are a permitted use subject to special conditions in a B2 Zoning District.

   Parcel identification number: **011-225-000-002-00**
   798 N Otsego Lake Dr
   Gaylord, MI 49735

   Legal Description:
   LOT 2 COMMERCE PARK. SEC 16 T30N R3W

3. **SECTION 21.38 SIGNS AND BILLBOARDS**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

4. **SECTION 21.12 HOME OCCUPATION**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

5. **SECTION 21.34 RESTRICTED USES**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

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

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

Exhibit 8

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Department of Land Use Services
1322 Hayes Rd • Gaylord, MI 49735
Phone: 989.731.7400 • Fax: 989.731.7419
www.otsegocountymi.gov

January 25, 2018

Bagley Township
PO Box 52
Gaylord, MI 49734

Pursuant to Article 27 of the Otsego County Zoning Ordinance/Township Participation in County Zoning, I am forwarding the application for a Special Use Permit.

If you require the applicant, Andy Krajniak be present at your meeting, he can be notified at the following:

West St Investment LLC
c/o Andy Krajniak
1002 West St
Gaylord, MI 49735
989.858.0323

If you have any questions, please contact us and we will be glad to assist you. We anticipate your input concerning this matter. Thank you for your participation in County Zoning.

Sincerely,

James Mouch

James Mouch
Otsego County Land Use Director

cbw

encl

Exhibit 9

Bagley Township Planning Commission

Bagley Township, Michigan

Established 1868

January 25, 2018

Subject: Meeting Minutes and record of decisions for Scheduled Meeting on the above date.

Parcel Involved:

Case 1. 69 011 225 000 002 00, Construction of New Self Storage Warehouses, North Otsego Lake Drive

Case 2. PZSU 17-003 Construction of New Forward's station and C Stores at South Otsego and Driftwood Street

Item 1. Discussion and Recommendation of Zoning Ordinance changes to Restricted Uses (S 21.34)

Item 2. Discussion and Recommendation of Zoning Ordinance changes to Home Occupations (S 21.12)

Item 3. Discussion and Recommendation of Zoning Ordinance changes to Signs and Billboards (S 21.38)

Item 4. Discussion and Recommendation of Zoning Ordinance changes to Fences (21.10)

Members Present:

Ken Arndt
Brian Goebel
Wally Loney by Skype
Larry Beckett

Other Attendees:
Michelle Noirot, Supervisor
Celeste Szymanski, Voting Trustee, Planning Commission

Citizens Attending: Representative for Forward's Corporation (Wade Trim); Representative for proposed self-storage units: None

Meeting Opened at 7:00PM by Arndt

Exhbit 10

Case 2. Forward Corporation. (City of Gaylord) Members reviewed and consented to general and specific findings of fact presented by OCZD as summarized by the chair. Chair notes that the only specific recommendations made by this commission applies to Bagley property at the west side of the Forwards property planned as the catchment basis and snow storage area. Other discussions are a request to the developer to comply with certain conditions.

Wade Trim representative explained the project and discussed his understanding that the contamination noted in the past had been fully remediated. He also indicated that the plans the commission saw were final and approved by the key public entities controlling access, runoff and so on (as noted on the plans).

Meeting opened for public comment. None offered.

Meeting closed to public comment for commission discussion.

Bagley Township Supervisor asked that no changes be made to the access on Driftwood which would further congest traffic from the motel and from the township hall. Representative indicated that there were no further plans to change the layout to the station or its access.

Chair asked about runoff calculations and sufficiency of the catchment basin. Representative agreed to provide engineer's comments and support for the catchment basin adequacy and estimated runoff from the roof and paved areas of the site.

Discussion followed concerning lighting arrangements IAW with zoning requirements.

Discussion ended at 7:20 PM.

Commission requested two items at the county commission meeting:

1. Documentation that the previous fuel spills were effectively remediated.

2. Explanation of the calculations of the water runoff plan showing that the catchment basin was sufficient to hold expected water runoff.

Motion made by Brian Goebel to approve the plan for the water runoff holding area and use of the area as intended conditioned on receiving the information in 1 and 2 above. Seconded by Larry Beckett.

All in favor, none opposed. *7:40PM*

Case 1. West Street Investment LLC's Proposed Construction of self-storage units *along North Otsego Lake Drive.*

The project was not represented by an owner or owner's representative. Members listened to the chair's comments based on examination of the plans and discussion with the zoning director and examined the drawing prepared DEM architects and the general and specific finding of facts. General and specific findings of fact that did not became consent items in this case.

1. Among the essential findings are that the area is zoned B-2 and suitable for the project.

2. Water system is private and shared within the development.

3. Residential uses are not generally permitted in this zoning district except as used for a family care facility or a commercial day care. Both of these uses would require substantially different structure development than that proposed.

4. Any residential use of the existing proposed property improvements as planned would require a separate development plan and permitting.

Meeting Closed to public discussion.

Commission felt that the proposed primary use was supportable in the current location and would provide useful service to the public.

Notes on the plan with respect to adding some units with water and sewer brought negative comments by the commission given the lack of specific information provided. The sentiment was that, if build out to office or other uses was anticipated, the changes to the plan in place will have to be more fully developed. The commission felt that adding water and sewer to the planned self-storage units invited temporary use of the units as substandard housing, whether the units were occupied by a small RV unit or simply occupied as living area. Given the probable water runoff and the site area occupied by the buildings, the commission found it difficult to see where a drain field could be installed (shared water, private sewer required in this sub).

Consensus developed that the self-storage units were a useful development but that no water and sewer should be added to the units and no further build out beyond the shell storage units should be allowed without further permitting. Feeling was unanimous. BG felt that installed heating could be a benefit to the public since heated storage brings a premium price in the storage markets. No disagreement.

Larry Beckett made a motion that we recommend approval of the self-storage structures with heat at the option of the owner, but without water or sewer or further build out allowed without additional permitting.

Wally Loney seconded the motion.

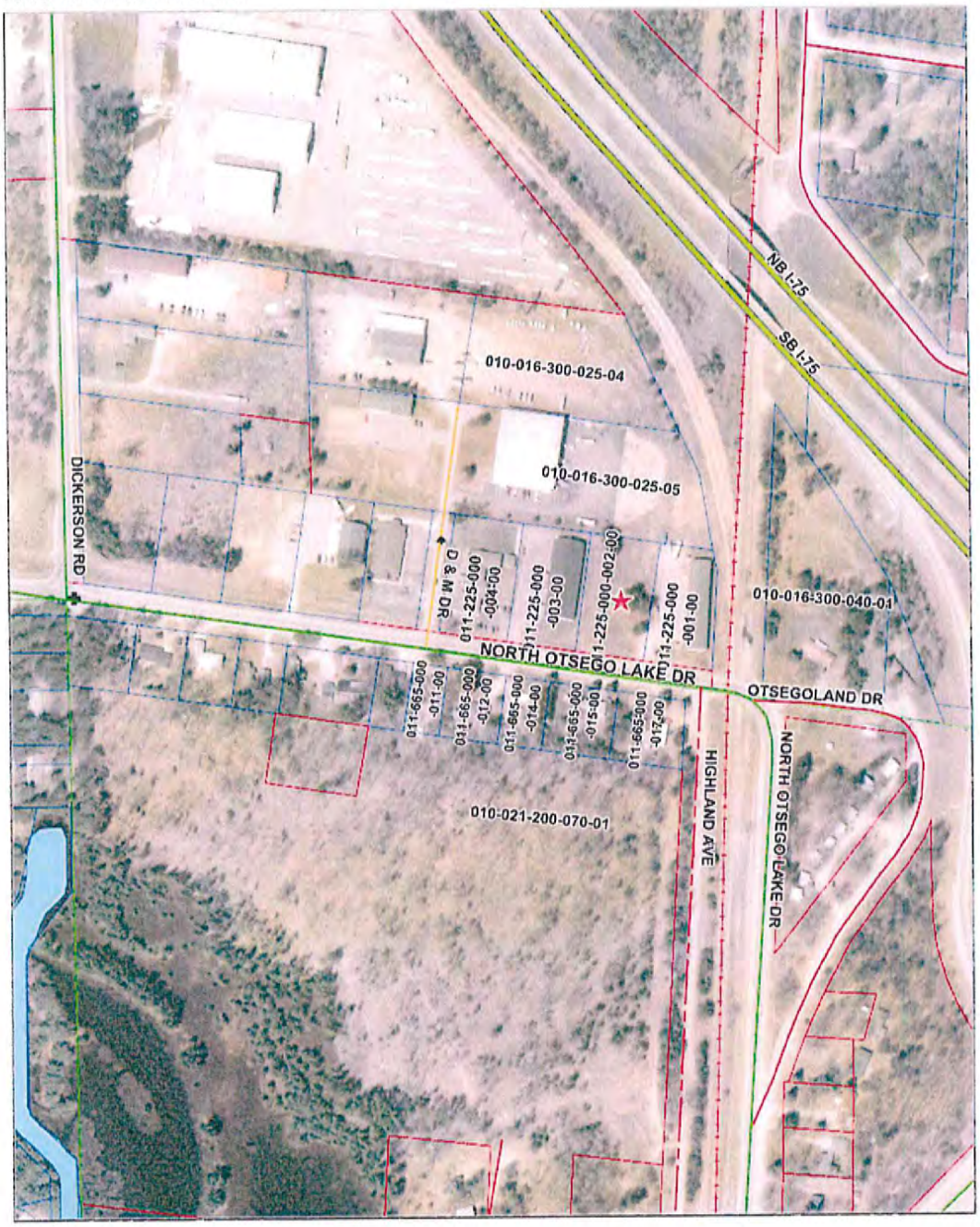
All in favor, none opposed. 8:12PM

PZSU17-001 011-225-000-002-00 798 N OTSEGO LAKE DR

OWNERS WITHIN THREE HUNDRED FEET (300')								
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Zoning Code
010-016-300-025-04		PENNSYLVANIA AVENUE LTD PART	PO BOX 2140	FORT WORTH	TX	76113-2140	2.2	B-3
010-016-300-025-05	2855 D&M DR	3 FBM NORTH LLC	2145 CROOKS RD STE 210	TROY	MI	48084	3.01	B-3
010-016-300-040-01	2953 OTSEGOLAND DR	VOLLMER, MORGAN	2953 OTSEGOLAND DR	GAYLORD	MI	49735	2.82	B-3
010-021-200-070-01		ALFONSO, SILVIE L & MARGARET	7724 S 82ND EAST AVE	TULSA	OK	74133	29.98	RR
011-225-000-001-00	756 NORTH OTSEGO LAKE DR	HAWTHORNE LAKE PROPERTIES LLC	N112 W 14600 MEQUON RD	GERMANTOWN	WI	53022	0.82	B-2
011-225-000-002-00	798 N OTSEGO LAKE DR	SW LAND COMPANY INC	PO BOX 1400	GAYLORD	MI	49734-5400	0.9	B-2
011-225-000-003-00	818 NORTH OTSEGO LAKE DR	SMITH, DALE J TRUST	PO BOX 309	Gaylord	MI	49734-0309	0.89	B-2
011-225-000-004-00	2927 D&M DR	DALE J SMITH BROKER INC	PO BOX 309	GAYLORD	MI	49734-0309	0.9	B-1
011-665-000-011-00	849 NORTH OTSEGO LAKE DR	SPEERSTRA, THEODORE N & KRISTINE L	849 NORTH OTSEGO LAKE DR	GAYLORD	MI	49735	0.26	RR
011-665-000-012-00	831 NORTH OTSEGO LAKE DR	NEPH, JOHN P	5671 POTAWATOMI CT	GAYLORD	MI	49735-8729	0.44	RR
011-665-000-014-00	809 NORTH OTSEGO LAKE DR	COULTER, JEAN R TRUST	19934 FLORAL ST	LIVONIA	MI	48152-2318	0.33	RR
011-665-000-015-00	789 NORTH OTSEGO LAKE DR	NICHOLS, MARLENE	4560 BRUBAKER RD	PETOSKEY	MI	49770	0.51	RR
011-665-000-017-00	759 NORTH OTSEGO LAKE DR	GODDARD - LINDGREN	709 N OTSEGO LAKE DR	GAYLORD	MI	49735	0.53	RR

Exhibit 11

PZSU17-001
011-225-000-002-00
798 N OTSEGO LAKE DR



010-016-300-025-04
010-016-300-025-05
010-016-300-040-01
010-021-200-070-01
011-225-000-001-00
011-225-000-002-00
011-225-000-003-00
011-225-000-004-00
011-665-000-011-00
011-665-000-012-00
011-665-000-014-00
011-665-000-015-00
011-665-000-017-00

Exhibit 11

OTSEGO COUNTY LAND USE SERVICE
1322 HAYES RD
GAYLORD, MI 49735
PH: 989-731-7400
FAX: 989-731-7419
INSPECTION LINE: 989-731-7401

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Paid By:

WEST ST INVESTMENTS LLC / KRAJNIAK

RECEIPT NUMBER

01314405

12/11/2017

Type	Record	Category	Description	Amount
Permit	PZSU17-001	ADMIN ZONING	SPECIAL USE PERMIT/PC	$ 700.00

Total	**$ 700.00**
Cash	
Check	$ 700.00
Credit	
Transferred	
Tendered	**$ 700.00**
Change	**$ 0.00**
To Overpayment	**$ 0.00**

Expiration of permit:

A permit will remain valid as long as work is progressing and inspections are requested and conducted. A permit will become invalid if the authorized work has not commenced within 6 months of issuance or if the authorized work is suspended or abandoned for a period of 6 months.

Exhibit 12

OTSEGO COUNTY
PLANNING COMMISSION

PZSU17-001
Special Use Permit/Site Plan Review
011-225-000-002-00

GENERAL FINDING OF FACT

1. This is a proposal to construct storage units. *Exhibit #1, Exhibit #5*
2. The property is located in a B2/General Business Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*
4. The proposed property is .90 acres. *Exhibit #4*
5. The property is currently under the ownership of SW Land Company Inc. *Exhibit #4*
6. The owners are being represented by West St Investment LLC / Andy Krajniak per letter dated September 11, 2017. *Exhibit #7*
7. An address has been obtained for the proposed site. *Exhibit #6*
8. The Public Hearing Notice was published in the Herald Times on March 2, 2018. *Exhibit #8*
9. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
10. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
11. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
12. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*
13. A Driveway Permit Application from the Otsego County Road Commission has been submitted. *Exhibit #15*
14. The application deemed complete by Land Use Services. *Exhibit #16*
15. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant/Representative. *Exhibit #4, Exhibit #5, Exhibit 8, Exhibit #11, Exhibit #13, Exhibit #14...*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU17-001
Special Use Permit/Site Plan Review
011-225-000-002-00

SPECIFIC FINDING OF FACT

FINDINGS UNDER ARTICLE 11/SECTION 11.2

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

INTENT

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

SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

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

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

11.2.3 Rifle or pistol ranges when within a completely enclosed building

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

11.2.5 Car wash

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

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

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

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

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

11.2.7 Hospitals

11.2.8 Commercial outdoor sport and recreational facilities

11.2.9 Flea markets

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

11.2.11 Wireless Telecommunication Towers and Facilities one hundred ninety (190) feet or more in height [Permit criteria includes Article 21.46]

11.2.12 Solid Waste Hauler

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

11.2.14 Unlisted property uses if authorized under Article 21.44.

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

***Permitted Use Subject to Special Conditions in B2 Zoning District**

Exhibit 14

ARTICLE 20 ACCESS MANAGEMENT REQUIREMENTS

SECTION 20.1 PURPOSE

The purpose of this section is to provide reasonable access to the property owner to all roads within Otsego County while protecting the public health, welfare, safety and aesthetics of the County. All Land in a parcel having a single tax code number or contiguous parcels owned by a person as of the effective date of this Ordinance shall meet the requirements of this Ordinance. The intent of this ordinance is to provide standards, which will preserve the traffic capacity and enhance the safety of the highway by regulating safe and reasonable access, though not always direct access, between public roadways and adjacent land. Access controls provide for orderly growth and development. This in turn will protect the long term viability of existing and new businesses in addition to protecting property values of commercial and residential development along the corridor. It is recognized that existing development may not be able to meet all of the standards contained in this ordinance; Upon expansion or redevelopment, the standards' contained herein shall be applied to the maximum extent possible in conformance with the Otsego County Access Management Map.

The standards of this section are further intended to:

- Minimize traffic conflicts, in order to reduce the frequency of fatal injury and property damage crashes;
- Separate traffic conflict areas by reducing the number of direct access points;
- Provide efficient spacing and size standards between access points and between access points and intersections;
- Establish uniform access standards to ensure fair and equal application;
- Protect the substantial public investment in the roadway system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business;
- Require coordinated access among several landowners;
- Ensure reasonable access to properties, though the access may not always be direct access;
- Coordinate local management decisions on development proposals with access permit decisions by the Michigan Department of Transportation (MDOT) and the Otsego County Road Commission, (OCRC).

SECTION 20.2 DEFINITIONS

Road ways are defined according to the following categories:

20.2.1 Local Roads -- Provide direct property access, do not serve through traffic.

20.2.2 Major Collectors -- Serve traffic traveling from Local Roads or Minor Collectors to Arterials; are public thoroughfares with a lesser degree of traffic than Arterials.

20.2.3 Minor Arterials -- Serve as primary routes for travel within and between community sub-areas and augment the Major Arterial system; accessed primarily from the Collector system.

20.2.4 Major Arterials -- Serve as primary routes for travel between areas of principal traffic generation and major urban activity centers, and for trips between non-adjacent areas.

20.2.5 Regional Arterials -- Freeways and principal routes that move traffic and do not provide direct access to land use activities.

20.2.6 Service Roads -- Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street

SECTION 20.3 LOCATION AND SPACING

20.3.1 All State and County public roads shall be subject to and regulated by the standards of this ordinance.

20.3.2 In order to minimize left turn conflicts, new access points shall be aligned with those across the roadway where possible. If alignment is not possible, access points shall be offset a minimum of two hundred fifty-five (255) feet from those on the opposite side of the roadway, measured centerline of access point to centerline of access point. Longer offsets may be required by the Michigan Department of Transportation (MDOT) in accordance with the MDOT Access Management Guidebook.

20.3.3 Where spacing requirements cannot be met for parcels, lots, or building sites having frontage or access on more than one roadway, access shall be provided from the lesser traveled roadway.

20.3.4 In the case of expansion, alteration, change of use or redesign of an existing development where existing access points do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the access point may he required.

20.3.5 Driveway profile shall be designed and constructed according to Michigan Department of Transportation (MDOT) and Otsego County Road Commission (OCRC) standards.

20.3.6 Land access is permitted based on driveway spacing, stopping distance, and land use type.

Driveway Spacing and corner clearance requirements shall be PER MDOT MANUAL

SECTION 20.4 SIGHT DISTANCE

Minimum intersection sight distance shall be ten (10) times the vehicular speed of the road PERMDOT MANUAL

SECTION 20.5 ACCESS

All developments shall have reasonable access to a county or public roadway. Access onto any roadway shall be permitted only upon issuance of an access permit by the MDOT or OCRC in compliance with the site review planning process.

20.5.1 Interconnections of Parking Areas

20.5.1.1 Parking areas shall be designed to facilitate interconnection of parking lots

20.5.1.2 Shared parking is encouraged. Shared parking shall he permitted a reduction in required parking spaces if peak parking demand periods at interconnected developments do not occur at the same time.

20.5.1.3 Shared driveways, cross access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land; Operating and maintenance agreements for these facilities shall be recorded with the deed.

SECTION 20.6 ROAD STANDARDS

20.6.1 All roads proposed to be of public ownership shall conform to the county road standards

20.6.2 All proposed curve radii shall be designed to county road standards for truck turning requirements.

***See Driveway Permit per Road Commission**

FINDINGS UNDER SECTION 21.10

SECTION 21.10 FENCES

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

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

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

21.10.2

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

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

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

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

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

***Planning Commission input**

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

The purpose of this section is: to protect and enhance property values, economic welfare and community attractiveness; to provide beneficial climatic impacts by cleaning the air and providing shade; to protect health, safety and welfare by reducing air and water borne pollutants, flooding and noise; to mitigate adverse effects of sighting different uses near one another through buffering; to facilitate preservation of existing valuable trees and other vegetative cover; to provide wildlife habitat and environmental standards within developed areas; to protect privacy.

21.18.2 General Performance Standards:

This, Section 21.18 Landscaping, requirements shall not apply to single family residences located on individual lots. The Section shall apply to residential plats and site condominiums.

All areas not covered by buildings, parking or other structures shall be treated with landscape materials including street trees, shrubs and groundcovers consistent with these provisions. The selected combination of plant materials shall be a harmonious combination of deciduous and evergreen trees, shrubs, vines and/or ground covers so arranged to present an aesthetically pleasing whole.

21.18.2.1 Landscape Materials:

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

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

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

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

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

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

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

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

21.18.2.2 Irrigation & Maintenance Performance Standards:

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

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

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

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

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

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

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

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

21.18.2.3 Existing Vegetation:

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

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

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

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

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

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

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

21.18.3 Buffer Yards:

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

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

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

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

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

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

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

21.18.4 Roadside Greenbelt Buffers:

Unless as otherwise required by Section 21.18.3, required front yards shall be landscaped with a minimum of one (1) tree, not less than one and one-half (1½) inches in diameter for single family residential uses and two and one half (2½) inches in diameter of other use, for each one thousand (1000) square feet, or major portion thereof, of front yard abutting a road

Exhibit 14

right-of-way. The remainder of the greenbelt shall be landscaped provided however, rock or other inorganic ground cover shall not exceed twenty (20) percent of the yard area.

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

21.18.5 Screening of Unsightly Areas:

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

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

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

21.18.6 Parking Lot Screening:

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

Landscaping design standards:

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

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

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

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

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

***No Buffer Yard Required**

21.18 TABLE I : Planting Buffer Yard

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

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

Exhibit 14

FINDINGS UNDER SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

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

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

***See Email request for Addendum Letter**

FINDINGS UNDER SECTION 21.38

SECTION 21.38 SIGNS AND BILLBOARDS

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

21.38.1 Signs Permitted

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

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

21.38.1.3 Accessory Signs in B, HX and I Districts

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

Exhibit 14

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.

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,

Exhibit 14

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

Exhibit 14

located on a County maintained road may be permitted in business or non-business districts, on each road or link or segment of road that affords access to the use, but entails a major change in the direction of travel.

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

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

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

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

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

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

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

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

***See Email request for Addendum Letter**

FINDINGS UNDER SECTION 21.42

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

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

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

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

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

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

***No trash receptacle planned**

FINDINGS UNDER SECTION 21.43

SECTION 21.43 UNDERGROUND UTILITY WIRES

Within the area of a plat or site plan, all distribution lines for electric, communications or similar associated services shall be placed underground. Those electric and communication facilities placed in dedicated public ways shall be installed so as not to conflict with other underground utilities. All communication and electric facilities shall be constructed in accordance with

Exhibit 14

standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately-owned property shall be protected by easements granted by the owner of such property.

The Planning Commission may, by resolution, waive or modify any of the above requirements for underground line installations with respect to a particular plat or site plan when the strict application of the above requirements would result in unnecessary hardship. Prior to any such waiver or modification, a public hearing regarding the proposal shall be held by the Planning Commission.

***See Email request for Addendum Letter**

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

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
HAS – HAS NOT BEEN MET

19.7.2 The proposed special land use will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.
HAS – HAS NOT BEEN MET

19.7.3 The proposed special land use will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
HAS – HAS NOT BEEN MET

19.7.4 The proposed special land used will be designed, constructed, operated and maintained so as not to diminish the opportunity for the surrounding properties to be used and developed as zoned.
HAS – HAS NOT BEEN MET

19.7.5 The proposed special land use will not place demands on fire, police or other public resources in excess of current capacity.
HAS – HAS NOT BEEN MET

19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities and refuse collection and disposal services.
HAS – HAS NOT BEEN MET

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity no rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.
HAS – HAS NOT BEEN MET

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.
HAS – HAS NOT BEEN MET

SECTION 19.8 - CONDITIONS

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

19.8.1 Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use and the community as a whole.

19.8.2 Be related to the valid exercise of the police power and purposes which are affected by the proposed special land use.

19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be rated to the standards established in the ordinance for the special land use under consideration and be necessary to insure compliance with those standards.

Exhibit 14

Otsego County Road Commission

669 W. McCoy Road, P.O. Box 537, Gaylord , MI 49734-0537
Telephone (989) 732-5202 • Facsimile (989) 732-6775

Application and Permit to Construct a Driveway Approach

Receipt 11715

Date: 11-1-17 ANDY KRAJNIAK Permit No.: 117-11-02-01

Applicant (Mailing address for permit)	Contractor (*See note below*)
Name: WEST ST. INVESTMENT LLC	Name: TBD
Address: 1002 WEST ST	Address:
City, State, Zip: GAYLORD, MI 49735	City, State, Zip:
Contact Phone: 989-858-0323	Contact Phone:
Facsimile:	Facsimile:
E-mail: ANDYK@CHEVYCENTRAL.COM	E-mail:

Site information: ☐ **Residential** ☒ **Commercial** / **Fees Paid:** **Yes** ☒ **No** ☐

Road Name: N. OTSEGO LAKE DR. House No.: 798
Township: BAGLEY Section : 16

Help us find your site by giving us the following directions: SEE ATTACHED PHOTO.

The site is located on: N. OTSEGO LK DR on the (N) S E W (circle one) side of the road

miles/feet N S E W from Road

between HIGHLAND AVE Road and D+M DR Road

Work to be completed:
- ☐ Pave Existing Drive: ☐ Asphalt ☐ Concrete
- ☐ Repair/extend existing drive
- ☐ Temporary Drive
- ☒ NEW DRIVE: Surface Type: ☐ Asphalt ☐ Concrete ☒ Gravel

NOTE: Gravel is Required in R.O.W. Circle Number of Drives: (1) or 2

Remarks:

Date Work to Begin On:	SUMMER 2018	DATE SITE WILL BE FLAGGED:	

Applicant's Signature: Andy Krajniak Contractor's Signature:

Notice: It is the responsibility of the applicant to flag the proposed driveway location so the inspector will be able to determine the exact proposed location. Failure to flag by specified date may result in considerable delay. Please allow 10-20 days for the original permit to be mailed to the above address. Any construction performed before receipt of the original permit may not meet Road Commission standards and is subject to revision or removal at the applicant's expense and could result in a fee being accessed. ***A certificate of insurance naming the OCRC as an additional insured is required from the contractor or permit will not be issued.***

MP# 6.004 **Do Not Write Below This Line**

Date Checked: 11/2/2017 Surface Type: (G) A C Number of Drives: (1) 2 Width:

Road Name: N. Otsego Lake Drive on the (N) S E W Side

~~Drive No.: 1~~ 0444 ~~Drive No.: 2~~ ~~Miles/~~Feet N S E (W) of Highland Ave.

Culvert ☐ Required (if required 12 ft. x 20 ft. minimum) ☒ Not Required

Sight Distance N S E (W) 500+ N S (E) W 500+

Remarks: **CONTRACTOR INFORMATION IS NEEDED BEFORE WORK IS TO BEGIN**
New Commercial Driveway

Approved By: Melanie J. Kuzniki, *Permit Agent* *Date:* 11/2/2017

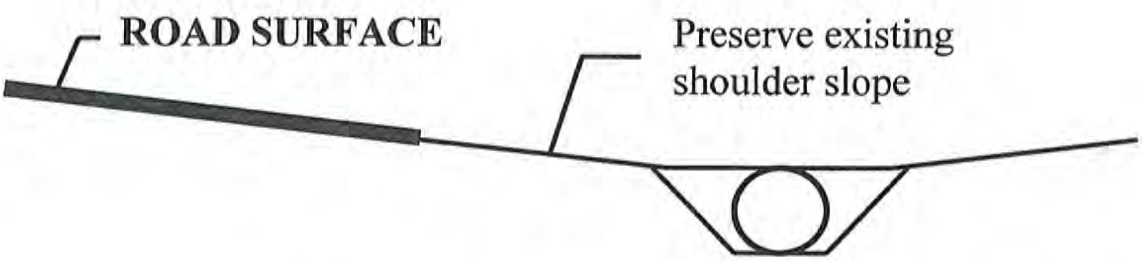
0444 W/HLA

Exhibit 15

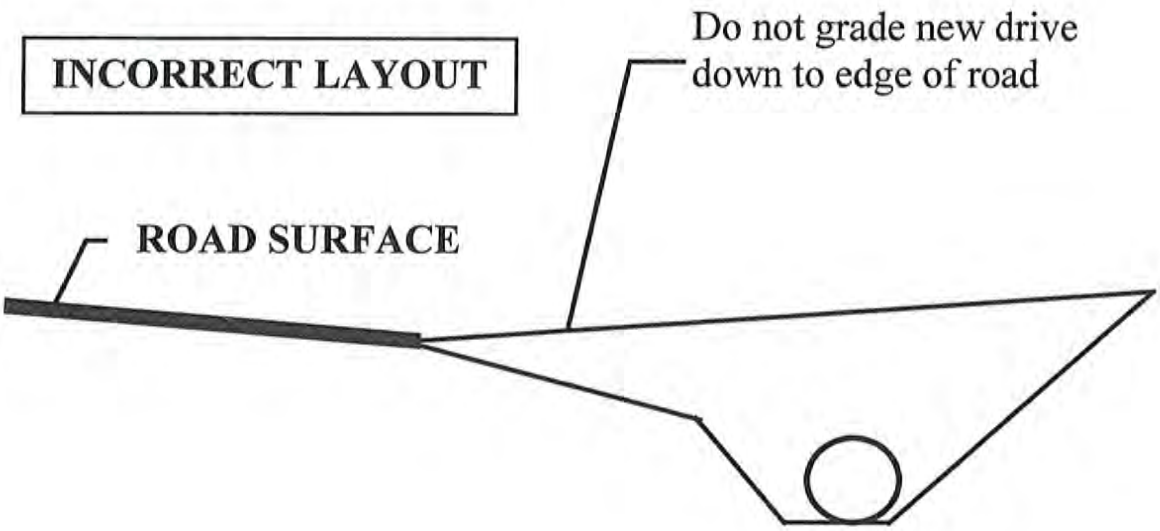
Attachment to Driveway Application

(Please retain this information for your files; DO NOT submit with application)

CORRECT LAYOUT



INCORRECT LAYOUT



NOTE: Driveway elevation not to exceed shoulder elevation throughout ditchline.

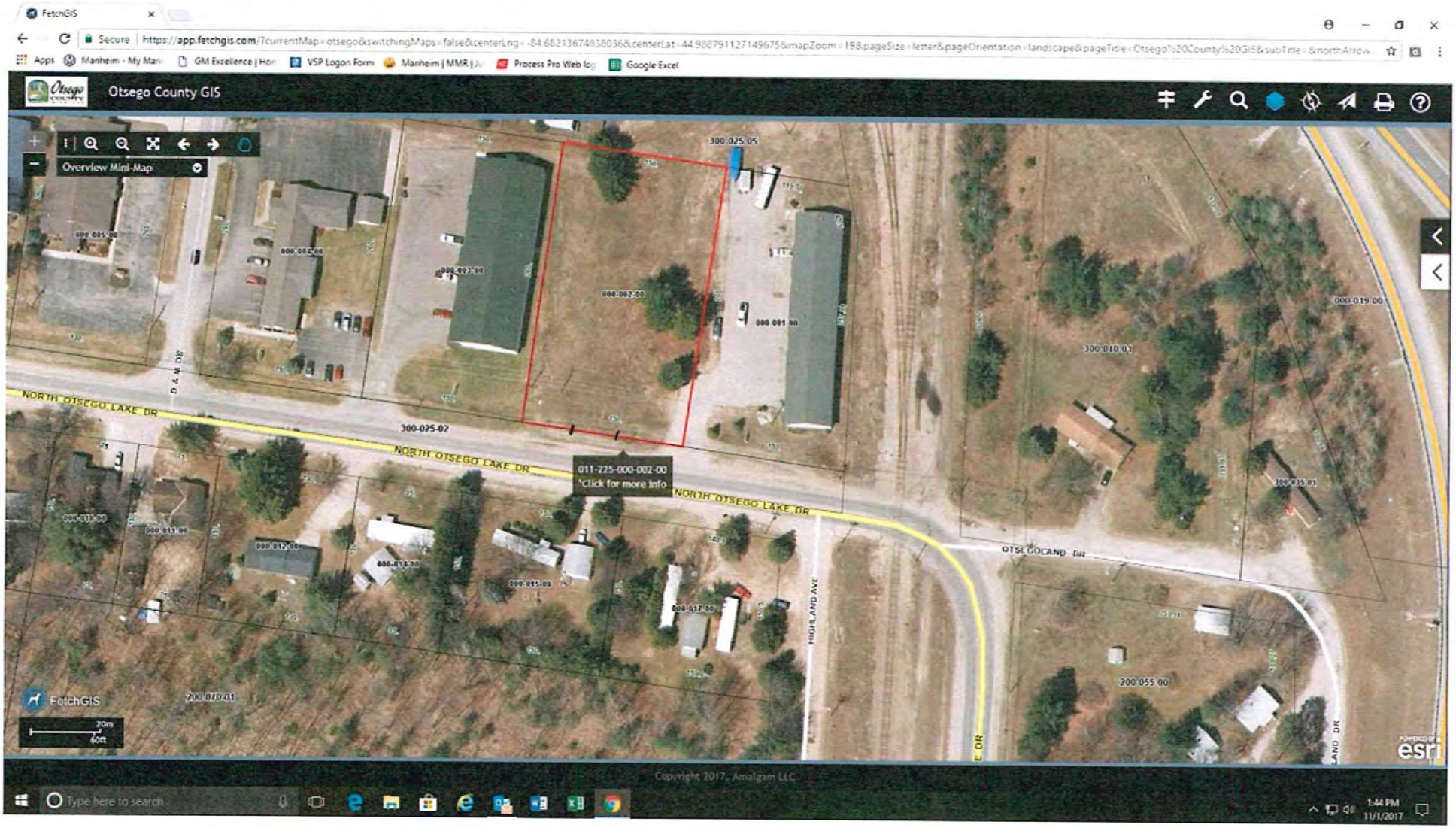
NOTICE: It is the responsibility of the applicant to flag the proposed driveway location so the inspector will be able to determine the exact proposed location. Failure to flag by the specified date may result in considerable delay. The original permit will be mailed to the the address listed on the application within 10-12 days.

Any construction performed before receipt of the original permit may not meet Road Commission standards and is subject to revision or removal at the applicant's expense and could result in a fee being assessed.

REMINDER: A current certificate of insurance naming the OCRC as an additional insured is required from the contractor or permit will not be issued.

IMPORTANT NOTICE

It is the Permit Holder's responsibility to submit the Approved Driveway Permit with the submittal of a Building Permit & Zoning Application to the Land Use Department.



PARCEL # 011-225-000-002-00

James Mouch

From: James Mouch
Sent: Wednesday, January 24, 2018 10:12 AM
To: dondi3757@gmail.com
Cc: andyk@chevycentral.com; Christine Boyak-Wohlfeil
Subject: 798 N Otsego Lake Drive Gaylord MI 49735
Attachments: Otsego County Zoning Ordinance - Amended 9.13.2016.pdf

Good Morning, Don

Will need a Letter of Addendum to the Site Plan provided for 798 N. Otsego Lake Drive Gaylord, MI 49735: Property ID-011-225-000-002-00

Special Use Permit#-PZSU17-001

Site Plan Review Letter of Addendum needed by design professional to satisfy Correction Notice sent on 12/19/2017.

1. Separate Addresses will be obtained for each individual unit.
2. Lighting will be designed and installed in accordance to Otsego County Ordinance; Section 21.19
3. Sign dimensions will be in designed and installed in accordance to Otsego County Ordinance; Section 21.38
4. Underground Utility Wires will be designed and installed in accordance to Otsego County Ordinance; Section 21.43
5. Project completion schedule/development phases in accordance to Otsego County Ordinance; Section 23.2.1.13
    a. (Note) Otsego County Ordinance; Section 19.11 "Expiration of Special Use Permit"

Once the Letter of Addendum has been received, reviewed and approved this Special Use Permit will be forwarded to Bagley Township for their Review and if approved a Planning Commission Public Hearing Meeting will be scheduled..

Thank-you,

James R. Mouch, Director
Otsego County Land Use
Gaylord, MI 49735
989.731.7400

Exhibit 16

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
March 19, 2018

The Otsego County Planning Commission will hold a public hearing on Monday, March 19, 2018 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1. Forward Corporation, owners, request a Special Use Permit/Site Plan Review for property located in Bagley Township on Driftwood Ln Gaylord, MI 49735. The proposed use of the property is to provide a storm water retention pond / snow storage for an adjacent City of Gaylord gas station project. The property is located in a R2/General Residential Zoning District.

   Parcel identification number: **011-760-000-031-00**
   Driftwood Ln
   Gaylord, MI 49735

   Legal Description:
   LOT 31 SUMMERS & HOLMES.

2. SW Land Company Inc, owners, represented by West St Investments LLC, applicants, request a Special Use Permit/Site Plan Review for property located in Bagley Township at 798 N Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct storage units for lease or rent. The property is located in a B2/General Business Zoning District. Mini storage units are a permitted use subject to special conditions in a B2 Zoning District.

   Parcel identification number: **011-225-000-002-00**
   798 N Otsego Lake Dr
   Gaylord, MI 49735

   Legal Description:
   LOT 2 COMMERCE PARK. SEC 16 T30N R3W

3. **SECTION 21.38 SIGNS AND BILLBOARDS**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

4. **SECTION 21.12 HOME OCCUPATION**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

5. **SECTION 21.34 RESTRICTED USES**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

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

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

Christine Boyak-Wohlfeil

From:	James Mouch
Sent:	Friday, March 09, 2018 4:46 PM
To:	CHUCK KLEE -Dover; JAN NORTON; JASON CAVERSON; JIM HILGENDORF (HILGENDORF_JAMES@YAHOO.COM); JUDITH JARECKI -Corwith; KEN ARNDT -Bagley; KEN BORTON; MATT NOWAK- Supervisor.Charlton; NORA CORFIS -Otsego Lake; PAUL HARTMANN -Elmira; STEVEN BAUMAN; WILLARD BROWN -Charlton
Cc:	Rachel Frisch; Christine Boyak-Wohlfeil
Subject:	FW: 21.38 Sign and Billboards
Attachments:	Section 21.38 Signs and Billboards (Proposed Language Revision) 122117.pdf; Section 21.38 Signs and Billboards (Current Language).pdf; International Zoning Code 2015-Section 1001 Sign Regulations.pdf; Township Reviews-21.38 Signs and Billboards.pdf

Good Day, Otsego County Planning Commission

The following email and attachment has been sent to the Otsego County Townships.

Ken and Jim

From: James Mouch
Sent: Friday, March 09, 2018 4:43 PM
To: BONNIE MILLER - Supervisor.Chester; DEBBIE WHITMAN - Clerk.Corwith; DIANE FRANCKOWIAK - Supervisor.Elmira; FRED LINDROTH - Assessor.Otesego Lake; IVAN MASCHKE - Clerk.Charlton; JAMES SZMANSKI - Clerk.Bagley; JANET KWAPIS - Clerk.Dover; JASON WOODCOX - Assessor.Bagley; LIZ MENCH - Clerk.Livingston; MARGARET BLACK - Clerk.Otsego Lake; MARY SANDERS - Assessor.Supervisor.Hayes; MATT NOWAK- Supervisor.Charlton; MICHELLE NOIROT - Supervisor.Bagley; RICHARD ROSS - Clerk.Hayes; SUSAN SCHAEDIG-Clerk.Elmira; THOMAS MURPHY - Supervisor.Dover; VERN KASSUBA -Assessor.Supervisor.Corwith
Subject: 21.38 Sign and Billboards

Good Day,

The Planning Committee have met with the task of reviewing the Otsego County Zoning Ordinance Section 21.38 Signs and Billboards. This section was discussed at length and the committee:

1. Proposed Language Revisions to Section 21.38 Signs and Billboards.
2. Proposed Language Revisions were sent to the Otsego County Townships requesting review and to submit a listing of any changes or no changes within 30 days to the Land Use Department. Township Reviews will be forwarded to the Planning Committee for discussion.
3. Planning Commission scheduled a Public Hearing for March 19, 2018 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Road Gaylord, Michigan for the purpose of obtaining citizen comment on Section 21.38 Signs and Billboards.

Please distribute the attached proposed language revision of Section 21.34 Restricted Uses to the appropriate Board and Committees within your township.

Section 21.34 Restricted Uses (Proposed Language Revision): **Attachment 1: Otsego County-Section 21.38_Signs and Billboards (Proposed Language Revision)**

Attachment 2: Otsego County-Section 21.38_Signs and Billboards (Current Language)

Reason:

1. Section 21.38 Signs and Billboards from the Otsego County Land Use Ordinance was revised to provide improved enforcement and management language.
2. Reference Materials:
    a. **Attachment 3:** International Zoning Code 2015 Section 1001 Sign Regulations
    b. **Attachment 4:** Otsego County Townships submitted reviews Changes/No Changes

Respectfully Submitted,

Ken Arndt, Planning Commission Secretary and James Mouch, Director, Building Official, Zoning Administrator

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.

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.

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:	Two (2) with the following **four (4) regulations**:
Regulation 01:	One (1) sign shall be affixed to or be within 2 feet of and be parallel with the wall of the main building.
Maximum Size:	Signs mounted on and parallel with the wall of the main building shall not exceed a total surface area of 15% 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.
Regulation 02:	One (1) Sign may be a freestanding sign.
Maximum Height:	12 ft.
Maximum Size:	56 sq. ft. and length shall not be longer than three (3) times its width.
Regulation 03:	One (1) Sign may be a pylon sign.
Maximum Height:	35 ft.
Maximum Size:	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.
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 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 Two (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 **six (6) 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: One (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.

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 exceed (10278 Lumens) (685W Incandescent light bulb) (114W Florescent/LED) per square meter, or does not exceed (342 Lumens) (25W Incandescent light bulb)(6.23W Florescent/LED) per square meter 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 (342 Lumens) (25W Incandescent light bulb)(6.23W Florescent/LED) per square meter.

Section 21.38.04
Signs Prohibited

Section 21.38.04.01 No signs 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 signs 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 No 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.

Section 21.38.04.04	No 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.)
Section 21.38.04.05	No signs with moving or revolving parts.
Section 21.38.04.06	No signs attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following **3 Regulations**:
Regulation 01:	The primary purpose of such a vehicle or trailer is not the display of signs.
Regulation 02:	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.
Regulation 03:	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.
Section 21.38.04.07	Vehicles and trailers are not to be 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.
Section 21.38.04.08	A sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign covered or removed within 14 days after written notification from the Zoning Administrator.

Section 21.38.05

Signs Authorized and Not Requiring a Permit

Section 21.38.05.01	Official notices, authorized by a court, public body or public safety official
Section 21.38.05.02	Directional, warning or information signs authorized by federal, state or municipal governments
Section 21.38.05.03	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.
Section 21.38.05.04	The flag of a government or noncommercial institution, such as a school.
Section 21.38.05.05	Religious symbols and seasonal decorations within the appropriate public holiday season
Section 21.38.05.06	Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain
Section 21.38.05.07	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
Section 21.38.05.08	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.
Section 21.38.05.09	Bulletin Boards that do not exceed 15 sq. ft. for churches, public and semi-public institutions and/or school
Section 21.38.05.10	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.
Section 21.38.05.11	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.
Section 21.38.05.12	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 the following **3 Regulations**:
Regulation 01:	Such signs shall follow the Accessory Signs restrictions as it relates each individual Zoning District.
Regulation 02:	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.
Regulation 03:	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, one (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 one (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.

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CHAPTER 10
SIGN REGULATIONS

SECTION 1001
PURPOSE

1001.1 Purpose. The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

SECTION 1002
DEFINITIONS

1002.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

ABANDONED SIGN. A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

ANIMATED SIGN. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted in Items 1 and 2 as follows:

1. Flashing. Animated signs or animated portions of signs where the illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.
2. Patterned illusionary movement. Animated signs or animated portions of signs where the illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "*Canopy*, Attached and Free-standing."

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

BACKLIT AWNING. An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER. A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN. A sign utilizing a banner as its display surface.

BILLBOARD. See "Off-premise sign" and "Outdoor advertising sign."

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CANOPY (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached *canopy* may be illuminated by means of internal or external sources of light. See also "Marquee."

CANOPY (Free-standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing *canopy* may be illuminated by means of internal or external sources of light.

CANOPY SIGN. A sign affixed to the visible surface(s) of an attached or free-standing *canopy*. For reference, see Section 1003.

CHANGEABLE SIGN. A sign with the capability of content change by means of manual or remote input, including signs which are:

Electrically activated. Changeable sign where the message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."

Manually activated. Changeable sign where the message copy or content can be changed manually.

COMBINATION SIGN. A sign that is supported partly by a pole and partly by a building structure.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DEVELOPMENT COMPLEX SIGN. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned *industrial* park, which is controlled by a single owner or landlord, approved in accordance with Section 1009.2 of this chapter.

DIRECTIONAL SIGN. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN. A sign with two faces, back to back.

ELECTRIC SIGN. Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER. An electrically activated changeable sign where the variable message capability can be electronically programmed.

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See "Wall or fascia sign."

FLASHING SIGN. See "Animated sign, electrically activated."

FREE-STANDING SIGN. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. For visual reference, see Section 1003.

FRONTAGE (Building). The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE (Property). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

GROUND SIGN. See "Free-standing sign."

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

INTERIOR SIGN. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MARQUEE. See "*Canopy* (attached)."

MARQUEE SIGN. See "*Canopy* sign."

MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has not more than 20 percent of the total area for such a sign utilized for business identification.

MULTIPLE-FACED SIGN. A sign containing three or more faces.

OFF-PREMISE SIGN. See "Outdoor advertising sign."

ON-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OUTDOOR ADVERTISING SIGN. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

PARAPET. The extension of a building facade above the line of the structural roof.

POLE SIGN. See "Free-standing sign."

POLITICAL SIGN. A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN. Any *sign* not permanently attached to the ground or to a building or building surface.

PROJECTING SIGN. A *sign* other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure where the primary purpose is other than the support of a sign. For visual reference, see Section 1003.

REAL ESTATE SIGN. A temporary *sign* advertising the sale, lease or rental of the property or premises upon which it is located.

REVOLVING SIGN. A *sign* that revolves 360 degrees (6.28 rad) about an axis. See also "Animated sign, mechanically activated."

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOF SIGN. A *sign* mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section 1003.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN AREA. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a

circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the *sign*.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a *sign*, exclusive of numerals identifying a street address only.

SIGN FACE. The surface upon, against or through which the *sign* copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. See Section 1003.

1. In the case of panel or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the *sign* copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of *sign* structures with routed areas of sign copy, the *sign* face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the *sign* face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the *sign* copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of *sign* copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the *sign* face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE. Any structure supporting a sign.

TEMPORARY SIGN. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or *sign* structure that is permanently embedded in the ground, are considered temporary signs.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN. A sign attached to the underside of a *canopy* or marquee.

V SIGN. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

WALL OR FASCIA SIGN. A *sign* that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section 1003.

WINDOW SIGN. A *sign* affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

SECTION 1003
GENERAL SIGN TYPES

1003.1 General. Sign types and the computation of *sign* area shall be as depicted in Figures 1003.1(1) through 1003.1(4).

SECTION 1004
GENERAL PROVISIONS

1004.1 Conformance to codes. Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of the *International Building Code* and of any other ordinance or regulation within this jurisdiction.

1004.2 Signs in rights-of-way. No sign other than an official traffic sign or similar sign shall be erected within 2 feet (610 mm) of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

1004.3 Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet (2438 mm) from *grade* level to the bottom of the sign. Signs, architectural projections or *sign* structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.

1004.4 Traffic visibility. 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.

1004.5 Computation of frontage. If a premises 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.

1004.6 Animation and changeable messages. Animated signs, except as prohibited in Section 1006, are permitted in commercial and *industrial* zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.

1004.7 Maintenance, repair and removal. Every sign permitted by this ordinance shall be kept in good condition and repair. Where any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

1004.8 Obsolete sign copy. 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 30 days after written notification from the code official; and upon failure to comply with such notice, the code official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

1004.9 Nonconforming signs. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such *sign* is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

1. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
2. Any legal nonconforming *sign* shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the code official.
3. Signs that comply with either Item 1 or 2 need not be permitted.

SECTION 1005
EXEMPT SIGNS

1005.1 Exempt signs. The following signs shall be exempt from the provisions of this chapter. No sign shall be exempt from Section 1004.4.

1. Official notices authorized by a *court*, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. 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.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet (0.56 m^2) in area.

SECTION 1006
PROHIBITED SIGNS

1006.1 Prohibited signs. The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. 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.
3. 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.
4. Portable signs except as allowed for temporary signs.
5. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
   - 5.1. The primary purpose of such a vehicle or trailer is not the display of signs.
   - 5.2. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
   - 5.3. 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.
6. 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.

7. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means not more than 20 days in any calendar year.

SECTION 1007
PERMITS

1007.1 Permits required. Unless specifically exempted, a permit must be obtained from the code official for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

1007.2 Construction documents. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the code official 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 and sealed by a registered design professional where required by the *International Building Code*.

1007.3 Changes to signs. No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved 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.

1007.4 Permit fees. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

SECTION 1008
SPECIFIC SIGN REQUIREMENTS

1008.1 Identification signs. Identification signs shall be in accordance with Sections 1008.1.1 through 1008.1.3.

1008.1.1 Wall signs. Every single-family residence, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table 1008.1.1(1). For shopping centers, planned *industrial* parks or other multiple-occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy, but in no event will the allowed area for any separate occupancy be less than **[JURISDICTION TO INSERT NUMBER]** square feet.

TABLE 1008.1.1(1)
IDENTIFICATION SIGN STANDARDS—WALL SIGNS

LAND USE	AGGREGATE AREA (square feet)
Single-family residential	**[JURISDICTION TO INSERT NUMBER]**
Multiple-family residential	**[JURISDICTION TO INSERT NUMBER]**
Nonresidential in a residential zone	**[JURISDICTION TO INSERT NUMBER]**
Commercial and industrial	See Table 1008.1.1(2)

For SI: 1 square foot = 0.0929 m^2.

TABLE 1008.1.1(2)
SIGN AREA

DISTANCE OF SIGN FROM ROAD OR ADJACENT COMMERCIAL OR INDUSTRIAL ZONE	PERCENTAGE OF BUILDING ELEVATION PERMITTED FOR SIGN AREA
0 to 100 feet	**[JURISDICTION TO INSERT NUMBER]**
101 to 300 feet	**[JURISDICTION TO INSERT NUMBER]**
Over 301 feet	**[JURISDICTION TO INSERT NUMBER]**

For SI: 1 foot = 304.8 mm.

1008.1.2 Free-standing signs. In addition to any allowable wall signs, every single-family residential subdivision, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone shall be permitted to display free-standing or combination signs per street frontage subject to the limiting standards set forth in Table 1008.1.2.

1008.1.3 Directional signs. Not more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In residential zones, the maximum area for directional signs shall be **[JURISDICTION TO INSERT NUMBER]** square feet. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be **[JURISDICTION TO INSERT NUMBER]** square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

1008.2 Temporary signs. Temporary signs shall be in accordance with Sections 1008.2.1 through 1008.2.6.

1008.2.1 Real estate signs. Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

1. Real estate signs located on a single residential lot shall be limited to one sign, not greater than **[JURISDICTION TO INSERT NUMBER]** feet in height and **[JURISDICTION TO INSERT NUMBER]** square feet in area.
2. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each *sign* shall be not greater than **[JURISDICTION TO INSERT NUMBER]** square feet in area nor **[JURISDICTION TO INSERT NUMBER]** feet in height. Signs permitted under this section shall be removed within 10 days after sale of the last original lot.

3. Real estate signs advertising the sale or lease of space within commercial or *industrial* buildings shall be not greater than **[JURISDICTION TO INSERT NUMBER]** square feet in area nor **[JURISDICTION TO INSERT NUMBER]** feet in height, and shall be limited to one sign per street front.
4. Real estate signs advertising the sale or lease of vacant commercial or *industrial* land shall be limited to one sign per street front, and each sign shall be not greater than **[JURISDICTION TO INSERT NUMBER]** feet in height, and **[JURISDICTION TO INSERT NUMBER]** square feet for property of 10 acres (40 470 m^2) or less, or 100 square feet (9.3 m^2) for property exceeding 10 acres (40 470 m^2).
5. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

1008.2.2 Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs on a single residential lot shall be limited to one sign, not greater than **[JURISDICTION TO INSERT NUMBER]** feet in height and **[JURISDICTION TO INSERT NUMBER]** square feet in area.
2. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be not greater than **[JURISDICTION TO INSERT NUMBER]** feet in height and **[JURISDICTION TO INSERT NUMBER]** square feet in area.
3. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be not greater than **[JURISDICTION TO INSERT NUMBER]** feet in height and **[JURISDICTION TO INSERT NUMBER]** square feet in area.
4. Such signs for commercial or *industrial* projects shall be limited to one sign per street front, not to exceed **[JURISDICTION TO INSERT NUMBER]** feet in height and **[JURISDICTION TO INSERT NUMBER]** square feet for projects on parcels 5 acres (20 235 m^2) or less in size, and not to exceed **[JURISDICTION TO INSERT NUMBER]** feet in height and **[JURISDICTION TO INSERT NUMBER]** square feet for projects on parcels larger than 5 acres (20 235 m^2).
5. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any or all portions of the project.

1008.2.3 Special promotion, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and *industrial* districts subject to the following limitations:

1. Such signs shall be limited to one sign per street front.
2. Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected not more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
3. The total area of all such signs shall not exceed **[JURISDICTION TO INSERT NUMBER]** square feet in any single-family residential district, **[JURISDICTION TO INSERT NUMBER]** square feet in any multiple-family residential district and **[JURISDICTION TO INSERT NUMBER]** square feet in any commercial or *industrial* district.

TABLE 1008.1.2
IDENTIFICATION SIGN STANDARDS—FREE-STANDING SIGNS[a,b,c]

LAND USE	NUMBER OF SIGNS	HEIGHT (feet)	AREA (square feet)	SPACING
Single-family residential	**[JURISDICTION TO INSERT NUMBER]**	**[JURISDICTION TO INSERT NUMBER]**	**[JURISDICTION TO INSERT NUMBER]**	1 per subdivision entrance[a]
Multiple-family residential	**[JURISDICTION TO INSERT NUMBER]**	**[JURISDICTION TO INSERT NUMBER]**	**[JURISDICTION TO INSERT NUMBER]**	1 per driveway[a]
Nonresidential in a residential zone	**[JURISDICTION TO INSERT NUMBER]**	**[JURISDICTION TO INSERT NUMBER]**	**[JURISDICTION TO INSERT NUMBER]**	300[a]
Commercial and industrial	**[JURISDICTION TO INSERT NUMBER]**	See Figures 1008.1.2 (1), (2) and (3)	See Figures 1008.1.2 (1), (2) and (3)	150[b]

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m^2, 1 acre = 4047 m^2.

a. For subdivision or apartment identification signs placed on a decorative entry wall approved by the code official, two identification signs shall be permitted to be placed at each entrance to the subdivision or apartment complex, one on each side of the *driveway* or entry drive.

b. For shopping centers or planned *industrial* parks, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in this table.

c. For any commercial or *industrial* development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned *industrial* parks, one free-standing sign per street front shall be permitted to be increased in sign area by up to 50 percent.

1008.2.4 Special event signs in public ways. Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the code official as to the size, location and method of erection. The code official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

1008.2.5 Portable signs. Portable signs shall be permitted only in the C, CR and FI districts, as designated in this code, subject to the following limitations:

1. Not more than one such sign may be displayed on any property, and shall not exceed a height of **[JURISDICTION TO INSERT NUMBER]** feet nor an area of **[JURISDICTION TO INSERT NUMBER]** square feet.
2. Such signs shall be displayed not more than 20 days in any calendar year.
3. Any electrical portable signs shall comply with NFPA 70, as adopted in this jurisdiction.
4. No portable sign shall be displayed prior to obtaining a sign permit.

1008.2.6 Political signs. Political signs shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs shall not exceed a height of **[JURISDICTION TO INSERT NUMBER]** feet nor an area of **[JURISDICTION TO INSERT NUMBER]** square feet.
2. Such signs for election candidates 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.
3. Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

1008.3 Requirements for specific sign types. Signs of specific type shall be in accordance with Sections 1008.3.1 through 1008.3.7.

1008.3.1 Canopy and marquee signs.

1. The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee or architectural projection upon which such sign is affixed or applied.
2. Graphic striping, patterns or color bands on the face of a building, *canopy*, marquee or architectural projection shall not be included in the computation of sign copy area.

1008.3.2 Awning signs.

1. The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
2. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

1008.3.3 Projecting signs.

1. Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in height and area to **[JURISDICTION TO INSERT NUMBER]** square feet per each **[JURISDICTION TO INSERT NUMBER]** lineal feet of building frontage, except that no such sign shall exceed an area of **[JURISDICTION TO INSERT NUMBER]** square feet.
2. No such *sign* shall extend vertically above the highest point of the building facade upon which it is mounted by more than **[JURISDICTION TO INSERT NUMBER]** percent of the height of the building facade.
3. Such signs shall not extend over a public sidewalk in excess of **[JURISDICTION TO INSERT NUMBER]** percent of the width of the sidewalk.
4. Such signs shall maintain a clear vertical distance above any public sidewalk of not less than **[JURISDICTION TO INSERT NUMBER]** feet.

1008.3.4 Under *canopy* signs.

1. Under *canopy* signs shall be limited to not more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed **[JURISDICTION TO INSERT NUMBER]** square feet.
2. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way of not less than **[JURISDICTION TO INSERT NUMBER]** feet.

1008.3.5 Roof signs.

1. Roof signs shall be permitted in commercial and *industrial* districts only.
2. Such signs shall be limited to a height above the roofline of the elevation parallel to the sign face of not more than **[JURISDICTION TO INSERT NUMBER]** percent of the height of the roofline in commercial districts, and **[JURISDICTION TO INSERT NUMBER]** percent of the height of the roofline in *industrial* districts.
3. The sign area for roof signs shall be assessed against the aggregate permitted area for wall signs on the elevation of the building most closely parallel to the face of the sign.

1008.3.6 Window signs. Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and *industrial* districts, subject to the following limitations:

1. The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins

or mullions shall be considered as one continuous window area.

2. Window signs shall not be assessed against the sign area permitted for other sign types.

1008.3.7 Menu boards. Menu board signs shall not be permitted to exceed 50 square feet (4.6 m^2).

SECTION 1009
SIGNS FOR DEVELOPMENT COMPLEXES

1009.1 Master sign plan required. Landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376 m^2) in size, such as shopping centers or planned *industrial* parks, shall submit to the code official a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

1. Proposed sign locations.
2. Materials.
3. Type of illumination.
4. Design of free-standing sign structures.
5. Size.
6. Quantity.
7. Uniform standards for nonbusiness signage, including directional and informational signs.

1009.2 Development complex sign. In addition to the free-standing business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification free-standing signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

1009.3 Compliance with master sign plan. Applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

1009.4 Amendments. Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
March 19, 2018

The Otsego County Planning Commission will hold a public hearing on Monday, March 19, 2018 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1. Forward Corporation, owners, request a Special Use Permit/Site Plan Review for property located in Bagley Township on Driftwood Ln Gaylord, MI 49735. The proposed use of the property is to provide a storm water retention pond / snow storage for an adjacent City of Gaylord gas station project. The property is located in a R2/General Residential Zoning District.

   Parcel identification number: **011-760-000-031-00**
   Driftwood Ln
   Gaylord, MI 49735

   Legal Description:
   LOT 31 SUMMERS & HOLMES.

2. SW Land Company Inc, owners, represented by West St Investments LLC, applicants, request a Special Use Permit/Site Plan Review for property located in Bagley Township at 798 N Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct storage units for lease or rent. The property is located in a B2/General Business Zoning District. Mini storage units are a permitted use subject to special conditions in a B2 Zoning District.

   Parcel identification number: **011-225-000-002-00**
   798 N Otsego Lake Dr
   Gaylord, MI 49735

   Legal Description:
   LOT 2 COMMERCE PARK. SEC 16 T30N R3W

3. **SECTION 21.38 SIGNS AND BILLBOARDS**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

4. **SECTION 21.12 HOME OCCUPATION**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

5. **SECTION 21.34 RESTRICTED USES**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

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

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

Christine Boyak-Wohlfeil

From:	James Mouch
Sent:	Thursday, February 22, 2018 11:16 PM
To:	PAUL HARTMANN; KEN ARNDT; CHUCK KLEE; WILLARD BROWN; KEN BORTON; JIM HILGENDORF (HILGENDORF_JAMES@YAHOO.COM); JUDITH JARECKI; JASON CAVERSON; JAN NORTON; NORA CORFIS
Cc:	Rachel Frisch; Christine Boyak-Wohlfeil
Subject:	FW: Section 21.12 Home Occupation
Attachments:	Section 21.12 Home Occupation (Proposed Language) 022218.pdf; Section 21.12 Home Occupation (Current Language).pdf; 2015_Internation Zoning Code.pdf; Emmet County_Zoning Ordinance.pdf; Township Reviews-Home Occupations.pdf

Good Day, Otsego County Planning Commission

The following email and attachment has been sent to the Otsego County Townships.

Ken and Jim

From: James Mouch
Sent: Thursday, February 22, 2018 11:13 PM
To: Bonnie Miller - Supervisor.Chester; Debbie Whitman - Clerk.Corwith; Diane Franckowiak - Supervisor.Elmira; Fred Lindroth - Assessor.Otesego Lake; IVAN MASCHKE - Clerk.Charlton; JAMES SZYMANSKI - Clerk.Bagley; 'JANET KWAPIS - Clerk.Dover'; Jason WoodCox-Assessor.Bagley; Liz Mench - Clerk.Livingston; 'Margaret Black - Clerk.Otsego Lake'; Mary Sanders -Assessor.Supervisor.Hayes; 'Matt Nowak - Supervisor.Charlton'; Michelle Noirot - Supervisor.Bagley; 'Norm Brecheisen - Supervisor.Livingston'; RICHARD ROSS - Clerk.Hayes; 'Susan Shaedig-Clerk.Elmira'; Thomas Murphy-Supervisor.Dover; Vern Kassuba -Assessor.Supervisor.Corwith
Subject: Section 21.12 Home Occupation

Good Day,

The Planning Committee have met with the task of reviewing the Otsego County Zoning Ordinance Section 21.12 Home Occupations. This section was discussed at length and the committee:

1. Proposed Language Changes to Section 21.12 Home Occupations.
2. Proposed Language Changes were sent to the Otsego County Townships requesting review and to submit a listing of any changes or no changes within 30 days to the Land Use Department to forward to Planning Committee.
3. Planning Commission scheduled a Public Hearing on March 19, 2018 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Road Gaylord, Michigan for the purpose of obtaining citizen comment on Section 21.12 Home Occupation.

Please distribute the attached proposed language revision of Section 21.12 Home Occupations to the appropriate Board and Committees within your township.

Section 21.12 Home Occupations (Proposed Language Revision): **Attachment 1: Otsego County-Section 21.12_Home Occupations (Proposed Language Revision)**

Attachment 2: Otsego County-Section 21.10_Home Occupations (Current Language)

Reason:

1. Section 21.12 Home Occupations from the Otsego County Land Use Ordinance was rewritten to provide structured enforcement and management language.
2. A Home Occupation Permit will continue to be required.
3. Reference Materials:
    a. International Zoning Code 2015 Section 901 Home Occupations **Attachment 3**
    b. Home Occupations Ordinance – Other Jurisdiction Emmet County **Attachment 4**
    c. Otsego County Townships submitted reviews Changes/No Changes **Attachment 5**

Respectfully Submitted,

Ken Arndt, Planning Commission Secretary and James Mouch, Director, Building Official, Zoning Administrator

Current Language:

SECTION 21.12 HOME OCCUPATION

The Zoning Administrator shall provide home occupation applicant with a checklist showing which plot plan specifications of Section 25.3.3 need to be provided. Based on that application, the Zoning Administrator shall determine whether the home occupation meets the criteria of this Zoning Ordinance and if so, issue a permit.

The following standards shall govern any home occupation:

21.12.1 Only those persons residing on the premises along with one outside employee shall engage in the occupation, which may be operated for gain.

21.12.2 Signs should be avoided, but if deemed necessary, one (1) non illuminated sign not to exceed two (2) square feet in area may be approved and permitted if it is attached to, and is parallel with the wall of the dwelling unit.

21.12.3 All of the operational nuisances such as noise, vibration, fumes, smoke, odors, lighting, and related shall be strictly confined to the premises, and no activity shall be visible or discernible from any adjoining street or property line.

21.12.4 Structural alterations which are architecturally at variance with the residential unit or which cannot be readily and simply returned to residential use shall be prohibited. Exterior alterations shall not be of a design to indicate or characterize the presence of a home occupation.

21.12.5 The use does not take on the operational character of a business, industrial, or institutional use in terms of parking, traffic (vehicular or pedestrian) loading and unloading, and related features.

21.12.5.1 No traffic generated by such home occupation shall be in greater volumes than normally expected in a residential neighborhood, and any need for parking shall be met off the street and other than in a required front yard, although vehicles may be parked in an existing driveway if it is of sufficient size. No additional on street parking demand shall be generated.

21.12.6 Major activity shall be carried on indoors. There shall be no visible outdoor storage.

21.12.7 Business by customers shall be limited to the hours of eight (8) a.m. to eight (8) p.m.

Proposed language:

Section 21.12
Home Occupation

Definitions:

Home Occupation: The partial use of a home for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

Section 21.12.01
Home Occupation

A Home occupation shall be permitted in all zones, provided the home occupation is clearly and obviously subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises.

Section 21.12.02
Permit Required

A Home Occupation Permit is required before any activity is initiated. A Home Occupation Application shall be submitted to the Zoning Administrator who may issue such permit when all applicable provisions of this Ordinance have been met and following approval by the proper body or official.

Section 21.12.03
Home Occupation Regulations:

Section 21.12.03.01	A Home Occupation shall not employ more than one (1) person other than those related by blood, marriage or adoption.
Section 21.12.03.02	A Home Occupation shall not exceed fifteen (15) percent of the floor area of the primary residential structure, which can include the attached garage.
Section 21.12.03.03	A Home Occupation Inventory and supplies shall not occupy more than fifty (50) percent of the area permitted to be used as a home occupation.
Section 21.12.03.04	A Home Occupation operational nuisances such as noise, vibration, fumes, smoke, odors, lighting, and related shall be strictly confined to the premises and no activity shall be visible or discernible from any adjoining street or property line.
Section 21.12.03.05	A Home Occupation major activity shall be carried on indoors.
Section 21.12.03.06	A Home Occupation shall have no exterior display or storage of goods on said premises.
Section 21.12.03.07	A Home Occupation sales and services to patrons shall be arranged by appointment and scheduled so that not more than two (2) patron vehicles are on the premises at the same time.
Section 21.12.03.08	A Home Occupation shall be limited to the hours (8 a.m. to 8 p.m.) to its patrons.
Section 21.12.03.09	A Home Occupation shall provide three (3) additional parking spaces on the premises, except only two (2) need be provided if the home occupation does not have an employee.
Section 21.12.03.10	A Home Occupation shall not generate greater traffic volumes than normally expected in a residential neighborhood. No additional on street parking demand shall be generated.
Section 21.12.03.11	A Home Occupation may have One (1) non illuminated sign not to exceed 2 sq. ft. if it is attached to, and is parallel with the wall of the dwelling unit.
Section 21.12.03.12	A Home Occupation use shall not take on the operational character of a business, industrial, industrial transit or institutional use in terms of parking, truck or commercial traffic, loading and unloading, and related activities.
Section 21.12.03.13	A Home Occupation shall not make structural alterations which are architecturally at variance with the residential dwelling or which cannot be readily and simply returned to residential use. Exterior alterations shall not be of a design to indicate or characterize the presence of a home occupation.

CHAPTER 9

SPECIAL REGULATIONS

SECTION 901

HOME OCCUPATIONS

901.1 General.
Home occupations shall be permitted in all zones, provided the *home occupation* is clearly and obviously subordinate to the main use or *dwelling unit* for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises.

901.2 Conditions.

1. The *home occupation* shall not exceed 15 percent of the floor area of the primary structure.

2. Other than those related by blood, marriage or adoption, ~~no~~ **not** more than one person ~~may~~ **shall** be employed in the *home occupation*.

3. Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a *home occupation*.

4. There shall be no exterior display or storage of goods on said premises.

5. Home occupations involving beauty shops or barber shops shall require a conditional-use permit.

6. Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time.

7. Two additional parking spaces shall be provided on the premises, except only one need be provided if the *home occupation* does not have an employee. Said parking shall comply with the parking requirements in Chapter 8.

SECTION 902

ADULT USES

902.1 General.
A conditional-use permit shall be obtained for all adult-use businesses.

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Section 2.01 Definitions

Home occupation: An occupation, profession, activity, or use carried out for gain that is secondary to the use of a dwelling unit for residential purposes.

Signs: The following terms relating to signs shall have the meaning defined below:

Home occupation sign: A non-illuminated sign announcing a home occupation.

Section 22.07 Signs and Billboards

22.07.5 Signs Not Requiring a Zoning Permit

Home Occupations signs in all Districts are permitted one (1) non-illuminated sign not to exceed an area of two (2) square feet, provided the home occupation is approved per **Section 26.11**.

Section 26.11 Home Occupations

LEVEL 2

Home occupations that are operated in accordance with the Definition in **Section 2.00**, may be approved in any zoning district by the Planning Commission subject to the following conditions:

A. Any structural additions to the home for purposes of operating the occupation shall be of an architectural style that is comparable with the architecture of the existing home, or surrounding homes, and further, is designed so that the addition can readily be used for housing purposes if the occupation is discontinued.

B. Only the occupant or family living on the premises shall conduct the home occupation and no off-premises person(s) shall be employed in connection with the home occupation.

C. If an accessory building is to be used for a home occupation, the building shall be sited, designed, and located on the property in such a manner as to avoid the appearance of a retail store or industrial building, and it shall be readily re-useable for residential purposes if no longer used for the home occupation. Accessory building space for home occupations shall not exceed a total floor area of 600 sq. ft. and shall not exceed one per parcel.

D. The Planning Commission shall deny a Special Use Permit for a home occupation in those instances where it is determined that the proposed use would:

1. Lack an occupied residence on the property.

2. Conflict with the residential character of the neighborhood or surrounding area, because of the type of use proposed, or hours of operation, and/or number of vehicles attracted to the site.

3. Have parking, traffic or loading demands that would exceed the carrying capacity

of the property, serving streets, or utilities.

4. Require vehicles, machinery, mechanical devices, or equipment that would generate operational nuisances in direct conflict with homes in the vicinity.

5. Require physical design, display, sign or locational features that are inconsistent with the residential character of the area.

E. There shall be no open display of goods, materials or services in connection with a home occupation, and no off-street parking shall be permitted within the setback area.

LEVEL 1

F. Home Based Business - Home Occupations may be approved by the Zoning Administrator if, in addition to the standards of paragraph 10 above, the following performance standards are satisfied:

1. The operation is administrative in character with no discernible outside effects (visual or otherwise).

2. Only the occupants of the property are involved in the use and there are no signs identifying a home occupation on the property.

3. The use does not involve any delivery services other than typical mail services.

4. Clients or customers are not required to visit the property other than on a few occasions, not to exceed an average of one (1) person per day.

G. The use may be referred to the Emmet County Planning Commission if there are questions concerning actual impacts and the use may be ordered to be abated if not operating within the prescribed standards.

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
March 19, 2018

The Otsego County Planning Commission will hold a public hearing on Monday, March 19, 2018 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1. Forward Corporation, owners, request a Special Use Permit/Site Plan Review for property located in Bagley Township on Driftwood Ln Gaylord, MI 49735. The proposed use of the property is to provide a storm water retention pond / snow storage for an adjacent City of Gaylord gas station project. The property is located in a R2/General Residential Zoning District.

   Parcel identification number: **011-760-000-031-00**
   Driftwood Ln
   Gaylord, MI 49735

   Legal Description:
   LOT 31 SUMMERS & HOLMES.

2. SW Land Company Inc, owners, represented by West St Investments LLC, applicants, request a Special Use Permit/Site Plan Review for property located in Bagley Township at 798 N Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct storage units for lease or rent. The property is located in a B2/General Business Zoning District. Mini storage units are a permitted use subject to special conditions in a B2 Zoning District.

   Parcel identification number: **011-225-000-002-00**
   798 N Otsego Lake Dr
   Gaylord, MI 49735

   Legal Description:
   LOT 2 COMMERCE PARK. SEC 16 T30N R3W

3. **SECTION 21.38 SIGNS AND BILLBOARDS**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

4. **SECTION 21.12 HOME OCCUPATION**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

5. **SECTION 21.34 RESTRICTED USES**
   Proposed amendments to the above section of the Otsego County Zoning Ordinance

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

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

Christine Boyak-Wohlfeil

From:	James Mouch
Sent:	Monday, February 26, 2018 7:16 AM
To:	PAUL HARTMANN; JUDITH JARECKI; KEN ARNDT; JIM HILGENDORF (HILGENDORF_JAMES@YAHOO.COM); JAN NORTON
Cc:	Christine Boyak-Wohlfeil; Rachel Frisch
Subject:	FW: 21.34 Restricted Uses (Proposed Language Revisions)
Attachments:	Section 21.34 Restricted Uses (Proposed Language).pdf; Section 21.34 Restricted Uses (Current Language).pdf; 2015_International Property Maintenance Code.pdf; Township Reviews-21.34 Restricted Uses.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Good Day, Otsego County Planning Committtee

The following email and attachment has been sent to the Otsego County Townships.

Ken and Jim

From: James Mouch
Sent: Monday, February 26, 2018 7:07 AM
To: Bonnie Miller - Supervisor.Chester; Debbie Whitman - Clerk.Corwith; Diane Franckowiak - Supervisor.Elmira; Fred Lindroth - Assessor.Otesego Lake; IVAN MASCHKE - Clerk.Charlton; JAMES SZYMANSKI - Clerk.Bagley; 'JANET KWAPIS - Clerk.Dover'; Jason WoodCox-Assessor.Bagley; Liz Mench - Clerk.Livingston; 'Margaret Black - Clerk.Otsego Lake'; Mary Sanders -Assessor.Supervisor.Hayes; 'Matt Nowak - Supervisor.Charlton'; Michelle Noirot - Supervisor.Bagley; 'Norm Brecheisen - Supervisor.Livingston'; RICHARD ROSS - Clerk.Hayes; 'Susan Shaedig-Clerk.Elmira'; Thomas Murphy-Supervisor.Dover; Vern Kassuba -Assessor.Supervisor.Corwith
Subject: 21.34 Restricted Uses (Proposed Language Revisions)

Good Day,

The Planning Committee have met with the task of reviewing the Otsego County Zoning Ordinance Section 21.34 Restricted Uses. This section was discussed at length and the committee:

1. Proposed Language Revisions to Section 21.34 Restricted Uses.
2. Proposed Language Revisions were sent to the Otsego County Townships requesting review and to submit a listing of any changes or no changes within 30 days to the Land Use Department. Township Reviews will be forwarded to the Planning Committee for discussion.
3. Planning Commission scheduled a Public Hearing for March 19, 2018 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Road Gaylord, Michigan for the purpose of obtaining citizen comment on Section 21.34 Restricted Uses.

Please distribute the attached proposed language revision of Section 21.34 Restricted Uses to the appropriate Board and Committees within your township.

Section 21.34 Restricted Uses (Proposed Language Revision): **Attachment 1: Otsego County-Section 21.34_Restricted Uses (Proposed Language Revision)**

Attachment 2: Otsego County-Section 21.34_Restricted Uses (Current Language)

Reason:

1. Section 21.34 Restricted Uses from the Otsego County Land Use Ordinance was revised to provide improved enforcement and management language.
2. Reference Materials:
    a. **Attachment 3:** International Zoning Code 2015 Section 302.8 Motor Vehicles
    b. **Attachment 4:** Otsego County Townships submitted reviews Changes/No Changes

Respectfully Submitted,

Ken Arndt, Planning Commission Secretary and James Mouch, Director, Building Official, Zoning Administrator

Current Language:

SECTION 21.34 RESTRICTED USES

No parcel shall be used for the open or unenclosed storage, disposition, wrecking, dismantling, baling, salvaging, location, accumulation or abandonment, either temporarily or otherwise, of any discarded, disused or dismantled vehicles, machinery, junk, or junked articles, or any parts thereof, unless located in a Zoning District that permits such use and a site plan has been approved by the Planning Commission.

As used in this Section the following terms shall have the meanings as prescribed in this section.

A "discarded, disused vehicle" includes, but is not limited to, any vehicle which has remained on private property for a period of forty-eight (48) continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of forty-eight (48) continuous hours, or more, after the consent of the owner or occupant of the property has been revoked.

B. "discarded, disused or dismantled Vehicle" includes, any vehicle that is not licensed for use upon the highways or waterways of the State of Michigan, and shall also include, whether licensed or not, any vehicle that is inoperable, except that one (1) unlicensed vehicle that is used for snow plowing purposes shall be permitted and one (1) vehicle that is inoperable or unlicensed in addition to the snow plowing vehicle, may be permitted so long as that vehicle is repaired and licensed within thirty (30) days of notice by the Zoning Administrator, and one (1) additional vehicle that is kept under cover and where the grass around the vehicle is kept mowed and where the owner can show on going progress toward restoration.

C. "Junk" includes, but is not limited to, broken and/or inoperable machinery or vehicles, or parts relating to machinery or vehicles, or broken and unusable furniture, stoves, refrigerators, or other appliances.

Exemption - 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.

Proposed language

Section 21.34
Restricted Uses

Intent:

This section shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. No parcel shall be used for the open or unenclosed storage, disposition, wrecking, dismantling, baling, salvaging, location, accumulation or abandonment, either temporarily or otherwise, of any discarded disused or dismantled vehicles, machinery, junk, or junked articles, or any parts thereof, unless located in a Zoning District that permits such use and a site plan has been approved by the Planning Commission.

Definitions:

Garbage: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Junk: Junk includes, but is not limited to, broken and/or inoperable machinery or vehicles, or parts relating to machinery or vehicles, or broken and unusable furniture, stove, refrigerators, or other appliances.

Section 21.34.01
Exterior Property Areas

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.

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 (1) unlicensed vehicle that is used for snow plowing purposes shall be permitted.
3. One (1) additional vehicle that is kept under cover 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.

CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit, rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 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.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of **[JURISDICTION TO INSERT HEIGHT IN INCHES]**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle 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. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

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Bagley Township Planning Commission

Bagley Township, Michigan

Established 1868

January 25, 2018

Subject: Meeting Minutes and record of decisions for Scheduled Meeting on the above date.

Parcel Involved:

Case 1. 69 011 225 000 002 00, Construction of New Self Storage Warehouses, North Otsego Lake Drive

Case 2. PZSU 17-003 Construction of New Forward's station and C Stores at South Otsego and Driftwood Street

Item 1. Discussion and Recommendation of Zoning Ordinance changes to Restricted Uses (S 21.34)

Item 2. Discussion and Recommendation of Zoning Ordinance changes to Home Occupations (S 21.12)

Item 3. Discussion and Recommendation of Zoning Ordinance changes to Signs and Billboards (S 21.38)

Item 4. Discussion and Recommendation of Zoning Ordinance changes to Fences (21.10)

Members Present:

Ken Arndt
Brian Goebel
Wally Loney by Skype
Larry Beckett

Other Attendees:
Michelle Noirot, Supervisor
Celeste Szymanski, Voting Trustee, Planning Commission

Citizens Attending: Representative for Forward's Corporation (Wade Trim); Representative for proposed self-storage units: None

Meeting Opened at 7:00PM by Arndt

Case 2. Forward Corporation. (City of Gaylord) Members reviewed and consented to general and specific findings of fact presented by OCZD as summarized by the chair. Chair notes that the only specific recommendations made by this commission applies to Bagley property at the west side of the Forwards property planned as the catchment basis and snow storage area. Other discussions are a request to the developer to comply with certain conditions.

Wade Trim representative explained the project and discussed his understanding that the contamination noted in the past had been fully remediated. He also indicated that the plans the commission saw were final and approved by the key public entities controlling access, runoff and so on (as noted on the plans).

Meeting opened for public comment. None offered.

Meeting closed to public comment for commission discussion.

Bagley Township Supervisor asked that no changes be made to the access on Driftwood which would further congest traffic from the motel and from the township hall. Representative indicated that there were no further plans to change the layout to the station or its access.

Chair asked about runoff calculations and sufficiency of the catchment basin. Representative agreed to provide engineer's comments and support for the catchment basin adequacy and estimated runoff from the roof and paved areas of the site.

Discussion followed concerning lighting arrangements IAW with zoning requirements.

Discussion ended at 7:20 PM.

Commission requested two items at the county commission meeting:

1. Documentation that the previous fuel spills were effectively remediated.

2. Explanation of the calculations of the water runoff plan showing that the catchment basin was sufficient to hold expected water runoff.

Motion made by Brian Goebel to approve the plan for the water runoff holding area and use of the area as intended conditioned on receiving the information in 1 and 2 above. Seconded by Larry Beckett.

All in favor, none opposed*. 7:40PM*

Case 1. West Street Investment LLC's Proposed Construction of self-storage units *along North Otsego Lake Drive.*

The project was not represented by an owner or owner's representative. Members listened to the chair's comments based on examination of the plans and discussion with the zoning director and examined the drawing prepared DEM architects and the general and specific finding of facts. General and specific findings of fact that did not became consent items in this case.

1. Among the essential findings are that the area is zoned B-2 and suitable for the project.

2. Water system is private and shared within the development.

3. Residential uses are not generally permitted in this zoning district except as used for a family care facility or a commercial day care. Both of these uses would require substantially different structure development than that proposed.

4. Any residential use of the existing proposed property improvements as planned would require a separate development plan and permitting.

Meeting Closed to public discussion.

Commission felt that the proposed primary use was supportable in the current location and would provide useful service to the public.

Notes on the plan with respect to adding some units with water and sewer brought negative comments by the commission given the lack of specific information provided. The sentiment was that, if build out to office or other uses was anticipated, the changes to the plan in place will have to be more fully developed. The commission felt that adding water and sewer to the planned self-storage units invited temporary use of the units as substandard housing, whether the units were occupied by a small RV unit or simply occupied as living area. Given the probable water runoff and the site area occupied by the buildings, the commission found it difficult to see where a drain field could be installed (shared water, private sewer required in this sub).

Consensus developed that the self-storage units were a useful development but that no water and sewer should be added to the units and no further build out beyond the shell storage units should be allowed without further permitting. Feeling was unanimous. BG felt that installed heating could be a benefit to the public since heated storage brings a premium price in the storage markets. No disagreement.

Larry Beckett made a motion that we recommend approval of the self-storage structures with heat at the option of the owner, but without water or sewer or further build out allowed without additional permitting.

Wally Loney seconded the motion.

All in favor, none opposed. 8:12PM

Zoning Items:

Item 1. Discussion and Recommendation of Zoning Ordinance changes to Restricted Uses (S 21.34)

Item 2. Discussion and Recommendation of Zoning Ordinance changes to Home Occupations (S 21.12)

Item 3. Discussion and Recommendation of Zoning Ordinance changes to Signs and Billboards (S 21.38)

Item 4. Discussion and Recommendation of Zoning Ordinance changes to Fences (21.10)

Restricted Uses. *(S 21.34)* This is an enforcement tool. It is designed to specifically address and define garbage and junk. Comments made before the final documents, led to ordinance adjustment to exclude enclosed compost piles from garbage and in exceptions for motor vehicles, to allow one unlicensed vehicle for site maintenance. This section also excluded the requirement to cover a stored vehicle but retained the requirement to store same in a side or rear yard. Agricultural practices are also exempted.

Discussion found acceptance by the members and comments by several board members on the effectiveness of this tool to assist in clean up actions.

Consensus of the commission was to recommend acceptance of this ordinance modification as modified.

Home Occupations. *(S 21.12)* This change is created because of complaints where individual in residential areas are creating auto repair and similar businesses and the traffic and noise from the operations are disturbing neighbors in what would otherwise be a quiet residential neighborhood. Modifications and clarifications in review included a clearer definition of allocated storage space in a home business, signage allowed, exterior display and inventory storage.

Comments were made by WL on employees suggested defining family better and that change has been added to the document.

As presented here, the changes recommended are included and approved by the planning commission by consensus.

Signs and Billboards. *(S 21.38).* This was a substantial re write and an upgrade to allowances and practices considering the surrounding counties, particularly in allowed signage. As the markets change, the demand for more and different signage also changes. The changes make allowances, for example, for monument signs which can be tasteful and be higher than those limited in height and 32 square feet in display area. The ordinance section has been simplified and we think made easier to use, by limiting large blocks of text which the public does not always read carefully if at all. We have also addressed the signage which is controlled by MDOT and focus on their approval as part of our approvals. The changes also recognize that some signs do not need to be permitted and will be regulated by complaint or observation. This saves the county time and money rather than having inspectors driving around looking for violations. This section of the ordinance has been re written more than four times and modified by each township at least once.

This section of the ordinance was also the first that have been trial ballooned with township board member and commissions at the same time, which we hope will be the norm in the future, encouraging changes to move faster.

As presented here, the changes recommended are included and approved by the planning commission by consensus.

Fences. *(21.10)* This re-write removes the requirement to get a fence permit but provides guidelines by which the fence is to be constructed and maintained. The goal has been to allow fences that provide privacy and security but also are developed safely, especially focused on visibility, for both motorists and pedestrians.

The changes are simple, condensed to one page, somewhat shorter than the original version. There are conditions to be considered, which are easy to understand and enforce

At the December meeting, the commission approved the changes by consensus.

Note: The final documents will be distributed by the county planning commission for one last look before the county planning commission votes to send the completed changes to the commissioners for adoption. At that time, last minute recommendations and thoughts will be considered. We at Bagley have been very much involved with the development of these ordinance changes and the changes have been through at least two committee scrubs here and in other townships as well, particularly Hayes Township.

Respectfully Submitted for the Planning Commission,

Kenneth R. Arndt
Chairman

Approvals or Non Approvals or Approvals or Approvals with Notes or Corrections

As to Case PZSU17-001 West Street Investments *LLC/Krajniak*

Approved as Recommended Approved with Edits Not Approved

For Bagley Township

Michelle Noirot
Supervisor

As to Case Forward Corporation. **(City of Gaylord)**

Approved as Recommended Approved with Edits Not Approved

For Bagley Township

Michelle Noirot
Supervisor

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Zoning Items Recommended for Change

Item 1. Restricted Uses (21.34)

Approved as Submitted Approved with Edits Not Approved

For Bagley Township

Michelle Noirot
Supervisor

Item 2. Home Occupations (21.12)

Approved as Submitted Approved with Edits Not Approved

For Bagley Township

Michelle Noirot
Supervisor

Item 3. Signs and Billboards (21.38)

Approved as Submitted Approved with Edits Not Approved

For Bagley Township

Michelle Noirot
Supervisor

Item 4. Fences (21.10)

Approved as Submitted Approved with Edits Not Approved

For Bagley Township

Michelle Noirot
Supervisor

CHARLTON TOWNSHIP
OTSEGO COUNTY

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

To: James Mouch, Land Use Director
Otsego County Planning Commission

From: Ivan H. Maschke, Charlton Twp. Clerk 14 December 2017

Dear Mr. Mouch,

At the December regular meeting of the Charlton Township Board, there was discussion regards to proposed changes to the Zoning Ordinance. After discussion, a motion was passed unanimously to recommend approval of the two (2) requested changes to Section 21.12 (home occupations) and Section 21.34 (restricted uses).

This recommendation comes as a result of discussion with the Charlton Township Planning Commission.

Also, there was discussion regards to the receipt of information from the Otsego County Planning Commission and Land Use Services. The Charlton Township Planning Commission has requested that information from Otsego County Planning and the Land Use Services department be sent to the Charlton Township Clerk either via E-mail or hard copy as well as Willard Brown, planning commission secretary, and Matt Nowak, township Supervisor. Township Clerk E-mail is ivanmaschke@hotmail.com and the township address is PO Box 367, Johannesburg, MI, 49751.

Thanks for your time and consideration.

Sincerely,

Ivan H. Maschke
Charlton Twp. Clerk

Cc: Township Planning Commission
File

James Mouch

From: Jan Norton <jnorton144@hotmail.com>
Sent: Friday, February 09, 2018 1:09 PM
To: James Mouch
Subject: Home Occupation

Jim,

At our Township Planning meeting last night the Committee found one change that they would like considered in Home Occupation. Section 21.12.03.07. They are concerned about one patron vehicle on the premise at a time. They feel this should be two patron vehicles to acomodiate for a potential overlap in patron appointments. The example stated was a Tax Preparer working out of his home where a patron may have more complicated tax return that may take longer than expected. Thank you for your consideration to this.

Jan Norton
Chester Township
Otsego County MI

Elmira Township Planning Commission
Draft of minutes for the
February 27, 2018 Meeting

Present: Vice Chairperson Syl Tomaszewski, Gloria Torello, Jessica Henke, Ann Vogel, Paul Hartmann
Excused: Chairperson Duane Hoffman

Syl opened the meeting at 7:00 p.m.
Ms. Ann Vogel was introduced; she will replace Gloria on the PC. Gloria has resigned as of this date.

Minutes of the January 23, 2018 meeting were unanimously approved as written. This agenda for this meeting was the discussion of the three sections of the Otsego County Zoning Ordinance: 21.38 Signs and Billboards, 21.34 Restricted Uses, and 21.10 Fences.

Paul briefly reviewed the changes to Home Occupation and that the changes were made to make the ordinance clearer and more easily enforceable: only one employee other than family member(s) and a defined limit to the amount of the residence that can be devoted to the business (15%). There were no changes recommended to the verbiage of this section.

SECTION 21.38 Signs and Billboards

Gloria questioned the definitions of "signs" and "billboards." Paul assured her that Article 2 of the Ordinance defines the terms. Gloria proceeded to recommend minor changes to the proposed language, pointing out the following:

21.38.01 (3rd sentence) add the word "sign" to identify the type of permit: "The **sign** permit application...." (4th sentence) change the word "when" to "after:" so to read "...may issue such permits after **[not when]** all applicable provisions...."

21.38.01.01.03 Condition 2, Maximum Size (1st sentence) add the word "registered" before "design professional.

Condition 4 (4th sentence) should begin with the word "Window:" "Window signage may cover no more that 50%...."

21.38.01.01.04 (1st sentence) Begin sentence with "On premises:" to read "On premises signs for shopping centers...."

Regulation 01: add "On premises" to begin sentence and describing the signs.
Regulation 02, b. Change 100 sq. ft. to 100 square feet.
Regulation 04 (1st sentence) add "on premises" to describe "wall signs."
Regulation 06: (1st sentence) begin with "On premises signs...." Also, it was suggested that the last (2) sentences discussing billboards be moved to Section 21.38.02.

Section 21.38.02.01 Gloria recommended that the final sentence include a statement about billboards along Michigan State highways, clarifying the P.A. 106 reference.

Section 21.38.05.10 A statement such as "including, but not limited to, garage sales, short-term sales" should be included under "Temporary signs."

SECTION 21.34 RESTRICTED USES

At the end of the 1st sentence: add "Otsego County" in front of Planning Commission. She also recommended changing "repaired" to "made operable" and defining what "kept under cover" and "inside a structure" mean. Would a tent suffice? Must it be an enclosed building? Is "inconspicuous" subjective?

SECTION 21.10 FENCES

There was no discussion of this section at the meeting.

Respectfully submitted,
Paul Hartmann
Secretary

James Mouch

From: Susan Schaedig <clerk@elmiratownship.com>
Sent: Sunday, January 14, 2018 12:54 PM
To: James Mouch
Subject: Elmira's response on proposed amendments of Article 21 Home Occupation

Dear Jim:

Elmira Township has reviewed the proposed changes and concurs that the changes will make it easier to understand by
home occupants and easier to enforce when needed. We therefore are in favor of the proposed amendments as written.

Sincerely,
Susan Schaedig
Elmira Township Clerk

James Mouch

From: msanders@freeway.net
Sent: Saturday, March 03, 2018 12:35 PM
To: James Mouch

Good Afternoon,

Hayes Township officials have had the opportunity to review the sections 21.38, 21.12 and 21,34. These sections are updating the ordinance for signs and billboards, home occupation, and restricted uses.

There has been no objections or additions for the above noted sections.

Hayes Township approves the updates and appreciates the work by the planning commission.

Mary Sanders
Hayes Township Supervisor
3/3/18

James Mouch

From: msanders@freeway.net
Sent: Saturday, January 27, 2018 8:46 AM
To: James Mouch

This email is to confirm the work of the Planning Commission in regards to the sign ordinance. I had previously submitted some minor suggestions in regards to words, placement, and grammar.

The revisions and updates are acceptable to Hayes Township. The work that is being reviewed and updated is valuable and is appreciated by my township.

Thank you to the planning commission for all the efforts with the work with the county ordinances.

Mary Sanders, Supervisor
Jan 26, 2018

James Mouch

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>
>
> Respectfully Submitted,
>
> Ken Arndt, Planning Commission Secretary and James Mouch, Director
> Land Use
>
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January 5, 2018

Mr. James Mouch
Director
Land Use Services
1322 Hayes
Gaylord, MI 49735

Dear Jim,

The Otsego Lake Township Planning Commission held its meeting on January 4, 2018, and reviewed the changes proposed to Sections 21.21 Home Occupations and 21.34 Restricted Uses. Our Commission recommends the ordinance changes for adoption by Otsego County.

Sincerely,
Nora Corfis
Secretary

Dec 14, 2017

Mr. James Mouch
Director
Land Use Services
1322 Hayes
Gaylord, MI 49735

Dear Jim,

The Otsego Lake Township Planning Commission reviewed the changes proposed to Sections 21.21 Home Occupations and 21.34 Restricted Uses. Our comments are as follows:

Section 21.34 Restricted Uses

The Otsego Lake Township Planning Commission discussed the proposed changes in 21.34.01.02 Motor Vehicles and found them unclear and confusing. Some of our questions were:

1. The section 21.34.01.02 refers to motor vehicles; however the term vehicle is used in the exceptions. Vehicle is a broader term. The terms should be consistent.
2. What is the proposed change trying to accomplish? One unlicensed vehicle is permitted for site maintenance, one more unlicensed vehicle maybe allowed under cover, what is undercover, and does a carport count? How is inconspicuous to be defined here?
3. We would like clarified what is trying to be accomplished in this ordinance change before drafting our response.

Section 21.12 Home Occupation

The Otsego Lake Township Planning Commission discussed the proposed changes in 21.21 Home Occupation. The proposed changes are more restrictive, how was the15 percent floor area decided upon? Has there been a history of problems associated with the old ordinance? Our Commission would like to know what issues the County is trying to deal with before drafting our response.

Sincerely,
Nora Corfis
Secretary