

Otsego County Planning Commission

Approved Minutes for March 19, 2018

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

Pledge of Allegiance

Roll Call:

Present: Vice Chairperson Jarecki, Secretary Arndt, Mr. Borton, Mr. Brown, Mr. Caverson, Ms. Corfis, Mr. Bauman (*arrived 6:03 pm*), Mr. Klee (*not yet appointed*)

Absent: Chairperson Hartmann, Mr. Hilgendorf, Mrs. Norton

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

Public Present: Brian Nartker, Wade Trim, Gary Mayer, Kevin Muter, Michelle Noiro, Bagley Township Supervisor, Andy Krajniak, Ethan Shephard, William Berry

Approval of minutes from: January 15, 2018

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

Motion approved unanimously

Consent Agenda: None

Mr. Bauman arrived 6:03 pm

Other: None

Public participation for items not on the agenda:

William Berry stated he was looking for an exception to the zoning ordinance because he was unable to replace the mobile home at 1600 Springwood Ave in Bagley Township that had recently burned. Having to replace the mobile with a double wide was not advantageous as a rental for the area. The property would have to remain vacant if the mobile was not able to be replaced and getting it back on the tax roll would behoove everyone. He understood the ordinance but felt this was more an *'Act of God'*.

Mr. Mouch read aloud from Section 21.26 Nonconformities and stated the zoning permit had been denied because the requirements of a R2 Zoning District had not been met.

Mr. Arndt stated that section was on the objective list to be reviewed this year and an *'Act of God'* was an issue in other circumstances as well. It would not be addressed in the next few weeks but there was still hope. He suggested Mr. Berry check back periodically to see where things stood.

Public Hearing:

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*

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Vice Chairperson Jarecki stated the case before them and opened the public hearing.

Mr. Caverson stated he worked at Wade Trim and was a part of the project so would abstain from the vote.

Public Hearing Open: 6:09pm

Brian Nartker, Wade Trim, representing Forward Corporation stated Forward was proposing a new building combining the Shell Gas Station, Hops and Schnapps along with a Subway restaurant on property within the city limits. They were seeking approval on a parcel to the west zoned R2 in Bagley Township owned by Forward, for storm water retention and snow storage. There had been a leak numerous years ago so there are still several monitoring wells on site. With the remediation complete and approval of this project, they will be capping the wells to conform to DEQ (Department of Environmental Quality) requirements. They understood concerns due to the past leak so to eliminate contamination issues, a water separator will be installed to catch contaminants before they enter the pond.

Vice Chairperson Jarecki asked for questions or comments.

Mr. Mouch stated a letter from Wade Trim had been received that morning stating the retention pond was of adequate size with calculations included and presented to members.

Mr. Nartker stated part of the requirements from Bagley Township was to provide that information prior to this meeting and they went above and beyond those requirements. They will store all the storm water they can until it can be released into the ground.

Mr. Arndt stated there were concerns with residuals from the past leak but the concerns at Bagley Township had been addressed.

Mr. Narkter stated regulations were more stringent than they used to be per Forward Corporation. All the tanks were doubled walled, the pumps had an automatic shutdown for any spill on grade and they were always monitored.

Mr. Arndt explained if a spill were to occur, it would run to the low point, get picked up by the separator and any petroleum products or contaminants would be caught before released into the catchment basin.

Vice Chairperson Jarecki asked for further comments.

Gary Mayer, 647 Poplar Dr, located 200' from the site, stated the area was a residential subdivision. He referred to the Summers & Holmes Subdivision deed restrictions stating buildings for any other purpose than a private dwelling were not permitted. He stated there had been three releases of gas over the years and he had documents requesting he abandon his well. He was unhappy with Forward's way of business and any runoff would be onto his and his neighbor's property.

Mr. Arndt stated his concerns were understandable but the engineers felt a problem would be easier to manage with water separators in place. The alarms on the separators would be triggered by the gasoline fumes and they would be made aware of the problem otherwise the issue could go on for quite some time without knowledge if they were placed under the asphalt, not to mention much more expensive. Bagley Township felt this was the best way to manage the issue.

Mr. Mayer stated Kip Granger's rental house was 20' away from Forward's property. He questioned the setback from the pond to household water wells. He had contacted the DEQ, Water Resource and multiple other departments but could not get an answer. He stated they were all property owners and taxpayers and did not want the pond approved. His property was 200' from Forward's property, Kevin Muter was 200', Temple's 0', Hall's 100' and Granger's 0'. He again referred to the subdivision's deed restrictions.

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Mr. Mouch stated Permitted Uses Subject to Special Conditions in the R2 Zoning District referred back to uses in the R1 Zoning District and this project was being considered a Utility and Essential Service.

Michelle Noirot, Bagley Township Supervisor requested a copy of the deed restrictions and read a portion concerning residential structures. She also questioned the use of a Bagley Township parcel servicing a city parcel.

Vice Chairperson Jarecki stated the deed restrictions seemed to refer to an actual building not a utility service. She also stated she was surprised there wasn't a specific distance limit to a water source.

Mr. Mouch stated after listening to the deed restrictions read, he would suggest the case be referred to the County's legal counsel for opinion and postpone a decision until then.

Ms. Corfis agreed with seeking legal counsel concerning the deed restrictions and requested clarification on whether this was a utility service since it was servicing one particular business as opposed to the neighborhood.

Mr. Brown stated this was a serious safety problem to the neighboring property owner's personal wells.

Mr. Arndt stated he believed this was a multi-stage treatment plan to separate and clean up the water before it goes into the catchment basin.

Mr. Borton questioned if a liner would be in place.

Mr. Narkter stated no liner was involved.

Mr. Arndt questioned if a motion was needed to table the discussion until legal opinion was received.

Vice Chairperson Jarecki requested a motion to postpone a decision on PZSU17-003.

Motion made by Mr. Arndt to defer Special Use Permit PZSU17-003 until legal counsel was sought; Seconded by Mr. Brown.

Motion approved unanimously.

Mr. Brown questioned what specific items were being asked of legal counsel.

Vice Chairperson Jarecki stated legal counsel would be sought on the legal use and deed restrictions along with a written opinion from the Health Department concerning safety issues.

Mr. Mouch concurred.

Vice Chairperson Jarecki closed the public hearing.

Public Hearing Closed: 6:40pm

Mr. Mayer thanked the Commission members on behalf of the property owners.

The Commission thanked him for his input.

Vice Chairperson Jarecki asked Mr. Narkter if he had any questions.

Mr. Narkter stated no. He said he understood their concerns but they may not like the alternative of an enclosed system under the asphalt that could not be monitored as far as any contaminants on grade. He did question the postponement timeframe.

Mr. Mouch stated once the information was received, a new public hearing notice would have to be published. The case would probably be reviewed again in May. He would be notified.

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Mr. Arndt questioned placing the system under the asphalt and running any contaminates into the city sewers.

Mr. Narkter stated they could not just run it into the sewers; separators would still be installed per State Highway's requirements or they could just go underground under the station and not have any outlet.

Vice Chairperson Jarecki questioned if the snow would still be plowed into the same catchment basin without the separators and if so, then any contaminants in the snow would stay on the property.

Mr. Narkter stated yes.

Ms. Noirot questioned the current situation with the snow.

Mr. Narkter stated snow was being plowed to the back of the Forward property on the vacant parcel.

Vice Chairperson thanked Mr. Narkter.

Advertised Case:

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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*

Motion made to postpone for legal opinion.

Public Hearing:

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*

Vice Chairperson Jarecki stated the case before them and opened the public hearing.

Public Hearing Open: 6:46pm

Andy Krajniak and Ethan Shepard, representing SW Land Company stated they were proposing four buildings of storage units with two along the outside and two in the middle on property located on North Otsego Lake Dr.

Mr. Arndt stated Bagley Township thought it was a good use of the property. He questioned using the units for storage only and the addition of an office.

Mr. Krajniak stated the buildings would be used for storage only; an office with a restroom had been drawn in by Mr. Morgridge but that was not going to happen.

Mr. Arndt stated the storage units could be heated but Bagley Township did not want any plumbing added to them. He questioned the type of construction planned.

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Mr. Krajniak stated plumbing would not be added to any of the units and the construction would be typical pole barn construction with a concrete floor. The driveway would be Afton stone.

Vice Chairperson Jarecki questioned if the project would be built in phases.

Mr. Shepard stated it would be based on their financial comfort; the two outer buildings would probably be built first before the middle two.

Mr. Krajniak stated initially they had thought of building one half of the property first but now feel the outer buildings would be quicker because of sizing.

Mr. Arndt stated lighting needed to be addressed and would have to comply with the zoning ordinance.

Mr. Krajniak stated they will install the type of lighting required.

Vice Chairperson Jarecki questioned the signage.

Mr. Shepard stated the sign would be attached to the building; there would not be anything other than that.

Mr. Borton asked Mr. Mouch if he had any concerns.

Mr. Mouch questioned if they were changing the site plan.

Mr. Shepard stated no they just felt financially, building the two outer buildings first would be to their advantage. The layout itself was the same.

Mr. Mouch also questioned the lighting being added as discussed previously stating a building permit would not be issued without the addition of the revisions.

Mr. Shepard stated yes, the lighting, the signage and anything else that was needed.

Mr. Borton stated he did not have a problem with having those items handled administratively.

Mr. Caverson commented there were a number of items to be addressed and it seemed a lot to be added to Mr. Mouch's plate. He wanted to be sure that he was comfortable doing that because once this was approved the Planning Commission could not go back and change things.

Ms. Corfis stated there were some concerns from a neighboring property owner over the driveways and traffic patterns flowing onto their property.

Mr. Caverson stated it looked like there was an encroachment on the neighbor's driveway.

Mr. Borton stated the mapping was not always 100% correct and questioned if a survey had been done.

Mr. Krajniak presented an older survey that did not depict detailed information.

Mr. Arndt questioned if the property would be fenced stating any driveway issues could be dealt with then.

Mr. Krajniak stated it would be.

Mr. Caverson stated it looked like the retention pond was encroaching and would have to be adjusted.

Mr. Mouch suggested a new survey be done to determine any encroachment.

Vice Chairperson Jarecki questioned if the Planning Commission wished Mr. Mouch to review the documents requested and administer compliance.

Mr. Borton stated he felt it could be handled administratively.

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Vice Chairperson Jarecki closed the public hearing.

Public Hearing Closed: 6:51pm

Advertised Case:

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*

Vice Chairperson Jarecki requested a motion to accept the General Finding of Fact.

Motion made by Mr. Arndt to accept the General Finding of Fact for PZSU17-001 as presented;
Seconded by Mr. Bauman.

Motion approved unanimously. *(SEE ATTACHMENT 1)*

Vice Chairperson Jarecki read through Section 19.7.1-19.7.8 for consensus of having been met and requested a motion to accept the Specific Finding of Fact.

Motion made by Mr. Brown to accept the Specific Finding of Fact for PZSU17-001; Seconded by Mr. Arndt.

Motion approved unanimously. *(SEE ATTACHMENT 2)*

Vice Chairperson Jarecki requested a motion for PZSU17-001.

Motion made by Mr. Caverson to approve PZSU17-001 as submitted with the conditions that they revise their site plan meeting all requirements of Section 23.2 and their listed conformances in their application;
Seconded by Mr. Arndt.

Motion approved unanimously.

Public Hearing:

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

Vice Chairperson Jarecki stated the case before them and opened the public hearing.

Public Hearing Open: 7:02pm

Vice Chairperson Jarecki closed the public hearing.

Public Hearing Closed: 7:03pm

Advertised Case:

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

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Mr. Arndt stated the proposed language had been discussed multiple times with changes being made consistently per Township input.

Discussion ensued.

Vice Chairperson Jarecki requested a motion.

Motion made by Mr. Brown to recommend the proposed language for Section 21.38 Signs and Billboards to the Otsego County Board of Commissioners; Seconded by Mr. Bauman.

Motion approved unanimously.

Public Hearing:

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

Vice Chairperson Jarecki stated the case before them and opened the public hearing.

Public Hearing Open: 7:32pm

Vice Chairperson Jarecki closed the public hearing.

Public Hearing Closed: 7:33pm

Advertised Case:

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

Mr. Arndt explained why changes were made with Township input taken into consideration.

Commission members did not have any issues with the changes.

Vice Chairperson Jarecki requested a motion.

Motion made by Mr. Arndt to recommend the proposed language for Section 21.12 Home Occupation as written to the Otsego County Board of Commissioners; Seconded by Mr. Caverson.

Motion approved unanimously.

Public Hearing:

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

Vice Chairperson Jarecki stated the case before them and opened the public hearing.

Public Hearing Open: 7:40pm

Vice Chairperson Jarecki closed the public hearing.

Public Hearing Closed: 7:41pm

Advertised Case:

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

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Mr. Arndt explained the changes made.

Discussion ensued.

Vice Chairperson Jarecki requested a motion.

Motion made by Mr. Brown to recommend the final proposed language for Section 21.34 Restricted Uses as written to the Otsego County Board of Commissioners; Seconded by Mr. Arndt.

Motion approved unanimously.

Discussion ensued concerning the amending of the By-laws to allow text changes be sent to Townships after Committee meetings. By-laws will be amended.

Mr. Borton stated it was 8:00pm and according to the By-laws a decision was required to either continue the meeting or adjourn.

Mr. Mouch welcomed Mr. Klee back stating he had decided to rejoin the Planning Commission as representative to Dover Township.

Vice Chairperson Jarecki stated the business had been completed with only Reports and Comments remaining. If there were no objections, she would adjourn the meeting.

No objections were heard; Vice Chairperson Jarecki adjourned the meeting.

Unfinished Commission Business: None

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki
2. Land Use Services report/Jim Mouch

Adjournment: 8:02pm by Vice Chairperson Jarecki

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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ATTACHMENT 1:

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*

Exhibit 13

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ATTACHMENT 2:

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

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- 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**

FINDINGS UNDER ARTICLE 20

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.

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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 be 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 be 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:

Exhibit 14

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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.

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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.

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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.

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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**

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21.18 TABLE I: Planting Buffer Yard		Approved Minutes for March 19, 2018																
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

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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:

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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.

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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.

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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.

***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

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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~~

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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.

*** Motion made by Mr. Caverson to approve PZSU17-001 as submitted with the conditions that they revise their site plan meeting all requirements of Section 23.2 and their listed conformance in their application; Seconded by Mr. Arndt.

Motion approved unanimously.