OTSEGO COUNTY
PLANNING COMMISSION
June 18, 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 May 21, 2018 meeting
5. CONSENT AGENDA
6. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:
   (Please identify yourself for the record. All comments will be limited to two (2) minutes)
7. OTHER: Mike Bieniek, Tillman Telecom Services: Presentation on 190' tower height not allowed in current Zoning Ordinance
8. PUBLIC HEARINGS:
   1. *Eagle Commerce Park LLC, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

      400 Chestnut Ct
      Gaylord, MI 49735
      010-021-400-005-04 / 010-021-400-005-05

      Property located in a B3/Business, Light Manufacturing Zoning District
      PZSU18-001- The proposed use of the property is to create a forty-four (44) unit site condominium development to be done in phases for commercial uses in a B3 Zoning District.

   2. *Dean Bach, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

      4029 Old 27 South
      Gaylord, MI 49735
      010-028-200-020-01

      Property located in a B3/Business, Light Manufacturing Zoning District
      PZSU18-002- The proposed use of the property is to remodel the existing building as a restaurant.

   3. *Dean Bach, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

      4055 Old 27 South
      Gaylord, MI 49735
      010-028-200-020-02

      Property located in a B3/Business, Light Manufacturing Zoning District
      PZSU18-003 - The proposed use of the property is to construct an outdoor pavilion for community gathering events.

9. ADVERTISED CASES:
   1. *Eagle Commerce Park LLC, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

      400 Chestnut Ct
      Gaylord, MI 49735
      010-021-400-005-04 / 010-021-400-005-05

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10. UNFINISHED COMMISSION BUSINESS
    1. Mobile Home Zoning Districts – Bagley Township, Otsego Lake Township

11. NEW BUSINESS

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

13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for May 21, 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, Mrs. Norton, Mr. Klee, Mr. Caverson, Mr. Bauman, Ms. Corfis

Absent: Mr. Brown

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

Public Present: Gary Mayer, Abby Moniz, Jerry McTaggert, Forward representatives, Matt Dubs, Michelle Noirot, Bagley Township Supervisor

Approval of minutes from: April 16, 2018

Mr. Borton requested the following change to page 5, paragraph 3 under 'Advertised Cases' from: 'Mr. Borton stated they and the Finance Committee especially, would reduce fees'...to *'Mr. Borton stated the Board of Commissioners would reduce fees...'* as they make the final decision.

Motion made to approve minutes as amended by Mr. Klee; Seconded by Mrs. Norton.

Motion approved unanimously

Consent Agenda: None

Other: None

Public participation for items not on the agenda: None

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

Chairperson Hartmann stated the case before them, opened the public hearing and requested an update from Mr. Mouch.

Public Hearing Open: 6:03pm

Mr. Mouch stated per the request of the Planning Commission, the County Attorney had been contacted for opinion and his response was presented to the members. He read the following statement: 'Since the proposed retention pond is not a structure designed primarily for the shelter, support or enclosure of persons, animals or property, to the extent that the Planning Commission desires to consider the private deed restrictions in the Sommer & Holmes Subdivision, the prohibition against the erection and use of any "building" would not be applicable to the proposed retention pond.'

Chairperson Hartmann requested public comment.

Abby Moniz, Forwards president stated they concurred with that statement and requested approval of the Special Use Permit.

Gary Mayer, Sommer & Holmes Subdivision property owner, stated there had been many problems over the years and he had signatures from thirteen (13) other property owners in the subdivision requesting the case be rejected for health safety reasons and property values. He said probably 40,000 gallons have previously been released over time and they did not need a hole in the ground.

Jerry McTaggert, Forward CEO stated 20,000 – 25,000 gallons had been released and every bit of it had been reclaimed back in 2000 with no injury to any property holder in the area.

Mr. Mayer presented the statement from the property owners and asked Chairperson Hartmann to read it aloud.

Chairperson Hartmann read the statement with the owner's signatures. *(SEE ATTACHMENT 1)*

Mr. Mayer questioned why only five (5) property owners were notified when there were fifty-three (53) owners in the subdivision.

Chairperson Hartmann replied the Ordinance required that property owners within three hundred feet (300') of the proposed site be notified of a public hearing.

Mr. Taggert stated this was a retention pond; it would not be obtrusive or offensive and if a spill occurred, it would be easily extracted. He continued saying any retail property in a city must have retention to prevent water from leaving the property and flowing onto the streets; this should not present a problem to anyone. The ground water flowed primarily to the northeast or southeast and posed no threat to the neighboring properties. He felt it was a very good transitional use to the property.

Mr. Mayer still objected to the retention pond.

Chairperson Hartmann requested comment from Mr. Arndt, representing Bagley Township.

Mr. Arndt stated he understood the concerns of the neighboring property owners but taking the experts' opinions into consideration, they could not reasonably deny the request. If the water flow is managed responsibly there isn't a problem; any contaminates would be above ground.

Mr. Taggert stated this would be a storm water runoff situation; with all the safety precautions put in place with gas station facilities, they are very cognitive of their responsibility. They learned their lesson at this site and felt the concerns were very minimal.

Mr. Mayer stated he worked in the oil business for forty-four years (44) and knew about pollution; they just wanted to protect their property.

Chairperson Hartmann closed the public hearing

Public Hearing Closed: 6:18pm

Advertised Case:

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

Chairperson Hartmann read aloud Article 19 Permitted Uses Subject to Special Conditions Section 19.7 to confirm conditions met. *(SEE ATTACHMENT 2)*

Mr. Arndt suggested placing a fence around the pond for safety purposes should there be standing water.

Mr. Taggert stated it was unlikely standing water would be a concern but if for some reason it was, Forwards would install a fence along the north and west sides of the pond bordering the residential properties. They would like the east and south sides left open for snowplowing.

Chairperson Hartmann asked Mr. Mayer if placing a condition on the property would alieve some of their concerns.

Mr. Mayer stated considering the amount of snowmobilers in the area it would hamper their use and he would not request a fence.

Mr. Arndt stated if it becomes an issue, it would be requested.

Mr. Taggert stated they would commit to it if need be.

Chairperson Hartmann requested a motion.

Motion made by Mr. Arndt to approve PZSU17-003 for a retention pond/snow storage located in Bagley Township; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Chairperson thanked everyone for their input.

Public Hearing:

2. Section 21.33 Recreational Equipment or Trailer Proposed Text Amendment
Proposed amendments to the above section of the Otsego County Zoning Ordinance

Chairperson Hartmann stated the case before them and opened the public hearing.

Public Hearing Open: 6:32pm

No public remained for comment.

Mr. Mouch explained the changes to Section 21.33 Recreational Equipment stating the section was made more simplistic and was brought to standards with the International Zoning Code as well as surrounding counties. Permits would no longer be required and township input was also taken into consideration.

Vice Chairperson Jarecki questioned if the sixty day (60) maximum camping timeframe was long enough.

Mr. Mouch stressed the temporary residency side of camping.

Chairperson Hartmann closed the public hearing.

Public Hearing Closed: 6:39pm

Advertised Case:

2. *Section 21.33 Recreational Equipment or Trailer Proposed Text Amendment*
Proposed amendments to the above section of the Otsego County Zoning Ordinance

Ms. Corfis requested clarification on camping in a tent in a R1 Zoning District.

Mr. Mouch stated that would not be allowed according to the language.

Ms. Corfis questioned if a campground was a good use in a B1 Zoning District and stated it was not listed as such.

Mr. Mouch stated it would fall under the permitted uses of 10.2.1:

Motels, hotels, motor inns, cabin courts, bed and breakfast facilities, tourist lodging facilities and museums

He also stated it would require a special use permit and would have to go before the Planning Commission for approval.

Vice Chairperson Jarecki wondered if it was known camping was not allowed in a R1, R2 Zoning District.

Mr. Mouch stated it was suggested by Mr. Hilgendorf that a booklet be sent out listing the allowable uses in the zoning districts that might affect the community on a regular basis.

Chairperson Hartmann requested a motion.

Motion made by Mr. Klee to recommend the amendments to Section 21.33 Recreational Equipment to the Otsego County Board of Commissioners; Seconded by Mr. Arndt.

Motion approved unanimously.

Unfinished Commission Business: None

New Business:

Chairperson Hartmann stated there was new business before them concerning a proposed mobile home zoning district and singlewide mobiles. He asked Mr. Mouch to comment.

Mr. Mouch stated singlewide mobiles were not allowed in residential zoning districts and once one was removed from site, it could not be replaced. After some research, it was discovered there were platted mobile home subdivisions in the County with state licenses that had lapsed. He was proposing a new zoning district for those subdivisions to continue as platted with newer mobiles. He suggested sending it to townships for input.

Ms. Corfis questioned if an age could be placed on a replacement home.

Mr. Mouch stated he would like to see a sustainable age placed in the Ordinance so it would not have to be amended regularly. He also stated the possibility of an inspection to be sure everything was up to code before allowing one in the County. He was waiting on a reply from the County Attorney.

Chairperson Hartmann requested a motion to send the information to townships for input.

Motion made by Mr. Arndt to approve sending for township consideration to rezone and allow singlewide trailers in specific platted areas where singlewide trailers were formerly allowed in Bagley Township and Otsego Lake Township. The following areas are:

Bagley Township: Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates I, Maple Grove Estates II and Parkwood Subdivision

Otsego Lake Township: Arbutus Beach Highlands;

Seconded by Mr. Bauman

Motion approved unanimously.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated the Committee had taken a tour of the Groen property to observe some of the changes happening with the ranger station, the Groen home, Mr. Groen's office that had been preserved and moved up from Ohio and some of the signage; the Parks department's new truck had arrived and was put to use with the snowfall in April, the two (2) lots purchased at the County Park entrance had been approved and bids for improvements were extended out until October, the beach had been made larger due to water levels, employees had been hired and a clean-up weekend had been held with good results despite the remaining snow piles.

2. Land Use Services report/Jim Mouch

Mr. Mouch stated he had distributed the monthly reports for each township depicting permits and enforcements to date and in comparison to the last few years. He also requested the possibility of a committee to review the business districts B1, B2 and B3 to correlate with the building code and the international verbiage.

Chairperson Hartmann requested volunteers.

Mr. Caverson, Mr. Klee, and Mr. Arndt volunteered to join Mr. Hartmann for review of the business districts. Mr. Hilgendorf stated he may be able to attend depending on when the meetings were. Chairperson Hartmann invited all members to attend.

Mr. Borton stated the Board of Commissioners had approved a per diem and mileage for committee meetings. He hoped it would be incentive for more people to get involved. He commented the City's plans for the Forwards station were very nice although they did not follow the Alpine theme. He stated it would be a welcome addition to the south end of town.

Mr. Hilgendorf stated the Groen Committee had their first meeting since the final transfer of property. They were moving the entrance to Heatherton Rd off of M-32and developing a parking lot. A sidewalk would also be added. He discussed the mileage being added to the November ballot for the University Center and commented on the ballot language concerning the DDA and other verbiage that had to be abided by.

Mrs. Jarecki stated Corwith's Parks & Rec along with the Village were still working on their Gateway to Trail Town and would probably complete the parking lot this year.

Mr. Hartmann stated the Elmira Township Planning Commission did a 1.7 mile highway cleanup along M-32 the beginning of the month and had collected about eight (8) bags. It would have been more if not for the remaining snow and ice. He stated the Township had received a $15,000 DNR grant and another $5,000 grant from the Great Lakes Energy People Fund. It will be used for their park.

Mr. Arndt stated he would let the township supervisor discuss Bagley Township since she was present.

Michelle Noirot stated Bagley Township would be adding another precinct to their district because of their population growth, although she was unsure how the precincts would be mapped. They were also looking into either purchasing a new building or enlarging the existing township hall and there was interest in new business in areas along the new trail.

Ms. Corfis stated they had not had a meeting but it looked like they would have an agenda for June discussing the mobile homes zoning district.

Chairperson Hartmann adjourned the meeting.

Adjournment: 7:18pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

ATTACHMENT 1:

PETITION

SUBJECT: Forwards Corp. Storm Water Retention Pond

DECRIPTION: Lot 31 Summers & Holmes Subdivision

Parcel ID#011-760-000-031-00

We the property owners of Summers & Holmes Subdivision REJECT the proposed "special use permit" for a storm water retention pond on lot 31.

In consideration of the property owners for their quality of life and health and the value of ones' property; this is being REJECTED.

The building and use restrictions prohibit any other use; as set forth in instrument dated November 2nd, 1956 and recorded November 7th, 1956, in Liber 70, pages 365-368, Otsego County Records.

NAME	ADDRESS	SIGNATURE	DATE
	Sandra M Mutter	656 DRIFTWOOD LN.	5-15-18
1.	[illegible]	656 DRIFTWOOD LN	5-11-18
2.	Donald J. Bisson	626 Poplar Dr	5-11-18
3.	[illegible]		5-11-18
4.	Rachel Buchholtz	608 Poplar Dr.	5-11-18
5.	[illegible]	627 Poplar Dr.	5/11/18
6.	[illegible] Mayer	647 POPLAR Dr	5-12-18
7.	Ann M Mayer	647 Poplar Dr	5-12-18
8.	[illegible]	615 Acorn Ln	5-16-18
9.	Robert Temple	POPLAR Dr.	5-17-18
10.	[illegible]	1050 PARICK DR	5-18
	[illegible]	538 Driftwood Ave	5-21-18

P

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NAME	ADDRESS	SIGNATURE	DATE
11.	Deborah [illegible]	1050 Palink Dr	5-18-18
12.	Midge Maroselli	638 Driftwood Ln.	5-21-18
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			

ATTACHMENT 2:

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.

*** Motion made by Mr. Arndt to approve PZSU17-003 for a retention pond/snow storage located in Bagley Township; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Exhibit 14

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-001
Special Use Permit/Site Plan Review
010-021-400-005-00
(010-021-400-005-04, 010-021-400-005-05)

Exhibit List

Exhibit #1: Applications for case PZSU18-001 submitted by Applicant/Representative

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 March 29, 2018 *(reference)*

Exhibit #4: Copy of Otsego County Equalization Department record card/Option to Purchase Real Property

Exhibit #5: Site Plan/PZSU18-001 submitted by Applicant /Representative

Exhibit #6: Site Plan Narrative

Exhibit #7: Statement of representation dated April 25, 2018

Exhibit #8: Public Hearing Notice

Exhibit #9: Letter to Bagley Township Planning Commission dated May 31, 2018

Exhibit #10: Response from Bagley Township dated June 11, 2018

Exhibit #11: Map and list of parties notified

Exhibit #12: Receipt #01314929

Exhibit #13: General Finding of Fact/PZSU18-001

Exhibit #14: Specific Finding of Fact/PZSU18-001

Exhibit #15: Site Condominium By-Laws

Exhibit #16: Land Division Survey

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: 4/27/2018	Parcel Number: 021-400-005-00

PROPERTY LOCATION: *(REQUIRED)*

Address:		City: Gaylord	Zip Code: 49735
Township: Bagley	Zoning District: B-3	Section: 21	T 30 N/R 3 W

APPLICANT:

Name: David Drews, Northern Michigan Eng. Inc.		Owner/Agent/Other Interest *(circle one)*	
Address:	City: Gaylord	State: MI	Zip Code: 49735
Phone: (989) ~~375~~ 217-3177	Fax: ( ) -		

PROPERTY OWNER: *(If different from Applicant)*

Name: Eagle Commerce Park LLC		Phone: (989) 858-6227	
Address: 110 N. Otsego Ave	City: Gaylord	State: MI	Zip Code: 49735

DESCRIPTION OF PROJECT AND PROPOSED USE:
Commercial Condominium - 4 units
Private road

SIGNATURE OF APPLICANT:	**DATE:** 4-27-18

***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: 4.27.2018	Permit Number: PZSU18-001	
Date Application Complete:	Fee: $700	Receipt Number: 013K1909

Exhibit 1

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 _____, except for the following items: (List known variations from the Ordinance)

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

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

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: David Drews, Northern Michigan Eng Inc.	Owner/Agent/Other Interest *(circle one)*
Address: 114 N. Court Suite 203 Gaylord MI 49735	
Phone: (989) 217-3177	Fax: ( ) -

PROPERTY OWNER: *(If different from Applicant)*

Name: Eagle Commerce Park LLC	
Address: 110 N. Otsego Ave.	
Phone: (989) 358-6227	Fax: ( ) -

PROPERTY LOCATION:

Township: Bagley	Section: 21	T30 N/R 3 W	Zoning District: B-3
Site Address: T.B.D.			
Parcel Number: 010 - 021 - 400 - 005 - 00			
Description of Project and Proposed Use: Commercial Condominium - 4 Units Private road			

Signature of Applicant:	**Date:** 4-27-18

***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: James Schenden LLC sale pending

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:_____

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 ___ No X if "No" explain: NA

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: NA

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: NA

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 X No ___ if "No" explain: _____

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: NA

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

Yes ___ No X if "No" explain: NA

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

Yes ___ No X if "No" explain: NA

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: ___

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: NA

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

Yes ___ No X if "No" explain: NA

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: NA

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: NA

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 ___ No X if "No" explain: NA

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

Yes ___ No X if "No" explain: NA

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: NA

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: ___

PZSU18-001 **EAGLE COMMERCE PARK LLC**

400 CHESTNUT CT **010-021-400-005-00 (010-021-400-005-04, 010-021-400-005-05)**

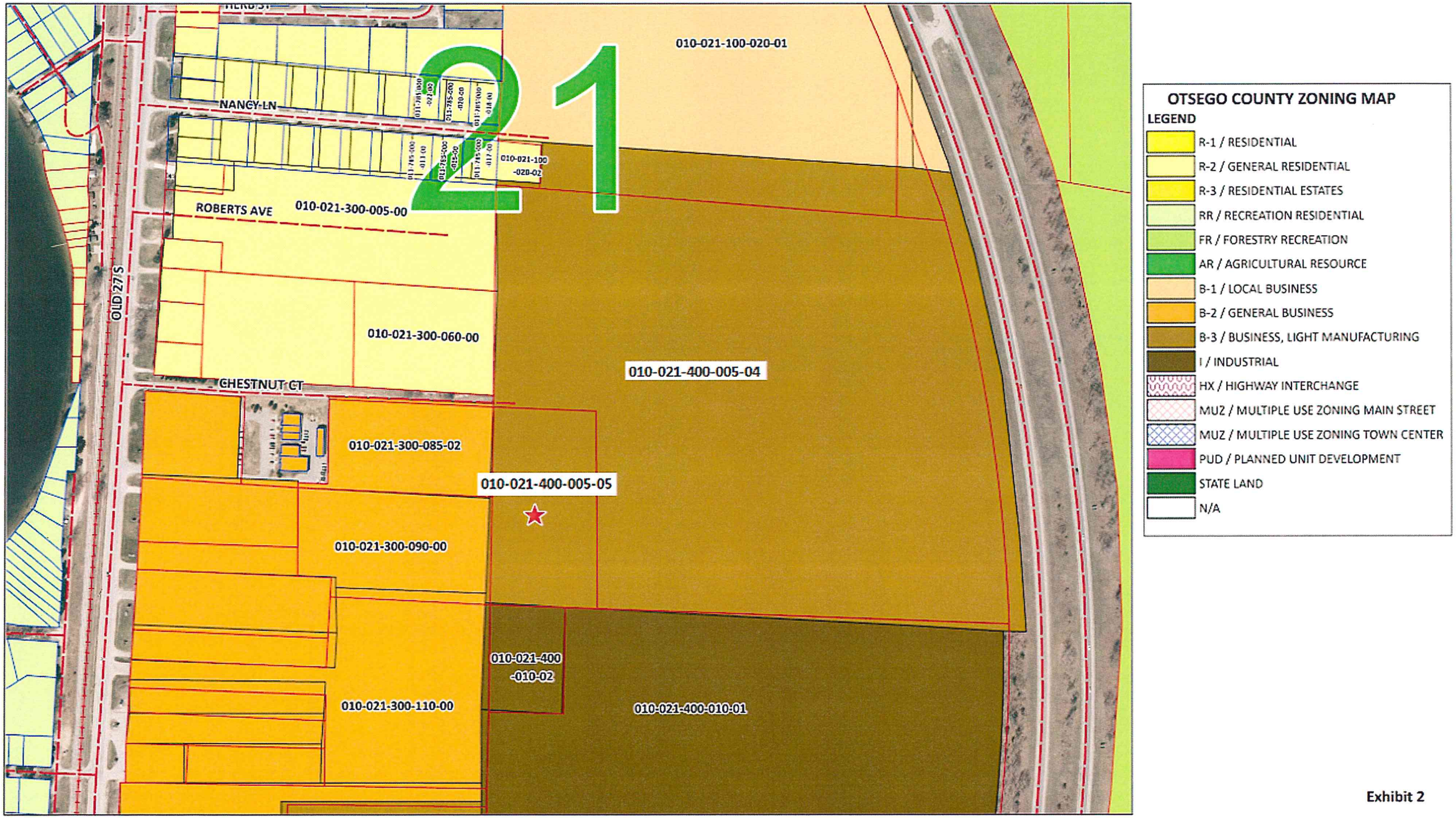


Exhibit 2

Parcel Number: 69-010-021-400-005-04 Jurisdiction: BAGLEY TOWNSHIP County: OTSEGO Printed on 04/25/2018

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
SCHENDEN, JAMES M & CAROLY	JAMES SCHENDEN, LLC	1	05/31/2005	QC	QUIT CLAIM DEED	1209/570	DEED	0.0
SCHENDEN, JAMES M (TRUST)	JAMES SCHENDEN, LLC	0	05/31/2005	QC	QUIT CLAIM DEED	1055/343	DEED	100.0
WARD, RICHARD (deputy sher	SCHENDEN, JAMES M (TRUST)	0	05/24/2002	SD	SHERIFF'S DEED	862/625	AFFIDAVIT	100.0
	Berry, J.W.	35,446	07/29/1994	WD	WARRANTY DEED	567/141	AFFIDAVIT	0.0

Property Address	Class: INDUSTRIAL - VACAN	Zoning:	Building Permit(s)	Date	Number	Status
ALPINE RD	School: GAYLORD					
	P.R.E. 0%					
Owner's Name/Address	Map #:					
JAMES SCHENDEN, LLC PO BOX 400 LAKEVILE MI 48366-0400	2019 Est TCV 136,571					

Tax Description

COMM @ S¼ COR, TH N1°14'12"E 1420.34', THS87°43'33"E 364.06' FOR POB, TH N1°14'12"E 622.96', TH N86°36'W 1525.53', TH N1°14'12"E 710.17', TH S85°31'45"E 1524.67', TH ALG CURVE TO R 1391.09', RAD 5614.58', ANG 14°11'45", LC S8°48'26"E 1387.54', TH N87°43'33"W 1400.21' TO POB. SEC 21, T30N-R3W.

Comments/Influences

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

Who	When	What
JGW	06/28/2017	Inspected
JGW	05/17/2011	Data Enter
JGW	05/17/2011	Inspected

	Improved	X Vacant

Land Value Estimates for Land Table IND.INDUSTRIAL

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
(2720) IN 15 ACRE			50.210 Acres		2,720	100		136,571
			50.21 Total Acres		Total Est. Land Value =			136,571

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

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

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	68,300	0	68,300			68,300S
2018	0	0	0			0
2017	0	0	0			0
2016	0	0	0			0

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

Exhibit 4

Parcel Number: 69-010-021-400-005-04, Land Image

Printed on 04/25/2018

Sketch by Apex Sketch

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

Parcel Number: 69-010-021-400-005-05 Jurisdiction: BAGLEY TOWNSHIP County: OTSEGO Printed on 04/25/2018

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
SCHENDEN, JAMES M & CAROLY	JAMES SCHENDEN, LLC	1	05/31/2005	QC	QUIT CLAIM DEED	1209/570	DEED	0.0
SCHENDEN, JAMES M (TRUST)	JAMES SCHENDEN, LLC	0	05/31/2005	QC	QUIT CLAIM DEED	1055/343	DEED	100.0
WARD, RICHARD (deputy sher	SCHENDEN, JAMES M (TRUST)	0	05/24/2002	SD	SHERIFF'S DEED	862/625	AFFIDAVIT	100.0
	Berry, J.W.	35,446	07/29/1994	WD	WARRANTY DEED	567/141	AFFIDAVIT	0.0

Property Address	Class: INDUSTRIAL - VACAN	Zoning:	Building Permit(s)	Date	Number	Status
ALPINE RD	School: GAYLORD					
	P.R.E. 0%					
Owner's Name/Address	Map #:					
JAMES SCHENDEN, LLC PO BOX 400 LAKEVILE MI 48366-0400	2019 Est TCV 24,016					

Improved | X Vacant

Land Value Estimates for Land Table IND.INDUSTRIAL

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
(2720) IN 15 ACRE			5.240 Acres		4,583	100		24,016
		5.24 Total Acres			Total Est. Land Value =			24,016

Public Improvements

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

Topography of Site

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

Tax Description

COMM @ S¼ COR, TH N1°14'12"E 1420.34' FOR POB, TH N1°14'12"E 630.12', TH S86°36'E 364.26', TH S1°14'12"W 622.96', TH N87°43'33"W 364.06' TO POB. SEC 21, T30N-R3W.

Comments/Influences

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	12,000	0	12,000			12,000S
2018	0	0	0			0
2017	0	0	0			0
2016	0	0	0			0

Who	When	What
JGW	06/28/2017	Inspected
JGW	05/17/2011	Data Enter
JGW	05/17/2011	Inspected

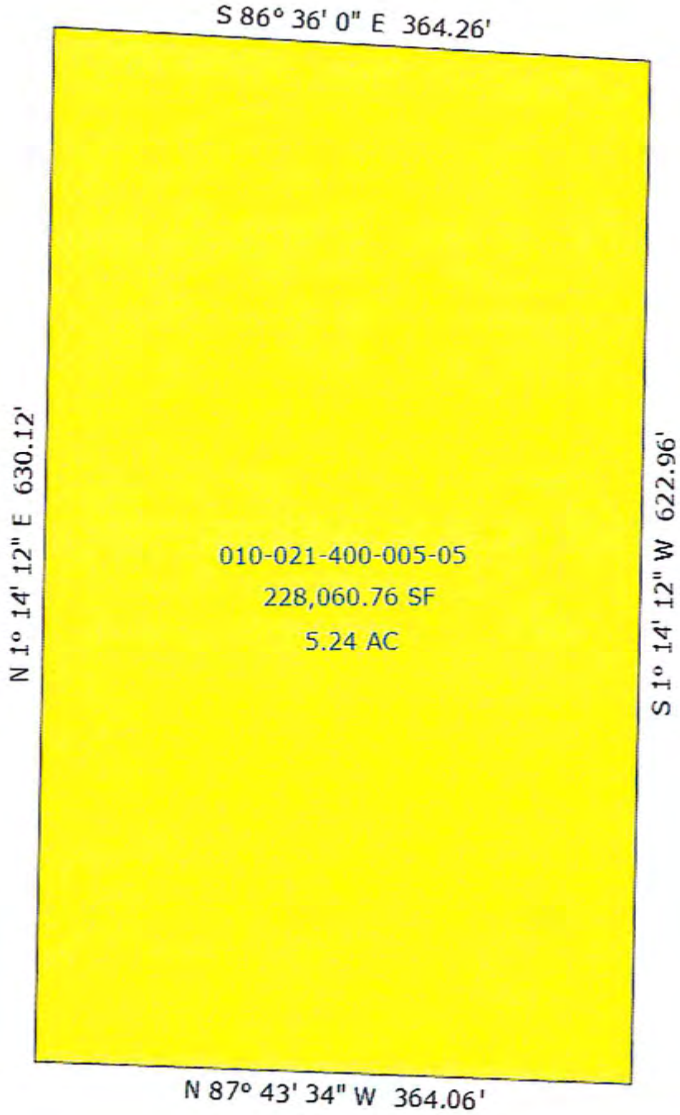
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Bagley, County of Otsego, Michigan

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

Exhibit 4

Parcel Number: 69-010-021-400-005-05, Land Image

Printed on 04/25/2018



Sketch by Apex Sketch

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

OPTION TO PURCHASE REAL PROPERTY

This Option To Purchase Real Property is entered into on this 10th day of MAY, 2018 by and between James Schenden, LLC, a Michigan Limited Liability Company of P.O. Box 400, Lakeville, Michigan 48366, hereinafter referred to as "Optionor" and Eagle Commerce Park, LLC, a Michigan Limited Liability Company of 110 North Otsego Ave., Gaylord, Michigan 49735, hereinafter referred to as the "Optionee".

Optionor hereby grants Optionee the right to purchase the following described real property, subject to the terms and conditions contained herein, located in the Township of Bagley, County of Otsego and State of Michigan, more particularly described as follows:

(See attached "EXHIBIT B" for the legal description of said property.)

Parcel ID # 69-010-021-400-005-00

The Optionor and the Optionee understand and agree that they are in the process of forming a condominium commercial park under the Michigan Condominium Act of 1978, Act 59 of the Public Acts of 1978, as amended to be known as "Eagle Commerce Park". The property described in "EXHIBIT B" is owned by Optionor and the property described on "EXHIBIT A" is owned by Optionee.

The purpose of this Option to Purchase Real Property is for Optionor to grant to Optionee the sole and exclusive right to purchase the vacant property owned by Optionor described on "EXHIBIT B" as follows in two separate stages:

1. Optionor grants Optionee the sole and exclusive right to purchase the Units in "Phase I" of Eagle Commerce Park owned by Optionor, that is Unit numbers 6 through 20 for the sum of $15,000.00 cash per lot on or before five years from the date hereon.
2. Provided that the Optionee has timely exercised its option to purchase all of the Units in Phase I and paid for them in full as agreed, Optionor grants Optionee the sole and exclusive right to purchase the Units in Phase II owned by Optionor, that is Unit numbers 21 through 44 for the sum of $15,000.00 per Unit on or before five years from the date of this Option. Thereafter, the Optionee will have right to purchase the balance of the lots in Phase II for $20,000.00 per lot on or before eight years from the date hereon.
3. As consideration for this Option the Optionee will pay all Real Property Taxes including Special Assessments, if any imposed on the property from and after the date hereon beginning with the Otsego County Treasurer's assessment for the 2018 Summer Taxes on July 1, 2018.
4. If Optionee timely exercises its sole and exclusive right to purchase any Unit that is subject to this Option, the Optionee will pay all expenses of sale of the Units including but not limited to real estate commissions, title insurance, closing fees, recording costs, real estate transfer taxes and any other customary costs associated with real estate closings.
5. The Optionor and Optionee will agree on a real estate brokerage firm to market the real estate units for sale.
6. The Optionor and Optionee will file a document entitled Memorandum of Option signed on the date of this Option to Purchase Real Property that will be recorded and memorialize this Option to Purchase Real Property with the Otsego County Register of Deeds.

In witness whereof the Optionor and the Optionee have signed this document this 10th day of MAY, 2018.

JAMES SCHENDEN, LLC, OPTIONOR

By: _____

James M Schenden, Manager

EAGLE COMMERCE PARK, LLC, OPTIONEE

By: _____

Christopher J. Korona, Manager

STATE OF MICHIGAN) SS

COUNTY OF OTSEGO)

On this 10th day of May, 2018, appeared before me personally James M. Schenden, the Manager of James Schenden, LLC, a Michigan Limited Liability Company and Christopher J. Korona, the Manager of Eagle Commerce Park, LLC, a Michigan Limited Liability Company to be the persons described herein and who executed the foregoing instrument and acknowledged the same to be their free act and deed.

_____, Notary Public

My Commission Expires: _____

Acting in the County of Otsego

Drafted by and when recorded return to:
James M. Schenden
P.O. Box 400, Lakeville MI 48366

KELLIE J. GALER
NOTARY PUBLIC, STATE OF MI
COUNTY OF OTSEGO
MY COMMISSION EXPIRES Mar 3, 2023
ACTING IN COUNTY OF Otsego

NME ENGINEERING

Date 4/27/2018

Otsego County Land Use Services
1322 Hayes Rd.
Gaylord, MI 49735

Re: Proposed (44) Unit Commercial Site Condominium Project
"Eagle Commerce Park"
Otsego County PID#021-400-005-00

Enclosed please find the following:

- Completed Application for Special Use Permit
- Completed application for Site Plan Review
- Check for $700.00.
- Article 19 Summary and Narrative
- Site Plan/ DRAFT Exhibit B to Master Deed (11x17 and 24x36)
- DRAFT Condominium Bylaws
- Request to be placed on Planning Commission agenda for the May 21st meeting.

We will be submitting an application for Health Department review for on-site well and sanitary disposal on Monday, 4/30/2018.

We have also sent a copy of the above materials to Bagley Township Planning Commission and are on their agenda on Monday, March 30.

We are seeking approval of the project at the May 21, 2018 Planning Commission meeting

Please review all materials and call me if you have any questions.

David C. Drews

111. W. Mitchell St., Suite B Gaylord, MI 49735

NME.land 989.217.3177

Exhibit 6

Application for Special Use Permit
Proposed "Eagle Commerce Park"

Article 19 Submittal Requirements, Summary and Narrative

- 19.2 – Application and fee
  Submitted

- 19.3.1 - Applicant
  Northern Michigan Engineering Inc. (David Drews, President)
  114 N. Court, Suite 203
  Gaylord, MI 49735
  (989) 217-3177

- 19.3.2 – Property Description
  PID#021-400-005-00
  No address assigned
  Legal description – See Site Plan

- 19.3.3 – Applicant Statement
  I, David C. Drews, President of Northern Michigan Engineering Inc.(NME), hereby certify that the property owner, Eagle Commerce Park, LLC, have authorized NME to act as their representative for purposes of applying for a Special Use Permit and Site Plan submittal for the proposed "Eagle Commerce Park" site condominium project.

  _____ Date 4/27/2018

- 19.3.4 – Site Plan
  See attached

- 19.3.5 – Detail Description – Proposed Land Use
  The proposed "Eagle Commerce Park" site condominium project proposes the creation of (44) commercial units on 55 acres adjacent to I-75. The land is zoned B3. In the B3 district, the minimum parcel size is 20,000 SF and 100' minimum lot width.

  The proposed condominium boundary contains 55.43 acres. The west end of the parcel abuts Old 27 South and is 80 feet wide. The westerly portion of the 80' wide strip contains a paved private road, Chestnut Court. Chestnut Court will be extended east as a 26' wide gravel road to the main body of the development area.

The development is limited to only commercial buildings and activities as allowed in the B3 district. The proposed uses, activities, processes, materials or equipment utilizing the property will not have a substantial negative impact on the natural resources of the development area, surrounding area, the county or natural environment as a whole.

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.

In the NW portion of the project, the adjacent land is zoned R-2. When a B3 district is adjacent to a residential district, the setback requirements are increased. The Site Plan includes increased building setbacks in this area as required.

"Eagle Commerce Park" will be designed, constructed, operated and maintained so as not to have any impact or diminish the opportunity for the surrounding properties to be used and developed as zoned.

The proposed (44) commercial development sites will not place demands on fire, police or other public resources in excess of current capacity.

The proposed special land use will be adequately served by the public road, Old 27 South, and the existing paved private road and extension thereof. On-site water/sewer services and refuse collection will be the responsibility of each unit owner.

NME ENGINEERING

Date 4/25/2018

Eagle Commerce Park,LLC
110 N. Otsego Ave.
Gaylord, MI 49735

Re: Land Development Planning & Surveying: Parcel 010-021-400-005-00
Section 21,T30N-R3W

To whom it may concern,
We are writing to advise you that we have been retained by Eagle Commerce Park, LLC, with regard to represent them for application for special use permit and site plan review services on their behalf. Please use this "Letter of Representation" as needed for any further matters.

Please call or e-mail me if you have any questions regarding our services or for any additional services that may be required.

Sincerely,

David C. Drews, Project Manager

X_____

Eagle Commerce Park,LLC
Chris Korona, Member

X_____

114 N. Court, Suite 203
Gaylord, MI 49735

534 E. Eight St.
Traverse City, MI 49686

NME.land 989.217.3177

Exhibit 7

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
June 18, 2018

The Otsego County Planning Commission will hold two public hearings on Monday, June 18, 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. Eagle Commerce Park LLC, owners, represented by Northern Michigan Engineering Inc, David Drews, request a Special Use Permit/Site Plan Review for property located in Bagley Township at 400 Chestnut Ct Gaylord, MI 49735. The property is located in a B3/Business, Light Manufacturing Zoning District. The proposed use of the property is to create a forty-four (44) unit site condominium development to be done in phases for commercial uses in a B3 Zoning District.

Parcel identification number: **010-021-400-005-04**
400 Chestnut Ct
Gaylord, MI 49735

Legal Description:

BAGLEY TWP, OTSEGO CO MI, BEING PART OF THE N1/2 OF THE SE1/4 AND ALSO BEING PART OF GOVT LOT 3 OF SEC 21 T30N-R3W DES AS: COMM AT THE S 1/4 COR OF SEC 21; TH N01°14'12"E 1420.34 FT ALG THE N-S 1/4 LINE OF SAID SEC TO THE S 1/8 COR; TH ALG THE S 1/8 LINE S87°43'33"E 364.06 FT TO THE POB; TH N01°14'12"E 622.96 FT; TH N86°36'00W 1525.53 FT TO THE E LINE OF OLD 27 ROW; TH N03°24'49"E 80 FT ALG SAID ROW; TH S86°36'00"E 1158.24 FT; TH N01°14'12"E 710.17 FT; TH S85°31'45"E 1524.67 FT ALG THE E-W 1/4 LINE OF SAID SEC; TH 1391.09 FT ALG THE W LINE OF THE I-75 FREEWAY ROW ON AN ARC, CONCAVE TO THE W OF 5614.58 FT RADIUS, THRU A CENTRAL ANGLE OF 14°11'45" AND A CHORD BEARING S08°48'26"E 1387.54 FT; TH N87°43'33"W 1400.21 FT TO THE POB.
CONT 50.2 ACRES +/- 2019 SPLIT FROM 010-021-400-005-00

Parcel identification number: **010-021-400-005-05**

Legal Description:

PARCEL A: A PAR OF LAND ON PART OF THE SE 1/4 SEC 21 T30N-R3W BAGLEY TWP OTSEGO CO MI DES AS: COMM AT THE S 1/4 COR OF SEC 21; TH N01°14'12"E 1420.34 FT ALG THE N-S 1/4 LINE OF SAID SEC TO THE S 1/8 COR OF SAID SEC 21 ALSO THE POB; TH N01°14'12"E 630.12 FT ALG SAID N-S 1/4 LINE; TH S86°36'00"E 364.26 FT; TH S01°14'12"W 622.96 FT; TH N87°43'33"W 364.06 FT TO THE POB.
PARCEL CONT 5.24 ACRES +/- 2019 SPLIT FROM 010-021-400-005-00

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

May 31, 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's representative, David Drews, be present at your meeting, he can be notified at the following address:

Eagle Commerce Park LLC
c/o David Drews
111 W Mitchell St Ste B
Gaylord, MI 49735
989.217.3177

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 9

Bagley Township Planning Commission

Bagley Township, Michigan

Established 1868

June 1, 2018

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

Item Involved: Three new proposed projects, Construction of a new restaurant, construction of a new open-air pavilion adjacent to the restaurant and the special use permit for a 44 unit commercial subdivision.

Members Present:

Ken Arndt
Brian Goebel
Wally Loney
Celeste Szymanski
Larry Beckett

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

Citizens Attending: None

Meeting Opened at 7:00PM by Arndt

Item 1. Approval of new restaurant on 010 028 200 020 01 and pavilion on 010 028 200 020 02. This is the special use permit application for the two parcels noted above, the former to support the rebuild of a restaurant from an abandoned former office and the second for the construction of an open-air pavilion for music and outdoor food service to be constructed directly south of and contiguous to the restaurant project.
Both of these proposed uses are special use permitted under B-3 inclusive of B-2 zoning district that permit restaurants and taverns and bars.

Item 2. (Third Parcel) The third item on the agenda is the special use permit for a 44 unit site condominium in section 21 of Bagley Township.

Exhibit 10

June 11, 2018

Bagley Township Board Action-Continued from June 1 Bagley Township Planning Commission Meeting.

Addendum to Special Use Permit Application Resolution, Eagle Commerce Park, Section 22, Bagley Township.

Planning Commission Chairman Arndt contacted the owner of the proposed project and was thoroughly briefed on the use of the project. Based on his requested application clarification, the planned use for the project is light industrial, compatible with B-3, including warehousing, light assembly and manufacturing, storage and distribution. Residential uses will not be permitted.

The project is service by a common utility arrangement (presumed Class A) and is accessed by Chestnut Court, a private road accessed from Old 27 South.

The chairman appeared at the Township Board meeting on 11 June and admitted to insufficient research prior to bringing the matter the Planning Commission. He then briefed all present on the project essentials.

In order to move the project forward, the Chairman first suggested that, since there were 3 active PC members present, in a short recess, they could meet validly as a quorem and take action which could then be forwarded to the full board. The township clerk indicated that the meeting would have to have been posted in advance which would not be possible.

He next suggested that the project be voted directly by the Township Board, as the township's official recommending authority. There was agreement on this strategy.

Fred Burns moved that the board approve the special use permit and Celeste Szymanski seconded the motion. Board Chair Michelle Noirot called for a vote which passed the motion unanimously.

The Planning Commission Chairman thanked the board for their somewhat unorthodox help in moving this project forward and the items on the Planning Commission agenda being complete, the chairman returned to his seat.

Respectfully Submitted,

Kenneth R. Arndt
Chairman
Planning Commission.

This matter approved by voice vote of the Township Board

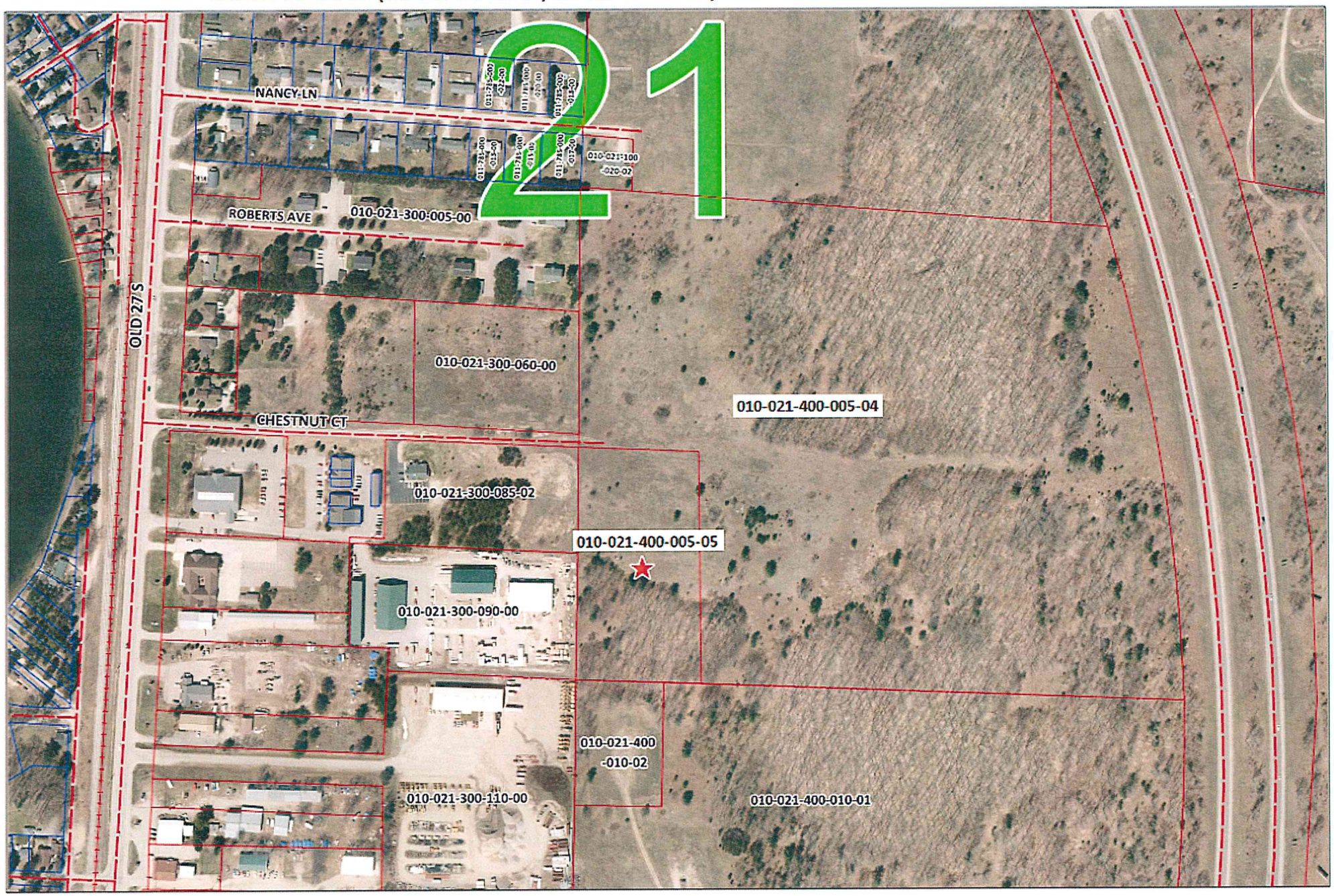
PZSU18-001 400 CHESTNUT CT 010-021-400-005-00 (010-021-400-005-04, 010-021-400-005-05)

OWNERS WITHIN THREE HUNDRED FEET (300')									
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Zoning Code	Class
010-021-100-020-01	3374 FOREST RD	THE COTTONTAILS INC	900 S OTSEGO AVE	GAYLORD	MI	49735	37.40	B1	402
010-021-100-020-02	500 NANCY LN	JOHNSON, EDWARD D	2076 SCHUSS LN	GAYLORD	MI	49735-8662	0.51	R2	401
010-021-100-030-00		STATE OF MICHIGAN	PO BOX 30028	LANSING	MI	48909-7528	0.84	B1	702
010-021-300-005-00	417 ROBERTS AVE	STOCKYARD, LLC	PO BOX 309	GAYLORD	MI	49734-0309	8.45	R2	201
010-021-300-060-00		NELSON, HEATHER LYNN	PO BOX 1270	VOLCANO	MI	96785-1270	3.91	R2	202
010-021-300-085-02	513 CHESTNUT CT	NOSS PROPERTIES LLC	PO BOX 999	GAYLORD	MI	49735-0999	3.95	B2	201
010-021-300-090-00	3689 OLD 27 S	PRESTON FEATHER LLP	900 SPRING ST	PETOSKEY	MI	49770-2855	5.33	B3	201
010-021-300-110-00	3773 OLD 27 S	MNEZ LLC	17 OLD STATE RD	GAYLORD	MI	49735-7655	9.42	B2	201
010-021-400-010-01		COOPER-STANDARD AUTOMOTIVE INC	39550 ORCHARD HILL PL	NOVI	MI	48375-5329	52.63	I	301
010-021-400-010-02		DUCHESS REAL ESTATE HOLDINGS LLC	718 NOTRE DAME ST STE 100	GROSSE POINTE	MI	48230-1240	2.10	I	202
011-390-000-034-00	581 HERB ST	SLIVINSKI, RAYMOND J & LISA A	581 HERB ST	GAYLORD	MI	49735-9515	1.23	R2	401
011-785-000-012-00	571 NANCY LN	SHERMAN, JAMES & KAYLA	571 NANCY LN	GAYLORD	MI	49735	0.36	R2	401
011-785-000-013-00	551 NANCY LN	VESTAGE LLC	3213 FOREST RD	GAYLORD	MI	49735	0.36	R2	401
011-785-000-015-00	531 NANCY LN	SCHRAM, HUNTER (ESTATE)	531 NANCY LN	GAYLORD	MI	49735-9521	0.36	R2	401
011-785-000-017-00	511 NANCY LN	FITZHENRY - CLEMENT	511 NANCY LN	GAYLORD	MI	49735-9521	0.41	R2	401
011-785-000-018-00	510 NANCY LN	WEIDLICH, CHRISTOPHER M & MELISSA L	510 NANCY LN	GAYLORD	MI	49735	0.36	R2	401
011-785-000-020-00	530 NANCY LN	WILLAUER, WENDY	11 S MICHIGAN AVE #103	GAYLORD	MI	49735	0.36	R2	401

Exhibit 11

PZSU18-001 EAGLE COMMERCE PARK LLC

400 CHESTNUT CT 010-021-400-005-00 (010-021-400-005-04, 010-021-400-005-05)



010-021-100-020-01
010-021-100-020-02
010-021-100-030-00
010-021-300-005-00
010-021-300-060-00
010-021-300-085-02
010-021-300-090-00
010-021-300-110-00
010-021-400-010-01
010-021-400-010-02
011-390-000-034-00
011-785-000-012-00
011-785-000-013-00
011-785-000-015-00
011-785-000-017-00
011-785-000-018-00
011-785-000-020-00

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:

NORTHERN MICHIGAN ENGINEERING INC

PO BOX 1763

GAYLORD, MI 49734

RECEIPT NUMBER

01314929

05/24/2018

Type	Record	Category	Description	Amount
Permit	PZSU18-001	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.

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-001
Special Use Permit/Site Plan Review
010-021-400-005-00
(010-021-400-005-04, 010-021-400-005-05)

GENERAL FINDING OF FACT

1. This is a proposal for a site condominium consisting of forty-four (44) units. *Exhibit #1, Exhibit #5, Exhibit #6*

2. The property is located in a B3/Business, Light Manufacturing Zoning District. *Exhibit #2*

3. Proposed uses will be permitted uses in a B3/Business, Light Manufacturing Zoning District after approval of a special use permit for the development. *Exhibit #3, Exhibit #14*

4. The proposed property is 55.24 acres. *Exhibit #4*

5. The proposed project area is 55.44 acres. *Exhibit #5*

6. Proposed Phase I of project will be 5.24 acres. *Exhibit #17*

7. The property is currently under the ownership of James Schenden LLC. *Exhibit #4*

8. The property is being optioned for purchase between James Schenden LLC (Optionor) and Eagle Commerce Park LLC (Optionee). Exhibit #4

9. The owners are being represented by David Drews, Northern Michigan Engineering per letter dated April 25, 2018. *Exhibit #7*

10. Individual Unit addresses will be obtained with Special Use Permit approval. *Exhibit #5*

11. Site Condominium By-Laws for the development have been provided. *Exhibit #15*

12. The Public Hearing Notice was published in the Herald Times on June 1, 2018. *Exhibit #8*

13. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*

14. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*

15. 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*

16. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*

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

18. 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
PZSU18-001
Special Use Permit/Site Plan Review
010-021-400-005-00
(010-021-400-005-04, 010-021-400-005-05)

SPECIFIC FINDING OF FACT

FINDINGS UNDER ARTICLE 21/SECTION 21.6

SECTION 21.6 DEVELOPMENT REGULATIONS

21.6.1 Definition

For purposes of this section and as used in the Otsego County Zoning Ordinance a Development shall be defined as Platted Subdivisions, Condominium Developments or any division of land that creates more lots or parcels on a parent parcel than is permitted under the Land Division Act.

21.6.2 Regulations

A development shall be reviewed pursuant to the Special Land Use regulations of Article 19 and shall conform to the following provisions in addition to all other applicable district provisions, except that the Planning Commission may waive the requirements of this Section for developments with fewer than ten (10) lots, parcels or units provided the Planning Commission makes a finding that doing so will not cause any significant public harm or harm to adjacent properties.

21.6.3 A development, shall comply with the applicable site development standards contained in Article 17 SCHEDULE OF DIMENSIONS, unless developed as a Planned Unit Development (PUD) subject to all regulations of Article 24.

21.6.4 Developments shall comply with all federal, state and county regulations regarding the provision of a potable water supply and waste disposal facilities.

21.6.5 Developments shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including Conveyance of sewage, potable water and Storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

21.6.6 In addition to the materials required by Article 19 and Article 23 or Article 24 for PUDs if applicable, an application for a development shall include a development plan containing the following information:

21.8.6.1 Proposed use and occupancy restrictions as will be contained in the Deed Restrictions or the Master Deed.

21.8.6.2 All proposed deed restrictions which are conditions of the special use permit.

21.6.7 All provisions of the approved development plan shall be incorporated in the Deed Restrictions or in the Master Deed for the development, unless exceptions are permitted by the Planning Commission. Any proposed changes to the approved development plan shall be subject to review and approval by the County Planning Commission as a major amendment to a permit, subject to the procedures of Article 19 and Article 23 or Article 24 for PUDs if applicable.

21.6.8 All lots, parcels or units within a development project shall be marked with monuments as provided by State and County regulations.

21.6.8.1 The County Board of Commissioners may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the County Clerk cash or a certified check, or irrevocable bank letter of credit naming to the municipality, whichever the proprietor selects, in an amount not less than one hundred dollars ($100.00) per monument and not less than five hundred dollars ($500.00) in total, except that lot corner markers shall be at the rate of not less than fifty dollars ($50.00) per marker. The performance guarantee shall be returned to the proprietor pursuant to the provisions of Section 25.6 upon receipt of a certificate by a licensed professional surveyor that the monuments and markers have been placed as required within the time specified.

***Development Regulations: Conditional Approval**

FINDINGS UNDER ARTICLE 17/Table 1

ARTICLE 17 SCHEDULE OF DIMENSIONS

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

Zoning District	B1	B2	B3	I	HX	MUZ	
						MAIN ST	TOWN CENTER
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	8,000	8,000
Min. Front Setback	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	Build-to-Area	Build-to-Area
Max. Front Setback	NA	NA	NA	NA	NA	NA	NA
Min. Side Setback	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	5 ft	5ft
Min. Rear Setback	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	10 ft	10 ft
Min. Lot width (k)	100 ft	100 ft	100 ft	150 ft	150 ft	60 ft	60 ft
Max. % lot coverage	NA	NA	NA	NA	NA	NA	NA
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft	35 ft
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	NA	NA	NA
Min. Width of principal structure	NA	NA	NA	NA	NA	NA	NA

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

***Setbacks: Minimum Dimensions Met**

FINDINGS UNDER ARTICLE 12

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

INTENT

The B3 District is designed to provide sites for light manufacturing and wholesale storage and as a distribution area to retail stores or industrial users. These sites do not necessarily have to abut or be adjacent to a primary or secondary County road but must have access to these roads without passing through a residential district, provided that the entrance and exit is approved in written form by the County Road Commission.

SECTION 12.1 PRINCIPAL USES PERMITTED

12.1.1 Wholesale sales, storage and distribution facilities including accessory retail sales, but excluding storage of flammable or hazardous materials

12.1.2 Truck and rail freight terminals, including warehousing

12.1.3 Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles

12.1.4 Outside storage yards, provided proper fencing is provided per Article 21.10

12.1.5 Lumber yards, building and construction material suppliers

12.1.6 Bottling works, food packaging and freezer plants

12.1.7 Welding, jobbing, plastic, wood, machine and fabrication shops

12.1.8 Community service facilities (public library, offices operated through public funds, etc.)

12.1.9 Equipment reconditioning indoors on an impervious surface

12.1.10 Essential services buildings

12.1.11 Flea markets

12.1.12 Sawmills and forest product processing

12.1.13 Fuel storage and wholesale uses with underground storage tanks

12.1.14 Monument and art stone product operations

12.1.15Nursery sales and greenhouses

12.1.16 Public works garages

12.1.17 Indoor archery range

12.1.18 Indoor rifle or pistol ranges

12.1.19 Construction and utility service contractors storing heavy equipment

12.1.20 Storage buildings consisting of building(s) with the purpose of commercial and/or private storage (A storage building shall not be used in any form as a residence.)

12.1.21 Agricultural chemicals and supplies in an enclosed building

12.1.22 Veterinary hospitals, clinics with indoor kennels [Permit criteria includes Article 21.45]

12.1.23 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height [Permit criteria includes Article 21.46]

12.1.24 Recycling Facility

12.1.25 Solid Waste Hauler

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

SECTION 12.2 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.]

12.2.1 All permitted use or uses subject to special conditions in the B2 General Business District.

12.2.2 Auto repair garages or auto body shops, including wrecker service

12.2.3 Above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids

12.2.4 Concrete and asphalt manufacturing and distribution

12.2.5 Detention Facilities

12.2.6 Power generation plants

12.2.7 Research, experimental, and development establishments

12.2.8 Adult Entertainment

12.2.9 Industrial Laundries

12.2.10 Medical Laboratories

12.2.11 Dirt and aggregate storage, sales and processing

12.2.12 Wireless Telecommunications Towers and Facilities over one hundred ninety (190) feet in height [Permit criteria includes Article 21.46]

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

12.2.14 Unlisted property uses if authorized under Article 21.44

12.2.15 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 Uses / Permitted Use Subject to Special Conditions allowed in B3 Zoning District**

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

***Access Management: Conditional Approval**

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.

***Buffer Yard Required/See Table I**

***Existing Tree Cover**

***Conditional Approval - See Condominium By-Laws Article VII C Building and Use Restrictions (viii)**

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 ST	MUZ TWN CTR		HX	I
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

TABLE II STANDARD PLANT MATERIAL REQUIREMENTS							
Plant Material Requirements				Vegetation Types			
Type	Plant Material Reductions with: 6' Wall	3' Berm	Buffer Width	Canopy Trees	Flowering Trees or Large Shrubs	Shrubs	Evergreens & Conifers
A	.50	.75					
			10'	1	1	4	
			15' or more	1	1	3	
B	.50	.75					
			10'	3	3	6	2
			15' or more	2	2	5	1
C	.65	.80					
			10'	4	3	19	4
			15'	3	2	15	3
			20'	2	2	15	1
			25'	3	2	15	1
			30'	3	2	15	2
			35'	3	2	15	2
			40'	3	2	15	3
D	.75	.85					
			15'	1	4	32	1
			20'	2	4	30	1
			25'	3	4	30	1
			30'	3	5	30	2
			35'	3	5	30	2
			40'	3	5	30	3
			45'	4	6	30	4
E	NA	NA					
			20'	2	4	38	1
			25'	3	4	38	1
			30'	3	5	38	2
			35'	3	5	38	2
			40'	3	5	38	3
			45' or more	5	6	30	4

Minimum width of buffer with masonry wall = ten (10') feet

ALL PLANT QUANTITIES ARE PER ONE HUNDRED (100) LINEAR FEET, less the distance required for vehicle access to the property.

Exhibit 14

FINDINGS UNDER ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

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

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

***Lighting: Conditional Approval - See Condominium By-Laws Article VII C Building and Use Restrictions (ii)**

FINDINGS UNDER SECTION 21.27

SECTION 21.27 PARKING

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

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

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

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

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

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

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

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

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

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

21.27.10 Off-street Parking Schedule

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

MINIMUM PARKING SPACES REQUIRED **LAND USE**	**PER UNIT OF MEASURE**
Commercial	
Planned Shopping Center	1 per 200 sq. ft. of usable floor area
Auto Wash-Automatic	5 per wash stall plus 1 per employee
Auto Wash-Automatic-Drive-in	1 for each 2 employees
Auto Wash-Self Service	1 per employee
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons at maximum capacity
Drive-in Business	1 per employee plus drive-in stalls and/or lanes to serve patrons
Banks	1 per 200 sq. ft. of usable floor area
Doctor or Dentist Office	1 per 50 sq. ft. of waiting room plus 1 per service chair
Business Office	1 per 200 sq. ft.
Billiard Hall	2 per game table
Bowling Alley	5 per lane
Taverns	1 per 100 sq. ft. of usable floor area
Restaurants	1 per 3 persons at maximum seating capacity
Drive-up or Drive-through Uses-Restaurant, Banks, Drug Pick-up, Laundries, Payment Windows or other Drive-up Service Windows	In addition to the required parking for the principal use, the Drive-through facilities requirement in Article 18 shall be followed
Furniture, Appliances, Plumbers, Electricians Minor Repair Services	1 per 800 sq. ft. of usable floor area

Vehicle Service Station	2 per service stall, plus 1 per employee
Gasoline Convenience Store	1 per 300 sq. ft. of usable floor area
Laundromat	1 per 3 machines for washing
Funeral Home/Mortuary	1 per 200 sq. ft. of usable floor area
Motels, Hotels, Motor Inns, Cabin Courts, Bed & Breakfast Facilities and Tourist Lodging Facilities	1 per 150 sq. ft. of usable floor area, the Planning Commission may reduce up to half if they reserve land for open space
Vehicle Sales	1 per 200 sq. ft. of showroom usable floor area
Retail Groceries	1 per 150 sq. ft. of usable floor area
Other Retail Stores	1 per 150 sq. ft. of usable floor area
Self-Storage Rental Units	1 per 10 units
Personal Service Establishments	1 per 100 sq. ft. usable floor area not otherwise specified
Museums	1 per 150 sq. ft. of usable floor area
Rental Shops	1 per 200 sq. ft. of usable floor area in addition to a loading and unloading area; and a vehicle turnaround drop-off area
Rifle or Pistol Range	2 per range plus 1 per employee

***Parking: Conditional Approval**

FINDINGS UNDER SECTION 21.38

Section 21.38
Signs and Billboards
Amended 3.29.2018

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.

Exhibit 14

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.

Exhibit 14

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 21.38.01.01.03 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.

*Signage: Conditional Approval

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: Conditional Approval - See Condominium By-Laws Article VII C Building and Use Restrictions (x)

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 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.

***Underground Utilities: Conditional Approval**

FINDINGS UNDER ARTICLE 23

ARTICLE 23 SITE PLAN REVIEW

Site Plan Review and approval of all development proposals listed below is required by the provisions of this Article. The intent of this Article is to provide for consultation and cooperation between the land developer and the Zoning Administrator so that beneficial utilization of the land is achieved at the same time that adverse effects upon the surrounding land uses are minimized consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Comprehensive Plan of Otsego County will be assured and its communities will develop in an orderly fashion.

SECTION 23.1 SITE PLAN REVIEW REQUIRED

Site plan review is required for the following uses:

23.1.1 Any use or development for which the submission of a site plan is required by any provision of this Ordinance.

23.1.2 Any development for which off-street parking areas in excess of five (5) spaces are provided as required in this Ordinance.

Any use in a B1, B2, B3 and Industrial zone.

Any Special Land Use (See Article 19).

(Note: An application for a zoning permit for a land use not requiring Site Plan Review shall contain a Plot Plan as outlined in Article 25.3.3.)

SECTION 23.2 APPLICATIONS FOR SITE PLAN REVIEW

An application for site plan review shall be obtained from the Zoning Administrator. The completed application and site plan shall be submitted to the Zoning Administrator along with fifteen (15) copies of each for distribution. The application, site plan and copies shall be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, in order to have the site plan review scheduled for that meeting. The applicant shall also meet requirements of Article 27 Township Participation in County Zoning. The application for site plan review and the site plan shall contain the following information:

23.2.1 The application shall, at a minimum, include the following information:

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

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

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

23.2.1.4 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)

23.2.1.5 The address and or parcel number of the property

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

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

23.2.1.8 Project title

23.2.1.9 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

23.2.1.10. A vicinity map drawn to with North point indicated

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

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

23.2.1.13. Project completion schedule/development phases

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

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

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

23.2.2.3 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.

23.2.2.4 Location and type of significant existing vegetation

23.2.2.5 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

23.2.2.6 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

23.2.2.7 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

23.2.2.8 Location of existing public roads, rights-of-way 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.

23.2.2.9 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.

23.2.2.10 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

23.2.2.11 Location, size and characteristics of all loading and unloading areas

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

23.2.2.13 Location of water supply lines and/or wells, including fire hydrants and shut off valves and 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

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

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

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

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

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

23.2.2.19 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.

23.2.2.20 Location, size of all trash receptacles and other solid waste disposal facilities

23.2.2.21 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.

23.2.2.22 Identification of any significant site amenities or unique natural features

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

23.2.2.24 North arrow, scale and date of original submittal and last revision

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

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 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 _____, except for the following items: (list known variations from the ordinance)

23.2.3 All projects requiring a site plan shall also require that the professional in charge of the project inspect and certify that the project has been constructed in accordance with the approved plans. The following format shall be used:

FORM FOR CONSULTANT'S CERTIFICATE

Date_____

Project name_____

Section _____, T____N, R____W, _____Township,

Otsego County, Michigan.

I hereby certify that construction of

_____

is complete and that:

1. I have personally directed the supervision or inspection of the construction.

2. To the best of my professional knowledge, understanding and information, all improvements to date have been installed in accordance with the special use permit.

3. The project meets all requirements of the Otsego County Zoning Ordinance.

Signed_____

Registered Professional Engineer (or Surveyor, Architect or Landscape Architect)

(seal)

23.2.4 The Planning Commission or Zoning Administrator may waive any site plan submittal requirement when any of the following circumstances are found to be in existence:

23.2.4.1 The data will serve no useful purpose. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted. Another reasonable circumstance or condition exists (not including the cost of complying).

23.2.5 Application fees must be paid when the application is submitted and sufficient escrow accounts may be established to cover the projected review costs.

SECTION 23.3 PRE-APPLICATION CONFERENCE

A pre-application conference is not mandatory, but it is strongly advised. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the Zoning Administrator and such other representatives as described in the Planning Commission bylaws. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance. There is no charge or fee to the applicant for this meeting.

SECTION 23.4 AGENCY REVIEW

The applicant shall submit a copy of required site plans and a blank comment form supplied by the Otsego County Zoning Administrator to designated Federal, State and Local agencies and departments for review as determined and requested by the Planning Commission or Zoning Administrator.

The applicant may be requested to submit site plans to one or more of the following agencies: the Otsego County Road Commission; the Michigan Department of Transportation; the Michigan State Police, the Otsego County Sheriff; the Otsego County Conservation District; the District Health Department; the Fire Department having jurisdiction; the Michigan Department of Natural Resources; the Michigan Department of Environmental Quality; the Otsego County Airport; or any other agency or department deemed necessary. After delivery of the application, site plans and comment forms the applicant should submit proof of delivery to the Otsego County Zoning Administrator. Comments not received from reviewing agencies by the Zoning Administrator within fifteen (15) of days of delivery shall be considered approved without comment.

SECTION 23.5 APPROVAL AUTHORITY

The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If he/she determines that all required information has not been supplied, a written notification to the applicant will be sent, citing the deficiencies. The application for site plan review cannot proceed until all requirements have been satisfied.

The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site plans for 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.

SECTION 23.6 CONDITIONAL APPROVALS

23.6.1 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of this ordinance.

23.6.2 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of another local, county or state agency, including a Water and Sewer Department, County Drain Commission, County Road Commission, State Highway Commission or Natural Resources Department. They may do so when such conditions:

23.6.2.1 Would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;

23.6.2.2 Would protect the natural environment and conserve natural resources and energy;

23.6.2.3 Would insure compatibility with adjacent uses of land, and would promote the use of land in a socially and economically desirable manner.

23.6.3 The Planning Commission and/or Zoning Administrator may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of Article 21.10 and 21.18of this Ordinance and may collect a performance guarantee consistent with the requirements of Article 23.8, to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:

23.6.3.1 That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;

23.6.3.2 that absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

SECTION 23.7 DISTRIBUTION OF APPROVED SITE PLAN

When a site plan is reviewed and approved or disapproved by the Planning Commission or Zoning Administrator, and all steps completed, two (2) copies of the site plan will be marked by the Planning Commission for the following distribution.

23.7.1.1 One (1) copy returned to the applicant signed by the Chairperson of the Planning Commission or by the Zoning Administrator including any conditions of approval.

23.7.1.2 One (1) copy forwarded to the Zoning Administrator including any conditions of approval.

SECTION 23.8 CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following final approval of a site plan by the Zoning Administrator or the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan.

Failure to do so is a violation of this ordinance and subject to the sanctions provided herein.

SECTION 23.9 SITE PLAN EXPIRATION AND REVOCATION

23.9.1 Failure to initiate construction of an approved site plan within three hundred sixty-five (365) days of approval shall require the applicant to appear before the Planning Commission and demonstrate why the approval should not be revoked. After this appearance the Planning Commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:

23.9.1.1 An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency;

23.9.1.2 Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;

23.9.1.3 A change in state law, local charter, or other local ordinance affecting the previous approval has occurred;

23.9.1.4 Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.

23.9.2 Thirty (30) days prior to expiration of an approved site plan, an applicant may make application for a one year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. If the original approval of the site plan was by the Planning Commission, the applicant shall present his/her case in person or by representative at the next meeting of the Planning Commission.

23.9.3 Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The Building Inspector shall also be notified to withhold any building permit until a new site plan is approved.

23.9.4 Any subsequent re-submittal shall be processed as a new request with new fees, except for minor amendments pursuant to Subsection 23.11 below.

SECTION 23.10 PERFORMANCE GUARANTEE REQUIRED

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Otsego County and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a performance guarantee as regulated by Article 25.6. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping and any other required improvements.

SECTION 23.11 MINOR AMENDMENTS TO APPROVED SITE PLANS

Minor Amendments to a site plan may be approved by the Zoning Administrator provided that such changes conform to the Zoning Ordinance and the applicant agrees. No additional fees will be charged for minor amendments. Minor changes to an approved site plan may be approved by the Zoning Administrator before or after construction has begun provided no such change results in any of the following:

23.11.1.1 A change in the use or character of the development

23.11.1.2 An increase in overall coverage of structures

23.11.1.3 An increase in the intensity of use

23.11.1.4 A reduction in required open space

23.11.1.5 A reduction in required off-street parking and loading

23.11.1.6 A reduction in required pavement widths or utility pipe sizes

23.11.1.7 An increase in traffic on public streets or an increase in the burden on public utilities or services

23.11.2 The following are minor amendments:

23.11.2.1 Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s) - Relocation of building entrances or exits, or shortening of building canopies

23.11.2.2 The changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided

23.11.2.3 Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or a reduction of aisle width below ordinance requirements

23.11.2.4 Moving of ingress and egress drives a distance of not more than one hundred (100) feet if required by the appropriate state, county or other local road authority with jurisdiction

23.11.2.5 Substituting landscape plan species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects

23.11.2.6 Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary

23.11.2.7 Increase peripheral yards

23.11.2.8 Changing the location of an exterior building wall or location not more than ten (10) feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected

23.11.3 If a proposed amendment to an approved site plan does not qualify as a minor change, a new site plan and application and fees in accordance with the provisions of Article 23 must be submitted. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

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

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

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

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

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

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

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

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity 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

EXHIBIT A

CONDOMINIUM BYLAWS

OF

EAGLE COMMERCE PARK, A SITE CONDOMINIUM

ARTICLE I.
THE CONDOMINIUM

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Section 1. **Organization.** Eagle Commerce Park, a Site Condominium Development, is a residential condominium located in Bagley Township, Otsego County, Michigan (the "Condominium"), and shall be administered by an association of co-owners (the "Association"), which shall be organized as a nonprofit corporation under the laws of the State of Michigan. The Association will be responsible for the management, maintenance, operation and administration of the common elements, easements and, generally, the affairs of the Condominium in accordance with the Master Deed, these Bylaws, the Articles of Incorporation, Bylaws, Rules and Regulations of the Association, and the laws of the State of Michigan.

Section 2. **Compliance.** All present and future co-owners (who shall be "Members" of the Association as provided in Article II, Section 1, below; the terms "Member" and "Co-owner" are used interchangeably herein), mortgagees, tenants and all other persons who may in any manner use, enter upon or acquire any interest in the Condominium Premises, or any Condominium unit ("Unit"), shall be subject to and comply with the provisions of the Act, the Master Deed, these Condominium Bylaws, and the Articles of Incorporation, Bylaws, Rules and Regulations of the Association including, without limitation, any provision thereof pertaining to the use and operation of the Condominium Premise and the execution of a lease, the act of occupying a Unit, or presence in the condominium shall constitute an acceptance of the provisions of these documents and an agreement to comply therewith.

Section 3. **Purpose of Bylaws.** These Bylaws govern the general operation, maintenance, administration, use and occupancy of the Condominium, and all such activities shall be performed in accordance with the provisions hereof.

ARTICLE II.
MEMBERSHIP AND VOTING

Section 1. **Membership.** Each Co-owner of a Unit, present and future, shall be a Member of the Association during the term of such ownership, and no other person or entity shall be entitled to membership. Neither Association membership nor the share of a Member in the Association funds and assets shall be assigned, pledged or transferred in any manner, except as an appurtenance to a Unit, and any attempted assignment, pledge or transfer in violation of this provision shall be wholly void.

Section 2. **Voting Rights.** Except as limited in the Master Deed and in these Bylaws, the Members owning each Unit shall collectively be entitled to one vote when voting by number and one vote, the value of which shall equal the total percentage of value assigned to the Unit or Units owned by them in the Master Deed, when voting by value. Voting, when required or permitted herein or elsewhere in the Condominium Documents, shall be by number, except in those instances where voting is specifically required to be by value, or both by value and by number, and shall be conducted on a cumulative basis.

Section 3. **Persons Entitled to Vote.** If one person owns a Unit, he or she shall establish his or her membership in the Association and his or her right to vote by presenting evidence of his or her ownership. If more than one person owns a Unit, or the Unit is leased, all of the record owners of the Unit shall sign and file with the Secretary of the Association a certificate designating the person entitled to exercise the Unit's membership in the Association, to cast the vote for the Unit and to receive all notices and other communications from the Association. Such certificate shall state the name and address of the individual representative designated, the number or numbers of the Unit or Units owned, the name and address of the person or persons, firm, corporation, partnership, association, trust or other legal entity who is the Co-owner thereof, and shall be signed and dated by all Co-owners of record and all tenants. All certificates shall be valid until revoked, superseded by a subsequent certificate, or until a change occurs in the record ownership of the Unit concerned. The Developer shall, at any meeting, be entitled to cast a vote on behalf of each Unit it owns without submitting any proof of ownership.

Section 4. **Method of Voting.** Votes on a specific issue may be cast in person. In addition, any person entitled to vote at any meeting may also appear and vote via telecommunications equipment, as provided by the Association Bylaws, or appear and vote (either specifically on an issue or by the general designation of a person to cast a vote) by written proxy. Proxies may be made by any person designated, and any adjournment thereof, and must be filed with the Association before the appointed time of the meeting.

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Section 5. **Majority.** At any meeting of the Members at which a quorum is present, all matters shall be resolved by a majority vote. For purposes of these bylaws, fifty-one percent (51%) in number of the Members voting on any particular matter, whether in person, by telecommunication or by proxy, shall constitute a majority for the approval of such matter, except as otherwise required herein, by the Master Deed or by law.

ARTICLE III.
MEETINGS AND QUORUM

Section 1. **First Meeting of Members.** The first meeting of the Members of the Association may be convened only by the Board of Directors and may be called at any time upon ten (10) days' written notice to all Members. In no event, however, shall the first meeting be held later than: (a) one hundred twenty (120) days after legal or equitable title to a majority of Units, in any phase of the project, has been conveyed to non-Developer Co-owners; or (b) fifty-four (54) months after the first conveyance of legal or equitable title to a Unit to a non-Developer Co-owner, whichever first occurs. The Board of Directors may call meetings of Members of the Association for informational or other appropriate purposes prior to the first meeting of Members, but no such meeting shall be construed as the first meeting of Members.

Section 2. **Advisory Committee.** The Developer shall establish an Advisory Committee of non-Developer Members upon the passage of: (a) one hundred twenty (120) days after legal or equitable title to a majority of Units, in any phase of the project, has been conveyed to non-Developer Co-owners; or (b) one (1) year after the initial conveyance of legal or equitable title to a Unit to a non-Developer Co-owner, whichever occurs first. The Advisory Committee shall meet with the Board of Directors to facilitate communication with the non-Developer Members and to aid in transferring control form the Developer to non-Developer Members. The Advisory Committee shall be composed of not less than one (1) nor more than three (3) non-Developer Members, who shall be appointed by the Developer ion any manner it selects, and who shall serve at the pleasure of the Developer. The Advisory Committee shall meet at least semiannually with the Developer. Reasonable notice of such meetings shall be provided to all Members of the Advisory Committee, and such meetings may be open or closed, in the discretion of the Board of Directors.

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Section 3. **Annual Meetings of Members.** Following the first meeting of Members, and in addition to subsequent meetings called for the purpose of electing directors, as provided below, an annual meeting of the Members shall be held each year at the time and place specified in the Association Bylaws. At least ten (10) days prior to the date of an annual meeting, written notice of the time, place and purpose of such meeting shall be sent by first-class mail, postage prepaid, to each person entitled to vote at the meeting.

Section 4. **Special Meetings of Members.** It shall be the duty of the President to call a special meeting of the Members upon a petition signed by one-third (1/3) of the Members in number and presented to the Secretary of the Association or upon the direction of a majority

of the Board of Directors. Notice of any special meeting shall state the time and place of such meeting and the purposes thereof and shall be given at least ten (10) days prior to the date of such meeting. No business shall be transacted at a special meeting except as stated in the notice.

Section 5. Quorum of Members. Unless otherwise provided herein, the presence, in person or by proxy, of fifty-one percent (51%) in number of the Members entitled to vote shall constitute a quorum of Members. If a quorum shall not be present at any meeting, the Members present may adjourn the meeting for not more than thirty (30) days.

ARTICLE IV.
ADMINISTRATION

Section 1. Board of Directors. The business, property and affairs of the Association shall be managed by a Board of Directors consisting of three (3) persons; provided, that until new directors are elected at the first meeting of Members provided for in Article III, Section 1, hereof, the Directors designated by the Incorporator, or their successors, appointed as provided in the Association Bylaws, shall serve. The entire Board of Directors shall be elected at the first meeting of the Association, each annual meeting of the Association and at any meeting of the Association called by the Board of Directors for the particular purpose of electing directors, in the following manner:

A. If legal or equitable title to less than a majority of the Units, in any phase of the project, has been conveyed to non-Developer Co-owners, and the Developer is the Co-owner of and offers for sale a majority of the Units, in any phase of the project, then the Developer shall be entitled to designate all directors;

B. Subject to subsection C below, if legal or equitable title to more than a majority of the Units, in any phase of the project, has been conveyed to non-Developer Co-owners, then the Developer shall be entitled to designate two (2) of the three (3) directors; and the Co-owners shall be entitled to elect one of the directors.

C. If fifty-four (54) months have passed since the first conveyance of legal or equitable title to a Unit to a non-Developer Co-owner and title to not less than 75% of the units, in any phase of the project, that may be created has not been conveyed, the non-Developer Co-owners shall then have the right to elect, as provided in the Condominium Documents, a number of Members of the Board of Directors of the Association of Co-owners equal to the aggregate percentage of units they own, and the Developer has the right to elect, as provided in the Condominium Documents, a number of Members of the Board equal to the percentage of units which are owned by the Developer and for which all assessments are payable by the Developer. This election may increase, but shall not reduce, the minimum election and designation rights otherwise established. Application of this subsection does not require a change in the size of the Board of Directors.

D. All the directors not designated by the Developer pursuant to subsections A and B

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of this Section shall be elected by the non-Developer members.

Whenever the non-Developer Members become entitled to elect one (1) or more additional directors pursuant to the above formula, the Board of Directors shall provide due notice of a meeting at which an election of all the directors shall take place. The Board of Directors shall schedule such meeting to occur no later than one hundred twenty (120) days after the non-Developer Members become so entitled or, if such meeting would be the first meeting of the Association or such time as it has been replace in accordance with the provisions of these Condominium Bylaws and the Association Bylaws.

Section 2. **Powers and Duties.** The Board of Directors shall have all powers and duties necessary for the administration of the affairs of the Condominium and may do all things which are not prohibited by law or the Condominium Documents or required thereby to be done by the Members. The powers and duties to be exercised by the Board shall include, but shall not be limited to, the power and duty:

A. To manage and administer the affairs of and to maintain the Condominium, all appurtenances thereto and the common elements, property and easements thereof;

B. To levy and collect assessments against and from the Members of the Association and to use the proceeds therefrom for the purposes of the Association, and to enforce assessments through liens and foreclosure proceedings where appropriate;

C. To carry insurance and to collect and allocate the premiums therefor and the proceeds thereof;

D. To restore, repair or rebuild the common elements of the Condominium, or any portion thereof, and any improvements thereon after occurrence of casualty and to negotiate on behalf of all of the Members in connection with the taking of the common elements of the condominium, or any portion thereof, by eminent domain;

E. To contract for and employ, and to discharge, persons or business entities to assist in the management, operation, maintenance and administration of the Condominium;

F. To make reasonable rules and regulations governing the use and enjoyment of the condominium by Members and their tenants, guests, employees, invitees, families and pets and to enforce such rules and regulations by all legal methods, including, without limitation, imposing fines and late payment charges, or instituting eviction or legal proceedings;

G. To own, maintain and improve, and to buy, sell, convey, grant, assign, transfer, mortgage or lease (as landlord or tenant), or otherwise deal in any real or personal property, including, but not limited to, any common elements or Unit, easements, rights-of-way, licenses or any other real property, whether or not contiguous to the Condominium, to benefit the Members of the Association and to further any of the purposes of the Association;

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H. To borrow money and issue evidences of indebtedness in furtherance of any and all of the purposes of the business of the Association, and to secure the same by mortgage, pledge or other lien on Association property; provided, however, that any such action shall first be approved by the affirmative vote of more than two-thirds (2/3) of the Association Members in number and in value at a meeting of the Members duly called;

I. To establish such committees as it deems necessary, convenient or desirable and to appoint persons thereto, to administer the Condominium and to delegate to such committees any functions or responsibilities which are not by law or the Condominium Documents required to be performed by the Board;

J. To make rules and regulations or to enter into agreements with institutional lenders, or both, for the purpose of obtaining mortgage financing for Members which is acceptable for purchase by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Government National Mortgage Association or any other agency of the federal government, the State of Michigan, the County of Otsego, Bagley Township, or any other agency or unit of government;

K. To enforce the provisions of the Master Deed, of these Condominium Bylaws, and of the Articles of Incorporation, Bylaws, Rules and Regulations of the Association, and to sue on behalf of the Condominium or the Members and to assert, defend or settle claims on behalf of the Members with respect to the Condominium;

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L. To do anything required of or permitted to it as administrator of said Condominium by the Condominium Master Deed or Condominium Bylaws or by Act No. 59 of the Public Acts of 1978, as amended, including, but not limited to, these amendments contained in Act No. 538 of the Public Acts of 1982, and in Act No. 113 of the Public Acts of 1983;

M. To provide services to the Co-owners;

N. In general, to enter into any kind of activity, to make and perform any contract and to exercise all powers necessary, incidental or convenient to the administration, management, maintenance, repair, replacement and operation of the Condominium and to the accomplishment of any of the purposes thereof not forbidden, and with all powers conferred upon nonprofit corporations by the laws of the State of Michigan.

Provided, however, that neither the Board nor the Association shall, by act or omission, abandon, partition, subdivide, encumber, sell or transfer the common elements, or any of them, unless at least two-thirds (2/3) of the mortgagees (based upon one vote for each mortgage owned) and two-thirds (2/3) of the members in number and value have consented thereto. The granting of easements for public utilities or for other public purposes consistent with the intended use of the common elements by the condominium shall not be deemed a transfer for these

purposes.

Section 3. **Managing Agent.** The Board of Directors may employ, at a compensation level established by it, a Managing Agent for the Condominium to perform such duties and services as the board shall authorize, including, but not limited to, the powers and duties set forth in Section 2 of this Article. The Developer, or any related person or entity, may serve as Managing Agent if so appointed. If the Board employs a professional management agent for the Association, the Board shall notify each holder of a mortgage lien on any Unit prior to terminating the employment of such professional management agent (or any successor thereto) and assuming self-management. In no event shall the Board be authorized to enter into a contract with a professional management agent, or a contract providing for services by the Developer or its affiliates, under which the maximum term is greater than three (3) years or which is not terminable by the Association upon the transitional control date or within ninety (90) days thereafter and upon thirty (30) days' written notice for cause. On the transitional control date, or within ninety (90) days thereafter, the Board of Directors may terminate a service or management contract with the Developer or its affiliates. In addition, the Board of Directors may terminate any management contract which extends beyond one (1) year after the transitional control date by providing notice of termination to the management agent at least thirty (30) days before the expiration of the one (1) year.

Section 4. **Officers.** The Association Bylaws shall provide for the designation, number, term of office, qualifications, manner of election, duties, removal and replacement of the officers of the Association and may contain any other provision pertinent to the Association officers not inconsistent herewith. Officers may be compensated, but only upon the prior affirmative vote of two-thirds (2/3) of the Members.

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Section 5. **Actions Prior to First Meeting.** Subject to the provisions of Section 3 of this Article IV, all of the actions (including, without limitation, the adoption of these Bylaws, the Association Bylaws, any Rules and Regulations of the Association, and any undertakings or contracts entered into with others on behalf of the Association) of the Board of Directors of the Association named in its Articles of Incorporation, or their appointed successors, before the first meeting of Members, shall be made by the Developer and shall be binding upon the Association in the same manner as though such actions had been authorized by a Board of Directors duly elected by the Association Members at the first or any subsequent meeting of Members so long as such actions are within the scope of the powers and duties which any Board of Directors may exercise, as provided in the Condominium Documents.

Section 6. **Indemnification of Officers and Directors.** The Association shall indemnify every Association director and officer against all expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her as a consequence of his or her being made a party to or being threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of his or her being or having been a director or officer of the Association, except in such cases wherein he or she is adjudged guilty of willful and

wanton misconduct or gross negligence in the performance of his or her duties or adjudged to have not acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Association and its Members, and with respect to any criminal action or proceedings, he or she is adjudged to have had no reasonable cause to believe that his or her conduct was lawful; provided that, if a director or officer claims reimbursement or indemnification hereunder based upon his or her settlement of a matter, he or she shall be indemnified only if the Board of Directors (with any director seeking reimbursement abstaining) approves such settlement and reimbursement as being in the best interests of the Association and, if a director or officer claims reimbursement or indemnification hereunder based upon his or her settlement of a matter, he or she shall be indemnified only if the Board of Directors (with any director seeking reimbursement abstaining) approves such settlement and reimbursement as being in the best interests of the Association and, if a majority of the Members requests it, such approval is based on an opinion of independent counsel supporting the propriety of such indemnification and reimbursement. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights such director or officer may have. The Board of Directors shall notify all Members that it has approved an indemnification payment at least ten (10) days prior to making such payment.

ARTICLE V.
OPERATION OF THE PROPERTY

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Section 1. **Personal Property.** The Association shall be assessed as the person or entity in possession for any tangible personal property of the Condominium owned or possessed in common by the Co-owners, and personal property taxes based thereon shall be treated as expenses of administration.

Section 2. **Costs and Receipts to Be Common.** All costs incurred by the Association shall be expenses of administration, and all sums received as proceeds of, or pursuant to, any insurance policy carried by the Association securing the interests of the Members against liabilities or losses arising within, caused by or connected with, the common elements or the administration of the Condominium shall be receipts of administration.

Section 3. **Books of Account.** The Association shall keep or cause to be kept detailed books of account showing all expenditures and receipts (including both general and special expenses or receipts of administration) concerning the administration of the Condominium. Such books of account shall specify the maintenance and repair expenses and any other expenses incurred on behalf of the Association and Members. The Members and their mortgagees may inspect the books of account during reasonable working hours on normal working days at a place the Association designates. The books of account may be audited at least annually by qualified independent auditors, but such audit need not be a certified audit nor must the auditors be certified public accountants. The cost of such audit, and all accounting expenses, shall be an expense of administration. Any institutional holder of a mortgage lien on any Unit who so requests shall be given a copy of the audit report within ninety (90) days following the end of the Association's fiscal year. At least once a year, the Association shall

prepare and distribute to each Member a statement of its financial condition, the contents of which shall be defined by the Association.

Section 4. **Regular Quarterly Assessment.** The Board of Directors may establish an
annual budget in advance for each fiscal year for the Condominium, and such budget shall contain the Board's estimate of the funds required to defray the expenses of administration for the forthcoming year, as those items are defined by these Bylaws, and all other common expenses. The budget also may allocate and assess all such common charges against all Members in accordance with the number of Units of the Master Deed, without increase or decrease for the existence of any rights to the use of limited common elements appurtenant thereto. The general common expenses shall consist, among other things, of such amounts as the Board may deem proper for the operation, management and maintenance of the Condominium property under the powers and duties delegated to it hereunder, and may include, without limitation, amounts to be set aside for working capital of the Condominium, for a general operating fund, for a reserve fund and for meeting any deficit in the common expense budget for any prior year. The common expenses shall consist among other things of such amounts as the Board may deem proper for the operation, management, and maintenance of the Condominium to the extent of the powers and duties delegated to it hereunder and in the Master Deed and shall include without limitation, amounts to be set aside for working capital of the Condominium, the cost of fulfilling the association's maintenance, repair and replacement responsibilities, management wages, fees and salaries, common area utilities, common area landscaping, maintenance and replacements, common area cleaning, supplies, snow removal, licenses and permits, banking, legal and accounting fees, insurance, and creation and maintenance of an appropriate reserve fund. The budget may establish an adequate reserve fund for maintenance, repair and replacement of the general and limited common elements, which fund may be financed by regular quarterly payments rather than by special assessments. The Board shall advise each member in writing of the amount of common charges payable by him or her and shall furnish copies of each budget on which such common charges are based to all Members, although failure to deliver a copy of the budget to each Member shall not affect any Member's liability for any existing or future assessments. The budget may also allocate and assess all expenses of administration against all Co-owners in accordance with the number of Units of the Master Deed, without increase or decrease or the existence of any rights to the use of the common elements. All assessments levied in accordance with the foregoing provisions of this section shall be payable by the non-Developer Co-owners in four (4) equal quarterly installments commencing with the acquisition of legal or equitable title to a Unit by any means. The Board may in its sole discretion elect to collect regular assessments on a monthly, semi-annual or annual basis. Should the Board of Directors at any time determine, in its sole discretion, that the assessments levied are or may prove to be insufficient: (a) to pay the operation and management costs of the Condominium, (b) to provide for maintenance, repair or replacement of existing common elements, (c) to provide for additions to the common elements or (d) to provide for emergencies, the Board may increase the general assessments or levy such additional assessment or assessments, and apportion them, as it deems necessary.

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Any sums owed to the association by an individual Co-owner may be assessed to and collected from the responsible Co-owner as an addition to the regular assessment installment next coming due. The discretionary authority of the Board to levy assessments pursuant to this section will rest solely with the Board for the benefit of the Association and the Members thereof and will not be enforceable by any creditors of the Association or its Members. Members shall pay all assessments levied in accordance with this Section 4 in four (4) quarterly installments, commencing with acquisition of title to a Unit by any means.

Section 5. Special Assessments. Special assessments, in addition to those provided for in Section 4 above, may be levied by the board of Directors from time to time, following approval by the members as hereinafter provided, to meet other needs, requirements or desires of the Association, including, but not limited to: (a) assessments for capital improvements or additions to the common elements; (b) assessments to purchase a Unit upon foreclosure of a lien for assessments, as described in Section 6 hereof; or (c) assessments for any other appropriate purpose not elsewhere herein described. Special assessments referred to in this Section 5 (but not including those assessments referred to in Section 4 above, which shall be levied in the sole discretion of the Board of Directors) shall not be levied without the prior approval of more than two-thirds (2/3) of all Members in value and in number, which approval shall be granted only by a vote of the Members taken at a meeting of the Members called in accordance with the provisions of Article III hereof. The discretionary authority of the Board to levy assessments pursuant to this section will rest solely with the Board for the benefit of the Association and the Members thereof and will not be enforceable by any creditors of the Association or its Members.

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Section 6. Collection of Assessments. When used in this Section 6 and in Section 12 below, and whenever else appropriate in these Condominium Bylaws, the term "assessment" shall include all regular, quarterly and special assessments referred to in Sections 4 and 5 above and, in addition, all other charges whatsoever levied by the Association against any Co-owner. This Section 6 is designed to provide the Association with a vehicle for collection.

Each Co-owner, whether one or more persons, shall be and shall remain personally obligated for the payment of all assessments levied with regard to his or her Unit during the time that he or she is the owner thereof, and no Member may exempt himself from liability for his or her contribution toward the expenses of administration by waiver of the use or enjoyment of any of the common elements or by the abandonment of his or her Unit. If any Member defaults in paying the assessed common charges, interest at the maximum legal rate shall be charged on such assessment from the due date thereof and further penalties or proceedings may be instituted by the Board of Directors in its discretion. If such assessment, or any part thereof, is not paid on or before the due date established by the Board of Directors for such payment, then such payment shall be in default. The Board of Directors may, but need not, report such a default to any mortgagee of record. Any mortgagee of a Unit may consider a default in the payment of any assessment a default in the payment of its mortgage. In the event of default by any Co-owner in the payment of any installment of the annual assessment levied against the Unit or any other assessments of the annual assessment for the pertinent fiscal year immediately due and

payable. The Association may also discontinue the furnishing of any services to a Co-owner in default upon seven (7) days written notice to such Co-owner of its intent to do so. A Co-owner in default on the payment of any assessment shall not be entitled to vote at any meeting and the Association so long as such default continues. When a Co-owner is in arrearage to the Association for assessments, the Association may give written notice of the arrearage to any person occupying his or her Unit under a lease or rental agreement and such person after receiving the notice shall deduct from the rental payments due the Co-owner the arrearage and future assessments as they fall due and pay them directly to the Association. The deduction shall not be a breach of the rental agreement or lease by the occupant.

Unpaid assessments shall constitute a lien upon the Unit prior to all other liens except tax liens and sums unpaid on a first mortgage of record. The Association may enforce collection of delinquent assessments by a suit at law for a money judgment or by foreclosure of the lien that secures payment of assessments. Each Member, and every other person, except a first mortgagee, who from time to time has any interest in the Condominium shall be deemed to have granted to the Association the unqualified right to elect to foreclosure such lien either by judicial action or by advertisement (in accordance with the provisions of Chapter 32 of the Michigan Revised Judicature Act, as amended). The provisions of Michigan law pertaining to foreclosure of mortgages by judicial action and by advertisement, as the same may be amended from time to time, are incorporated herein by reference for the purposes of establishing the alternative procedures to be followed in lien foreclosure actions and the rights and obligations of the parties to such actions. The Association is hereby granted what is commonly known as a "power of sale." Each Member and every other person, except a first mortgagee, who from time to time has any interest in the Condominium shall be deemed to have authorized and empowered the Association to sell or to cause to be sold at public auction the Unit with respect to which the assessment is delinquent and to receive, hold and distribute the proceeds of such sale in accordance with the priorities established by applicable law. Each Member acknowledges that when he or she acquired title to his or her Unit, he or she was notified of the provisions of this section and that he or she voluntarily, intelligently and knowingly waived notice of any proceedings brought by the Association to foreclose by advertisement the lien for nonpayment of assessments and a hearing on the same prior to the sale of the subject Unit.

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Notwithstanding the foregoing, neither a judicial foreclosure action nor a suit at law for a money judgment shall be commenced, nor shall any notice of foreclosure by advertisement be published, until ten (10) days have expired after the mailing, by certified mail, return receipt requested and postage prepaid, addressed to the delinquent Member at his or her last known address, of a written notice that an assessment, or any part thereof, levied against his or her Unit is delinquent and that the Association may invoke any of its remedies hereunder if the default is not cured within ten (10) days after the date of mailing. A written affidavit of an authorized representative of the Association that sets forth (a) the affiant's capacity to make the affidavit, (b) the statutory and other authority for the lien, (c) the amount outstanding (exclusive of interest, costs, attorneys' fees and future assessments), (d) the legal description of the subject Unit, and (e) the name of the Member of record, shall accompany such written notice. Such affidavit shall be recorded in the Office of the Otsego County Register of Deeds prior to the

commencement of any foreclosure proceedings, but it need not have been recorded as of the date of mailing the notice. If the delinquency is not cured within the ten (10) day period, the Association may take such remedial action as may be available to it hereunder or under Michigan law. In the event the Association elects to foreclose the lien by advertisement, the Association shall so notify the representative of the delinquent Member designated in Article III, Section 3, above, and shall inform such representative that he or she may request a judicial hearing by bringing suit against the Association. The expenses incurred in collecting unpaid assessments, including interest, costs, reasonable attorneys' fees (not limited to statutory fees) and advances for taxes or other liens paid by the Association to protect its lien, shall be chargeable to the Member in default and shall be secured by the lien on his or her Unit. If any member defaults in the payment of any installment of the annual assessment levied against his or her Unit, the Association shall have the right to declare all unpaid installments of the annual assessment for the pertinent fiscal year immediately due and payable. In a judicial foreclosure action, the court may appoint a receiver to collect a reasonable rental for the Unit from the Member owning it or any persons claiming under him, and each Member hereby covenants to the appointment of such a receiver. The Association may also stop furnishing any services to a Member in default upon seven (7) days' written notice to such Member of its intent to do so. A Member in default in the payment of any assessment shall not be entitled to vote at any meeting of the Association so long as such default continues.

If the holder of a first mortgage on a Unit obtains title to the Unit by foreclosing the mortgage, accepting a deed in lieu of foreclosure or similar remedy, or any other remedy provided in the mortgage, such person, and its successors and assigns, or other purchaser at a foreclosure sale, shall not be liable for unpaid assessments chargeable to the Unit by such person until after such mortgagee takes title to the Unit or Units; provided, however, that such unpaid assessments shall be deemed to be common expenses collectible from all of the Members, including such person, its successors and assigns, and that all assessments chargeable to the Unit subsequent to the acquisition of title shall be the responsibility of such person as hereinbefore provided with respect to all Members. When a Member is in arrearage to the Association for assessments, the Association may give written notice of arrearage to any person occupying his or her Unit under a lease or rental agreement, and such person, after receiving the notice, shall deduct from rental payments due the Member the arrearage and future assessments as they fall due and pay them directly to the Association. The deductions shall not be a breach of the rental agreement or lease by the occupant.

The Association may purchase a Unit at any foreclosure sale hereunder.

Section 7. <u>Obligations of the Developer</u>. The Developer shall maintain any Units owned by it him. In no case shall the Developer be responsible for paying any assessment on units owned by the Developer, or assessments levied in whole or in part to finance any litigation or other claims against the Developer, any cost of investigating and preparing such claim or similar or related costs.

Section 8. <u>Maintenance and Repair</u>. All maintenance and repair obligations shall, as provided in the Master Deed, rest on the individual Co-owner. Each shall maintain his or her

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Unit and any limited common elements appurtenant thereto for which he or she has maintenance responsibility in a safe, clean and sanitary condition and shall maintain landscaping on the Frontage Area of any site condominium. Each Member shall also use due care to avoid damaging any of the common elements, including, but not limited to, the telephone, water, gas, plumbing, electrical or other utility conduits and systems and any other elements in any Unit which are appurtenant to or which may affect any other Unit. Each Member shall be responsible for damages or costs to the Association resulting from negligent damage to or misuse of any of the common elements by him, his or her family, guests, agents or invitees, unless such damages or costs are actually reimbursed from insurance carried by the Association, in which case there shall be no such responsibility (if reimbursement to the Association is excluded by virtue of a deductible provision, the responsible Member shall bear the expense to the extent of the deductible amount, anything else in these Bylaws to the contrary notwithstanding). Any costs or damages to the Association that are herein or elsewhere in the Condominium Documents assigned to the individual Member may be assessed to and collected from the responsible Member in the manner provided for regular assessments in Article V, Section 4, hereof.

The provisions of this Section 8 shall be subject to those of Article VI, Sections 1-3, in the event of repair or replacement on account of a casualty loss.

Section 9. **Taxes.** Subsequent to the year in which the Condominium is established, all special assessments and property taxes shall be assessed against the individual Units and not upon the total property of the Condominium or any part thereof. Taxes and special assessments which have become a lien against the property of the Condominium in the year of its establishment (as provided in Section 131 of the Act) shall be expenses of administration and shall be paid by the Association. Each Unit shall be assessed a percentage of the total bill for such taxes and assessments equal to the percentage of value allocated to it in the Master Deed, and the Members owning those Units shall reimburse the Association for their Unit's share of such bill within ten (10) days after they have been tendered a statement therefor.

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Section 10. **Documents to Be Kept.** The Association shall keep current copies of the approved Master Deed, all amendments thereto, and all other Condominium Documents available for inspection at reasonable hours by Members, prospective purchasers and prospective mortgagees of Units.

Section 11. **Reserve for Major Repairs and Replacement.** The Association may maintain a reserve fund for major repairs and replacement of common elements in an amount equal to at least ten percent (10%) of the Association's current annual budget on a noncumulative basis. Moneys in the reserve fund may be used only for major repairs and replacement of common elements. THE MINIMUM STANDARDS REQUIRED BY THIS SECTION MAY PROVE INADEQUATE FOR A PARTICULAR PROJECT. The Association of Members should carefully analyze the Condominium to determine if a greater amount should be set aside, or if additional reserve funds should be established for other purposes.

Section 12. **Statement of Unpaid Assessments.** Pursuant to the provisions of the

Act, the purchaser of any Unit may request a statement from the Association as to the outstanding amount of any unpaid assessments thereon, whether regular or special. Upon written request to the Association accompanied by a copy of the executed purchase agreement pursuant to which the purchaser holds a right to acquire a Unit, the Association shall provide a written statement of such unpaid assessments as may exist or a statement that none exist, which statement shall be binding upon the Association for the period stated therein. Upon the payment of that sum within the period stated, the Association's lien for assessments as to such Unit shall be deemed satisfied; provided, however, that the failure of a purchaser to request such statement at least five (5) days prior to the closing of the purchase of such Unit shall render any unpaid assessments and the lien securing the same fully enforceable against such purchaser and the Unit itself.

ARTICLE VI.
INSURANCE; REPAIR OR REPLACEMENT
CONDEMNATION AND CONSTRUCTION LIENS

Section 1. **Insurance.** The Association may carry all-risk property coverage and liability insurance (including, without limitation, Director's and officer's coverage), workers' compensation insurance, if applicable, and such other insurance coverage as the board may determine to be appropriate with respect to the ownership, use and maintenance of the general and limited common elements of the Condominium and the administration of Condominium affairs. Such insurance may be carried and administered in accordance with the following provisions:

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A. All such insurance may be purchased by the Association for the benefit of the Association, the Members and their mortgagees, as their interests may appear, and provision may be made for the issuance of certificates of insurance with mortgagee endorsements to the mortgagees of Members' Units. It shall be each Co-owners' responsibility to obtain insurance coverage for his or her property located within the boundaries of his or her Unit or elsewhere in the Condominium and for his or her personal liability for occurrences within his or her Unit or upon limited common elements appurtenant to his or her Unit, and also for alternative living expenses. The Association shall have absolutely no responsibility for obtaining such coverage. The Association and all Members shall use their best efforts to see that all property and liability insurance carried by the Association or any Member shall contain appropriate provisions whereby the insurer waives its right of subrogation as to any claims against any Member or the Association, and, subject to the provisions of Article V, Section 8, hereof, the Association and each Member hereby waive, each as to the other, any right of recovery for losses covered by insurance. The liability of carriers issuing insurance obtained by the Association shall not, unless otherwise required by law, be affected or diminished on account of any additional insurance carried by any Member, and vice versa.

B. Public liability insurance may be carried in such limits as the Board may from time to time determine to be appropriate, and shall cover the Association, each Member,

director and officer thereof, and any managing agent.

C. The Association may carry fidelity bond insurance in such limits as the Board shall determine upon all officers and employees of the Association who, in the course of their duties, may reasonably be expected to handle funds of the Association or any Co-owners.

D. Each Co-owner will be responsible for obtaining fire and extended coverage and vandalism and malicious mischief insurance with respect to his or her residence and all other improvements, constructed or to be constructed and for his or her personal property located within the boundaries of his or her condominium Unit or elsewhere in the Condominium including but not limited to the frontage Area adjoining his or her Unit. All such insurance will be carried by each Co-owner in an amount equal to the maximum insurable replacement value, excluding foundation and excavation costs, and evidenced to the Association in a manner acceptable to the Association. In the event of the failure of the Co-owner to obtain such insurance the Association may obtain such insurance on behalf of such Co-owner and the premiums therefore will constitute a lien against the Co-owner's Unit which may be collected from the Co-owner in the same manner as the Association assessments are collected in accordance with Article V. Each Co-owner also will be obligated to obtain insurance coverage for his or her personal liability for occurrences within the boundaries of his or her Unit (including within the residence located thereon), the limited common elements appurtenant to his or her Unit, or on the Frontage Area appurtenant to his or her Unit and also for alternative living expense in the event of fire. The Association will under those circumstances have no obligation to obtain any of the insurance coverage described in this subsection or any liability to any person for failure to do so.

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E. All premiums upon insurance policies purchased by the Association pursuant to these Bylaws shall be expenses of administration.

F. Proceeds of all insurance policies owned by the Association shall be received by the Association, held in a separate account, and distributed to the Association, the Members and their mortgagees as their interests may appear; provided, however, whenever Section 3 of this Article requires the repair or reconstruction of the Condominium, any insurance proceeds received by the Association as a result of any loss requiring repair or reconstruction shall be applied for such purpose. Hazard insurance proceeds shall never be used for any purpose other than for repair, replacement or reconstruction of the project unless all of the holders of mortgages on Units in the Condominium have given their prior written approval.

G. All insurance carried by the Association shall, to the extent possible, provide for cross-coverage of claims by one insured against another.

Section 2. <u>Reconstruction or Repair</u>. If any part of the Condominium shall be damaged, the determination of whether or not, and how, it shall be reconstructed or repaired shall be made in the following manner:

A. Any reconstruction or repair shall be performed substantially in accordance with the Master Deed and the plans and specifications for the Condominium to a condition as similar as possible to the condition existing prior to damage, unless the Members and each holder of a mortgage lien on any Unit shall unanimously decide otherwise.

B. Each Member shall be responsible for the reconstruction and repair of his or her Unit, all structures and improvements, including, landscaping, the limited common elements, appurtenant to his or her Unit and the landscaping and mailbox on the Frontage Area.

C. The Developer shall be responsible for the reconstruction and repair of the common elements. At the earliest date after a casualty occurs causing damage to property for which the Developer has the responsibility of maintenance, repair and reconstruction, the Developer may obtain reliable and detailed estimates of the cost to return the damaged property to a condition as good as that existing before the damage.

D. Any insurance proceeds received by the Association shall be used for reconstruction or repair when reconstruction or repair is required by these Bylaws. If the insurance proceeds are not sufficient to pay the estimated costs of reconstruction or repair required to be performed by the Association, or if at any time during such reconstruction or repair, or upon completion of such reconstruction or repair, the funds for the payment of the costs thereof are insufficient, assessments shall be made against all Members for the cost of reconstruction or repair of the damaged property in sufficient amounts to provide funds to pay the estimated or actual cost of repair. Such assessments shall be levied in the same manner as the regular monthly assessments, as set forth in Article V, Section 4, hereof.

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Section 4. <u>Eminent Domain</u>. The following provisions shall control upon any taking by eminent domain:

A. The Association, acting through its Board of Directors, may negotiate on behalf of all Members for any taking of general common elements. Any negotiated settlement shall be subject to the approval of more than two-thirds (2/3) of the Members in value and shall thereupon be binding on all Members.

B. If an entire Unit is taken by eminent domain, the award for such taking shall be paid to the Association for the benefit of the owner of such Unit and the mortgagee thereof, as their interests may appear. After acceptance of such award by the Member and his or her mortgagee, they shall be divested of all belonging to the Member whose Unit has been taken shall thereafter appertain to the remaining Units, including those restored or reconstructed under the provisions of this section.

C. In the event of a partial taking of any Unit, any condemnation award shall be paid by the condemning authority to the Association on behalf of the Co-owner of the Unit and his or her mortgagee, as the respective interests may appear. If part of the residence located within the Unit is taken, the Co-owner shall if practical, using the award, rebuild the same to the

extent necessary to make it habitable or useable. If it is not practical to rebuild the residence within the boundary of the Unit, the entire undivided interest in the common elements appertaining to that Unit shall thence forth appertain to the remaining Units, being allocated to them in proportion to their respective undivided interests in the common elements. The remaining portion of that Unit shall thenceforth be a common element.

D. If any portion of the Condominium other than any Unit is taken, the condemnation proceeds relative to such taking shall be paid to the Association, and the affirmative vote of more than fifty percent (50%) of the Members in number and in value at a meeting duly called shall determine whether to rebuild, repair or replace the portion so taken or to take such other action as they deem appropriate. If no such affirmative vote is obtained, such condemnation proceeds shall be remitted to the Members and their respective mortgagees, as their interests may appear, in accordance with their respective percentages of value set forth in Article VI of the Master Deed.

E. If the Condominium continues after a taking by eminent domain, then the remaining portion of the Condominium shall be resurveyed and the Master Deed amended accordingly, and, if any Unit shall have been taken, then Article VI of the Master Deed shall be amended to reflect such taking and to proportionately readjust the percentages of value of the remaining Members based upon a continuing value for the Condominium of one hundred percent (100%). Such amendment may be effected by an officer of the Association duly authorized by the Board of Directors without the necessity of execution or specific approval thereof by any Members, but only with the prior written approval of all holders of mortgage liens on individual Units in the project.

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F. If any Unit, or any portion thereof, or the common elements or any portion thereof, is made the subject matter of any condemnation or eminent domain proceeding or is otherwise sought to be acquired by a condemning authority, the Association promptly shall so notify each holder of a mortgage lien on any of the Units.

G. If the taking of a portion of a Unit makes it impractical to rebuild the partially taken Unit to make it habitable, then the entire undivided interest in the common elements appertaining to that Unit shall thenceforth appertain to the remaining Units, and shall be allocated to them in proportion to their respective undivided interests in the common elements. The remaining portion of that Unit shall thenceforth be a common element.

H. Votes in the Association of Members and liability for future expenses of administration appertaining to a Unit taken or partially taken (as provided in subsection G hereof) by eminent domain shall thenceforth appertain to the remaining Units, and shall be allocated to them in proportion to their relative voting strength by value in the Association.

Section 5. **<u>Construction Liens</u>.** The following provisions shall control the

circumstances under which construction liens may be applied against the Condominium or any Unit thereof:

A. Except as provided below, a construction lien for work performed on or beneath a Unit or on the Frontage Area of any site condominium may attach only to the Unit upon or for the benefit of which the work was performed. A construction lien for work performed in constructing a residence or other structure within a Site Unit may attach only to the structure or residence constructed.

B. A construction lien for work authorized by the Developer or principal contractor except at the request of the Co-owner and performed upon the common elements may attach only to Units owned by the Developer at the time.

C. A construction lien for work authorized by the Association may attach to each Unit only to the proportional extent that the Member owning the Unit is required to contribute to the expenses of administration as provided by the Condominium Documents.

D. A construction lien may not arise or attach to a Unit for work performed on the common elements not contracted for by the Developer or the Association.

If a Member is advised or otherwise learns of a purported construction lien contrary to the foregoing, he or she shall immediately notify the Board of Directors. Upon learning of the purported construction lien, the Board shall take appropriate measures to remove any cloud on the title of Units improperly affected thereby.

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Section 6. **Notice to FHLMC.** If any mortgage in the Condominium is held by the Federal Home Loan Mortgage Corporation ("FHLMC"), then the Association shall give FHLMC written notice at such address as it may, from time to time, direct of any loss to or taking of the common elements of the Condominium, if the loss or taking exceeds Ten Thousand Dollars ($10,000.00) in amount.

Section 7. **Mortgagees.** Nothing contained in the Condominium Documents shall be construed to give a Unit owner, or any other party, priority over any rights of mortgagees of Units pursuant to their mortgages in the case of a distribution to Unit owners of insurance proceeds or condemnation awards for losses to or a taking of Units, common elements or both.

ARTICLE VII.
USE AND OCCUPANCY RESTRICTIONS; ENFORCEMENT

Section 1. **Establishment of Restrictions.** In order to provide for congenial occupancy of the Condominium, and for the protection of the value of the Units, the use of Condominium property shall be subject to the limitations set forth below:

A. Property Subject To These Restrictions.

(i) Eagle Commerce Park. All of the Units of Eagle Commerce Park, except any Unit or portion of a Unit removed from the Condominium pursuant to Article IX of the Master Deed ("Contraction Property"), are and shall remain subject to these restrictions. Any such Contraction Property removed from the Condominium may remain subject to the terms and conditions hereof, or Developer may, at their option, record alternative or supplemental restrictions with respect to such property, or develop the property outside the condominium.

(ii) Expansion Property. The Developer, or its successors and assigns, has the right to expand Eagle Commerce Park by adding all or any portion of the Expansion Property to the Condominium in the manner provided in the Master Deed. Any such property added is subject to the terms and conditions hereof, or the Developer may at its option record alternative or supplemental restrictions with respect to any such property added to the Condominium.

B. Architectural Committee. The Developer in designing Eagle Commerce Park, including the location and contour of the streets, has taken into consideration the following criteria:

(i) Eagle Commerce Park is designed for commercial use only.

(ii) Any construction within each of the Site Units should be located so as to preserve the existing trees and contours where practicable.

(iii) The architecture of the commercial buildings located within any Site Unit must be compatible with the criteria as established by the Developers and also must be compatible and harmonious to the external design and general quality of other commercial buildings constructed and to be constructed within Eagle Commerce Park.

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C. Building and Use Restrictions.

(i) Use of Property. All units within the Condominium shall be used for a commercial use only. For the purposes hereof, "commercial use" means (a) any use allowed within the B3 zoning district, both uses by right and special uses.

(ii) Building Quality and Size. It is the intention and purpose of these covenants to assure that all dwellings constructed within a Site Condominium shall be of a quality of design, workmanship and materials approved by Developer. All dwellings shall be constructed in accordance with the applicable governmental building code and with more restrictive standards that may be required by Developer.

(iii) Minimum Yard Requirements. All buildings shall be erected in accordance with the Otsego County Zoning Ordinance, unless restricted further herein.

(iv) Water and Septic Systems. The Developer does not anticipate construction of either public water or public sewer facilities in the Project. The Developer may, but shall not be required to, construct certain wells and septic systems for use by certain Co-owners as limited common elements. In the event such limited common elements are constructed, the purchasers of the Unit for which the limited common element provides service shall be required to utilize such service and shall be assessed the proportionate share of the expense of construction and operation of the limited common element. In the event such water and septic systems are not constructed by the Developer, the Co-owner who purchases such Unit in the Project will be required to construct water and septic systems which meet the standards and specifications of both the Developer and the local health department, including the requirements set forth below within the time period set by the Developer.

All wells constructed within every Unit shall meet the requirements of the local health department for this project. The following requirements have been established by the local health department as of the date of the Master Deed:

(a) Sewage disposal systems for Site Units are to be located and designed by a professional engineer and must be reviewed and approved by District Health Department No. 3 and the Developer prior to site cleaning or excavation.

(b) No site clearing or excavation for building development shall be commenced until permits for on-site water and sewage systems are granted.

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Both the Developer and the local health department may, and expressly reserve the right to, place additional requirements on any Co-owner with regard to the installation of water and septic systems within the Project. If the Co-owner fails or refuses to construct either a water or septic system which meets the standards and specifications of both the Developer and the local health department within the required time period, the Developer may, but shall not be required to, construct or modify such system(s) and assess that Co-owner the full cost of construction or modification of such system(s).

(vi) No Member shall use, or permit any occupant, agent, employee, invitee, guest or member of his or her family to use, any firearms, air rifles, pellet guns, BB guns, bows and arrows or other similar dangerous weapons, projectiles or devices anywhere on or about the Condominium Premises.

(x) No trash, garbage or rubbish of any kind shall be placed within any Unit, except in sanitary containers for removal. All sanitary containers shall be kept in an enclosure (fenced or obscured as approved by Developer) in an inconspicuous area of that Unit,

as designated by Developer or the Association, except as necessary to allow for trash collection. Garbage containers shall not be left at the road for more than twenty-four (24) hours in any one (1) week.

(xiii) No item of equipment, furniture or any other large movable item shall be kept within any Site Unit outside a building, except lawn furniture or picnic tables, provided the same are kept in neat and good condition. All other items, such as lawn mowers, snowmobiles and dune buggies, shall be stored in a garage.

(xv) The erection of any new building or the repair of any damaged building shall be completed as rapidly as possible and in no event remain unfinished more than two hundred forty (240) days after issuance of a permit unless an extension is pre-approved in writing by the Architectural Committee. Additionally, within said period the soil within such Unit, and the Frontage Area appurtenant to such Unit, must be completely stabilized by grading and seeding of a lawn or other ground cover growth so as to prevent any soil blow area or soil erosion; provided that this provision shall neither prevent nor prohibit any owner from maintaining open areas for the planting of trees, shrubbery or a flower garden, but any such open area shall be controlled so as to prevent blowing or erosion of soil therefrom.

(xvii) Any debris resulting from the destruction in whole or in part of any building on any Unit shall be removed with all reasonable dispatch from such Unit in order to preserve the unsightly condition of the Condominium Premises.

(xix) No Co-owner shall engage in or permit hunting in any form anywhere within the Condominium Premises.

(xx) All above ground fuel tanks shall be permitted and constructed according to all applicable local, state or federal requirements and subject to Architectural Committee approval.

(xxii) All sculptures shall be contained within the private outdoor areas, shall not be visible to the view of the adjacent Units and are subject to Architectural Committee approval.

(xxiii) No sign or billboard shall be placed, erected or maintained on any Unit except those permitted by the zoning ordinance. The provisions of this Section shall not apply to such signs as may be installed or erected on any Unit by Developer or any builder which it may designate during the construction period.

(xxiv) The co-owners shall not permit unregistered or abandoned vehicles, trash, or junk to remain on said premises.

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(xxv) All structures erected shall be promptly and expeditiously completed on their exterior, including paint and stain, on any exterior surface within six months after construction is commenced.

(xxvi) Should any improvements on the premises be damaged by casualty, or become unsightly through wear and tear, the same will be promptly razed, or restored to a neat exterior appearance in line with the building requirements above set forth.

(xxvii) The co-owners understand that they have standing to sue for enforcement of the foregoing protective covenants. Enforcement is primarily co-owners responsibility after half of the parcels offered for sale by Developer in this project have been sold.

(xxviii) Unit Division. Subdivision of any unit, within the project, is permitted, subject to review and approval by Developer. A conveyance of a unit shall not include any right to subdivide a unit under the Act, the Michigan land Division Act, MCL 560.101 et seq., or of any other federal or state statute or local ordinance governing the division of land. Subdivision of a unit for the purposes of quieting title to an encroachment is permissable.

Section 2. Persons Subject to Restrictions. All present and future Co-owners, tenants and any other persons or occupants using the facilities of the Condominium in any manner are subject to and shall comply with the Act, the Master Deed, these Condominium Bylaws and the Articles of Incorporation, Bylaws, rules and regulations of the Association.

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Section 3. Enforcement. Failure to comply with any of the terms of the Act, the Master Deed, these Condominium Bylaws, the Articles of Incorporation, Bylaws or Rules and Regulations of the Association, shall be grounds for relief, which may include, without limitation, an action to recover sums due for such damages, injunctive relief, and any other remedy that may be appropriate to the nature of the breach. The failure of the Association to enforce any right, provision, covenant or condition which may be granted by the Act, the Master Deed, these Condominium Bylaws, the Articles of Incorporation, Bylaws or Rules and Regulations of the Association shall not constitute a waiver of the right of the Association to enforce such right, provision, covenant or condition in the future.

Invalidation of any one of these restrictive covenants or conditions by judgment or court order shall in no way effect any of the other provisions and which other provisions shall remain in full force and effect.

Section 4. General Provisions.

A. Developer's Rights and Responsibilities. Developer may assign, in whole or in part, his rights and responsibilities hereunder to the Association, and when the last Unit in the Condominium has been conveyed, this assignment shall occur automatically.

B. Enforcement of Restrictions. The Association's costs of exercising its right and administering its responsibilities hereunder shall be Expenses of Administration (as defined in Article V above), provided that the Association shall be entitled to recover its costs including actual attorney fees of proceeding against a breach by a Co-owner as provided in article XII, Section 1, B below.

C. Zoning. All restrictions imposed by the Otsego County Zoning Ordinance, as it applies, shall apply to all Units in Eagle Commerce Park Development, except that if the Developer or the Association has imposed more stringent restrictions, those restrictions shall apply in place of the Otsego County restrictions.

D. No Gift or Dedication. Nothing herein contained will be deemed to be a gift or dedication of any portion of the Units or other areas in Eagle Commerce Park to the general public or for any public purposes whatsoever, it being the intention of the Developer that these restrictions will be strictly limited to the purposes herein specifically expressed.

E. No Third-Party Beneficiaries. No third party, except grantees, heirs, representatives, successors and assigns of the Developer, as provided herein, will be a beneficiary of any provision set forth herein.

F. Handicapped Persons. Reasonable accommodations in the rules, policies and practices of the Condominium will be made as required by the Federal Fair Housing Act to accommodate handicapped persons.

G. Access to Project. Access to all of the units and the expandable area within the project is by Woodridge Drive, Lake Vista Court and Fox Drive which are not under the jurisdiction of the Otsego County Road Commission.

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ARTICLE VIII.
APPROVAL OF LEASE

Section 1. Non-Co-Owner Compliance.

A. All non-Co-owner occupants shall comply with all of the terms and conditions of the Condominium Documents and the provisions of the Act.

B. If the Association determines that a non-Co-owner occupant has failed to comply with the conditions of the Condominium Documents, or the provisions of the Act, the Association shall take the following action:

(i) The Association shall advise the appropriate Member by certified mail of the alleged violation by a person occupying his or her Unit.

(ii) The Member shall have fifteen (15) days after receipt of the notice to investigate and correct the alleged breach or advise the Association that a violation has not occurred.

(iii) If after fifteen (15) days the Association believes that the alleged breach has not been cured or may be repeated, it may institute on its behalf, or derivatively by the Members on behalf of the Association if it is under the control of the Developer, an action for eviction against the non-Co-owner occupant for breach of the conditions of the Condominium Documents or of the Act. The relief set forth in this section may be by any appropriate

proceedings. The Association may hold both the non-Co-owner occupant and the Member liable for any damages caused to the Condominium.

ARTICLE IX.
MORTGAGES

Section 1. **Notice of Meetings.** Upon request submitted to the Association, any institutional holder of a mortgage lien on any Unit in the Condominium shall be entitled to receive written notification of every meeting of the Members of the Association and to designate a representative to attend such meeting.

Section 2. **Acquisition of Title by Mortgagee.** As provided in Article V, Section 6, any first mortgagee who obtains title to a Unit pursuant to the remedies provided in the mortgage, or a deed in lieu thereof, shall not be liable for such Unit's unpaid assessments which accrue prior to acquisition of title by the first mortgagee.

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ARTICLE X.
AMENDMENTS

Section 1. **Proposal.** Amendments to these Bylaws may be proposed by the Board of Directors of the Association acting upon the vote of a majority of the Directors or by one-third (1/3) or more in number of the Members by an instrument in writing signed by them.

Section 2. **Meeting to Be Held.** If such an amendment is proposed, a meeting for consideration of the same shall be duly called in accordance with the provisions of the Condominium Documents.

Section 3. **Vote Required.** These Condominium Bylaws may be amended by an affirmative vote of two-thirds (2/3) of all members in number and in value and two-thirds (2/3) of all mortgagees at any regular meeting, or at a special meeting called for such purpose. Each mortgagee shall have one (1) vote for each mortgage held.

Section 4. **Amendments Not Materially Changing Condominium Bylaws.** The Board of Directors may enact amendments to these Condominium Bylaws without the approval of any Member or mortgagee, provided that such amendments shall not materially alter or change the rights of a Member or mortgagee.

Section 5. **Amendments Concerning Leases.** Provisions in these Bylaws relating to the ability or terms under which a Member may rent his or her Unit may not be modified and amended without providing notice to each affected Member and mortgagee and the opportunity to vote on the amendment.

Section 6. **Effective Date.** Any amendment to these Bylaws (but not the Association Bylaws) shall become effective upon the recording of such amendment in the Office of the Register of Deeds in the county where the Condominium is located.

Section 7. **Costs of Amendment.** Any person causing or requesting an amendment to these Condominium Bylaws shall be responsible for the costs and expenses of considering, adopting, preparing and recording such amendment; provided, however, that such costs and expenses relating to amendments adopted pursuant to Article X, Section 3, or pursuant to a decision of the Advisory Committee shall be expenses of administration.

Section 8. **Notice; Copies of Amendment.** Members and mortgagees of record of Units shall be notified of proposed amendments not less than ten (10) days before the amendment is recorded. A copy of each amendment to these Condominium Bylaws shall be furnished to every Member after recording; provided, however, that any amendment to these Bylaws that is adopted in accordance with this Article or the Act shall be binding upon all persons who have an interest in the project irrespective of whether such persons actually receive a copy of the amendment.

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ARTICLE XI.
DEFINITIONS

All terms used herein shall have the same meanings as set forth in the Act or as set forth in the Master Deed to which these Condominium Bylaws are attached as an exhibit.

ARTICLE XII.
REMEDIES FOR DEFAULT

Section 1. **Relief Available.** Any default by a Member shall entitle the Association or another Member or Members to the following relief:

A. Failure to comply with any of the terms or conditions of the Condominium Documents shall be grounds for relief, which may include, without limitation, an action to recover sums due for damages, for injunctive relief, for foreclosure of lien (if in default in payment of an assessment) or any combination thereof, and such relief may be sought by the

Association, or, if appropriate, by an aggrieved Member or Members.

B. In any proceeding arising because of an alleged default by any Member, the Association, if successful, shall be entitled to recover the costs of the proceeding and such reasonable attorney's fees (not limited to statutory fees) as may be determined by the Court, but in no event shall any Member be entitled to recover such attorney's fees.

C. Such other reasonable remedies as provided in the rules and regulations promulgated by the Board of Directors, including, without limitation, the levying of fines against Members after notice and opportunity for hearing, as provided in the Association rules and regulations, and the imposition of late charges for nonpayment of assessments.

D. The violation of any of the provisions of the Condominium Documents shall also give the Association or its duly authorized agents the rights set forth above, to enter, where reasonably necessary, upon the limited or general common elements, or into any Unit, and summarily remove and abate, at the expense of the violating Member, any structure, thing or condition existing or maintained contrary to the provisions of the Condominium Documents.

Section 2. **Failure to Enforce.** The failure of the Association or of any Member to enforce any right, provision, covenant or condition which may be granted by the Condominium Documents shall not constitute a waiver of the right of the Association or of any such Member to enforce such right, provision, covenant or condition in the future.

Section 3. **Rights Cumulative.** All rights, remedies and privileges granted to the Association or any Member or Members pursuant to any terms, provisions, covenants or conditions of the Condominium Documents shall deemed to be cumulative, and the exercise of any one or more shall be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other and additional rights, remedies or privileges as may be available to such party at law or in equity.

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Section 4. **Hearing.** Prior to the imposition of any fine or other penalty hereunder, the offending Member shall be given a reasonable opportunity to appear before the Board and be heard. Following any such hearing the Board shall prepare a written decision and place it in the permanent records of the Association.

ARTICLE XIII.
ARBITRATION

Section 1. **Submission to Arbitration.** Any dispute, claim or grievance arising out of or relating to the interpretation or application of the Master Deed, Bylaws or Management Agreement, if any, or to any disputes, claims or grievances arising among or between the Members or between such Members and the Association may, upon the election and written consent of all the parties to any such dispute, claim or grievance, and written notice to the Association, be submitted to arbitration, and the parties thereto shall accept the arbiter's decision

as final and binding, and it shall be enforceable against the party in a court of competent jurisdiction. The Commercial Arbitration Rules of the American Arbitration Association, as amended and in effect from time to time hereafter, shall be applicable to such arbitration.

The arbiter may be either an attorney acceptable to both parties or a panel of three (3) individuals, at least one (1) of whom shall be an attorney. The panel shall be composed of one (1) individual appointed by the Member and one (1) individual appointed by the Board of Directors of the Association. These two panelists will then promptly agree on the third Member of the panel. No Member who is a natural person may appoint himself or herself or a Member of
his or her household to the panel. No corporate Member may appoint one of its directors, officers, shareholders or employees to the panel. Neither may a Member serve on behalf of the Board.

The arbitration costs shall be borne by the losing party to the arbitration. The arbiter may require a reasonable deposit to ensure payment of costs. Such deposit shall be placed in escrow in the name of the arbiter as trustee in the name of the matter at issue.

Section 2. **Effect of Election.** Election by Members or the Association to submit any such dispute, claim or grievance to arbitration shall preclude such parties from litigating such dispute, claim or grievance in the courts. Any appeal from an arbitration award shall be deemed a statutory appeal.

Section 3. **Preservation of Rights.** No Member shall be precluded from petitioning the courts to resolve any dispute, claim or grievance in the absence of election to arbitrate.

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ARTICLE XIV.
SEVERABILITY

If any of the terms, provisions, or covenants of these Bylaws or the Condominium Documents are held to be partially or wholly invalid or unenforceable for any reason whatsoever, such holding shall not affect, alter, modify or impair in any manner whatsoever any of the other terms, provisions or covenants of such documents or the remaining portions of any terms, provisions or covenants held to be partially invalid or unenforceable.

ARTICLE XV.
CONFLICTING PROVISIONS

In the event of a conflict between the provisions of the Act (or other laws of the State of Michigan) and any Condominium Document, the Act (or other laws of the State of Michigan) shall govern. In the event of any conflict between the provisions of any one or more Condominium Documents, the following order of priority shall prevail, and the provisions of the Condominium Document having the highest priority shall govern:

1. the Master Deed, including the Condominium Subdivision Plan;

2. these Condominium Bylaws;

3 the Articles of Incorporation of the Association;

4 the Bylaws of the Association; and

5. the Rules and Regulations of the Association.

ARTICLE XVI.
MICHIGAN LAW

The Bylaws and all documents referred to herein shall be governed by the laws of the State of Michigan.

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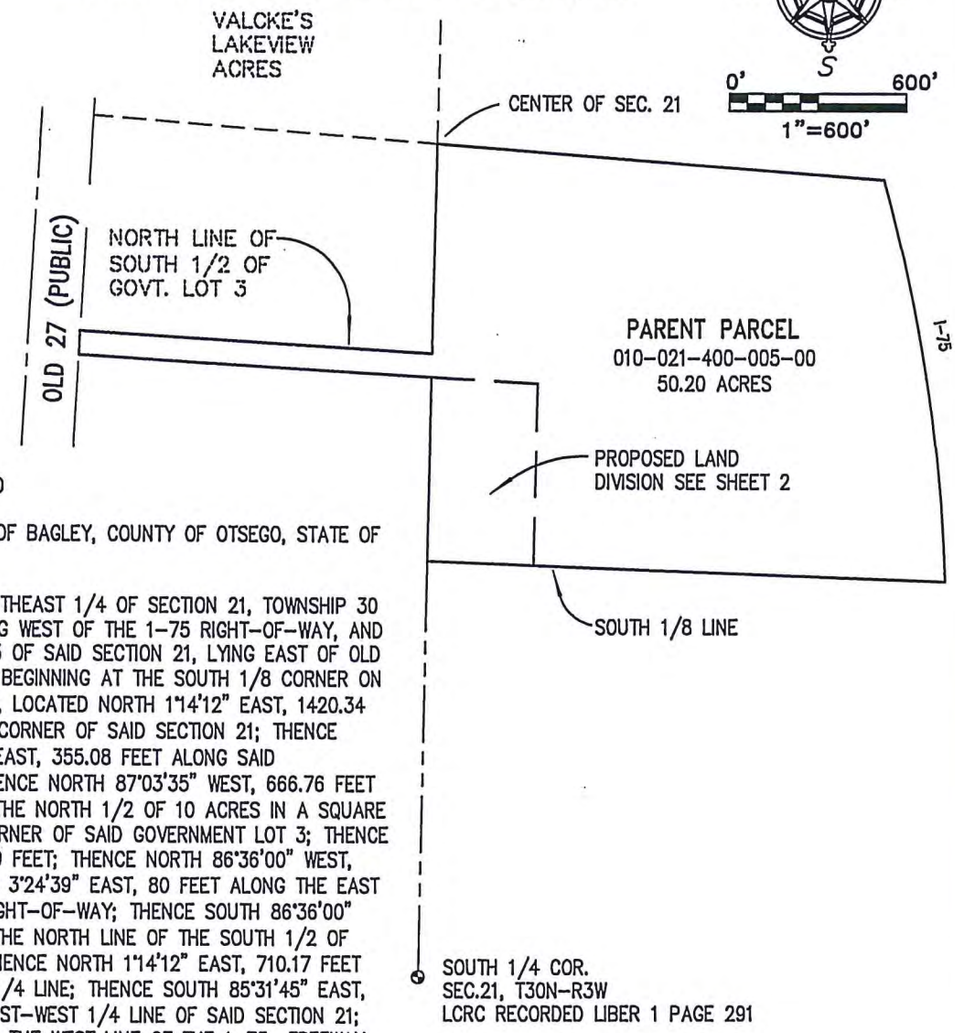
CERTIFICATE OF SURVEY
PROPOSED LAND DIVISION
PART OF SECTION 21, T30N-R3W
BAGLEY TOWNSHIP, OTSEGO COUNTY, MI



LEGAL DESCRIPTION PROVIDED

SITUATED IN THE TOWNSHIP OF BAGLEY, COUNTY OF OTSEGO, STATE OF MICHIGAN, DESCRIBED AS:

THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 3 WEST, LYING WEST OF THE 1-75 RIGHT-OF-WAY, AND PART OF GOVERNMENT LOT 3 OF SAID SECTION 21, LYING EAST OF OLD 27 HIGHWAY DESCRIBED AS: BEGINNING AT THE SOUTH 1/8 CORNER ON THE NORTH-SOUTH 1/4 LINE, LOCATED NORTH 1°14'12" EAST, 1420.34 FEET FROM THE SOUTH 1/4 CORNER OF SAID SECTION 21; THENCE CONTINUING NORTH 1°14'12" EAST, 355.08 FEET ALONG SAID NORTH-SOUTH 1/4 LINE; THENCE NORTH 87°03'35" WEST, 666.76 FEET ALONG THE SOUTH LINE OF THE NORTH 1/2 OF 10 ACRES IN A SQUARE FORM IN THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 3; THENCE NORTH 1°12'30" EAST, 280.39 FEET; THENCE NORTH 86°36'00" WEST, 494.19 FEET; THENCE NORTH 3°24'39" EAST, 80 FEET ALONG THE EAST LINE OF OLD 27 HIGHWAY RIGHT-OF-WAY; THENCE SOUTH 86°36'00" EAST, 1158.24 FEET ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID GOVERNMENT LOT 3; THENCE NORTH 1°14'12" EAST, 710.17 FEET ALONG SAID NORTH-SOUTH 1/4 LINE; THENCE SOUTH 85°31'45" EAST, 1524.67 FEET ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 21; THENCE 1391.09 FEET ALONG THE WEST LINE OF THE 1-75 FREEWAY RIGHT-OF-WAY ON THE ARC OF A CURVE, CONCAVE TO THE WEST, RADIUS OF 5614.58 FEET THRU A CENTRAL ANGLE OF 14°11'45", AND A CHORD BEARING SOUTH 8°48'26" EAST, 1387.54 FEET; THENCE NORTH 87°43'33" WEST, 1764.53 FEET TO THE POINT OF BEGINNING, TOGETHER WITH: AN EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES 80 FEET WIDE, ADJACENT TO THE NORTH LINE OF THE SOUTH 1/2 OF GOVERNMENT LOT 3 AND EXTENDING EAST FROM OLD 27 NORTH HIGHWAY TO SUBJECT PARCEL.

EXCEPTING: A PARCEL OF LAND DESCRIBED AS: BEING A PART OF THE SOUTH 1/2 OF GOVERNMENT LOT 3, LYING EAST OF OLD 27 HIGHWAY, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 21, TOWN 30 NORTH, RANGE 3 WEST PROCEEDING NORTH 1°14'12" EAST, 1775.42 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 21; THENCE NORTH 87°03'35" WEST, 566.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 87°03'35" WEST, 100.06 FEET; THENCE NORTH 01°12'30" EAST, 280.39 FEET; THENCE SOUTH 86°36'00" EAST, 100.07 FEET ALONG A LINE 80.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF SAID GOVERNMENT LOT 3; THENCE SOUTH 01°12'30" WEST, 279.50 FEET TO THE POINT OF BEGINNING. ALSO AN EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES ACROSS A STRIP OF LAND 80 FEET WIDE IMMEDIATELY NORTH OF DESCRIBED PARCEL.

FURTHER EXCEPTING: A PARCEL OF LAND DESCRIBED AS: BEING A PART OF THE SOUTH 1/2 OF GOVERNMENT LOT 3, LYING EAST OF OLD 27 HIGHWAY, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 21, TOWN 30 NORTH, RANGE 3 WEST PROCEEDING NORTH 1°14'12" EAST, 1775.42 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 21 TO THE POINT OF BEGINNING; THENCE NORTH 87°03'35" WEST, 566.71 FEET; THENCE NORTH 1°12'30" EAST, 279.58 FEET; THENCE SOUTH 86°36'00" EAST, 567.01 FEET ALONG A LINE 80 FEET SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF SAID GOVERNMENT LOT 3; THENCE SOUTH 1°1'12" WEST, 275.03 FEET ALONG THE NORTH-SOUTH 1/4 LINE TO THE POINT OF BEGINNING. ALSO AN EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES ACROSS A STRIP OF LAND 80 FEET WIDE IMMEDIATELY NORTH OF DESCRIBED PARCEL AND EXTENDING WEST TO OLD 27 NORTH HIGHWAY.

Scott D McLain, PS#57817

CLIENT: KORONA
JOB #17-182

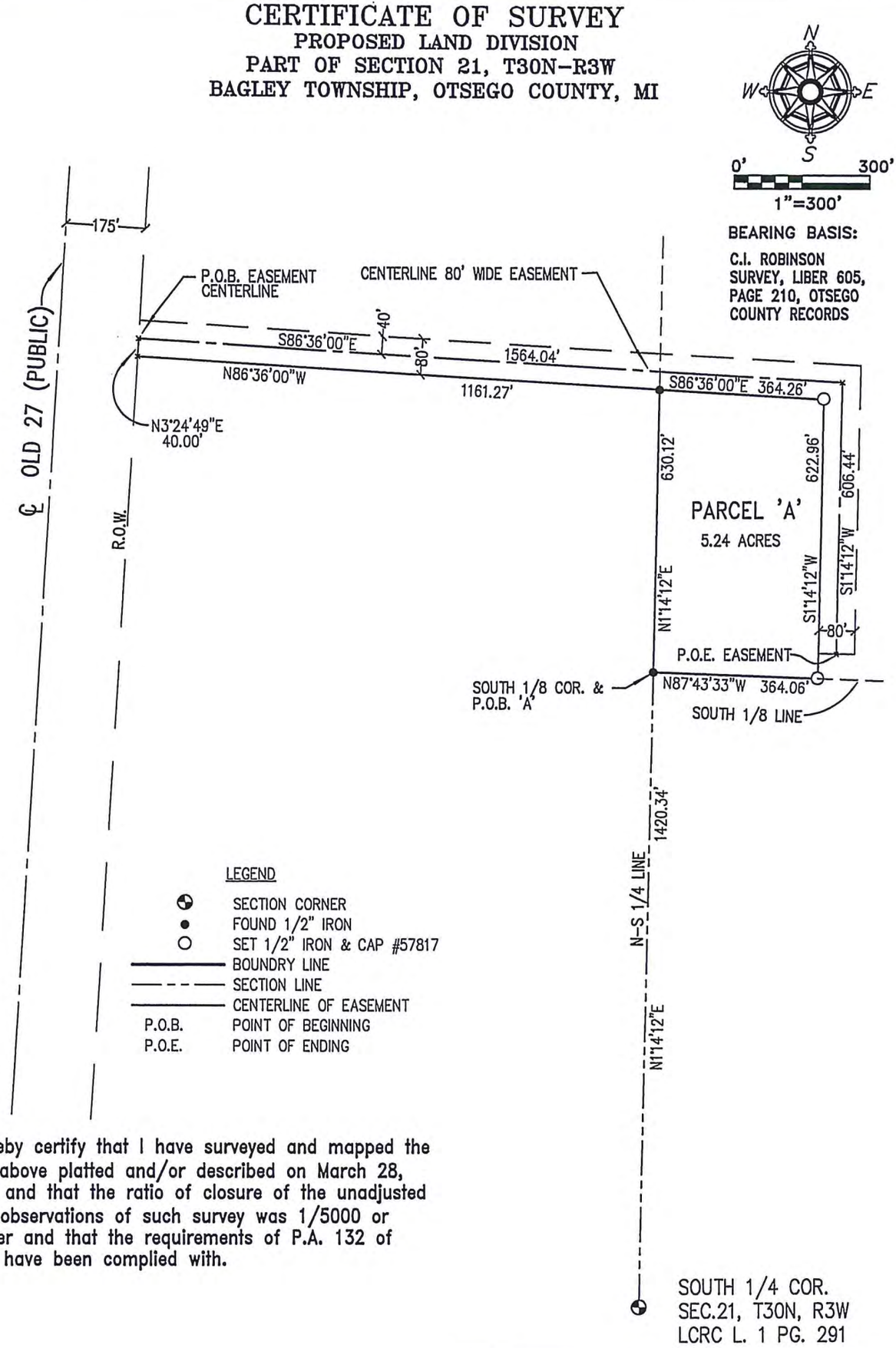
NME
NORTHERN MICHIGAN ENGINEERING INC.

114. N. Court Ave.
Gaylord, MI 49735
(989)217-3177
534 E. Eighth Street
Traverse City, MI 49686

FIELD BY:	DATE:	SURVEYOR APPROVAL:
EJD	3/21/18	SDM 4/2/18
DRAWN BY: QNF	DATE: 3/23/18	SHEET: 1 OF 3

Exhibit 16

CERTIFICATE OF SURVEY
PROPOSED LAND DIVISION
PART OF SECTION 21, T30N-R3W
BAGLEY TOWNSHIP, OTSEGO COUNTY, MI



I hereby certify that I have surveyed and mapped the land above platted and/or described on March 28, 2018 and that the ratio of closure of the unadjusted field observations of such survey was 1/5000 or greater and that the requirements of P.A. 132 of 1970 have been complied with.

Scott D McLain, PS#57817

CLIENT: KORONA
JOB #17-182

NORTHERN MICHIGAN ENGINEERING INC.

114. N. Court Ave.
Gaylord, MI 49735
(989)217-3177
534 E. Eighth Street
Traverse City, MI 49686

FIELD BY: EJD	DATE: 3/21/18	SURVEYOR APPROVAL: SDM 4/2/18
DRAWN BY: QNF	DATE: 3/23/18	SHEET: 2 OF 3

CERTIFICATE OF SURVEY
PROPOSED LAND DIVISION
PART OF SECTION 21, T30N-R3W
BAGLEY TOWNSHIP, OTSEGO COUNTY, MI

LEGAL DESCRIPTION

PARCEL A: A PARCEL OF LAND ON PART OF THE SOUTHEAST 1/4 SECTION 21, TOWN 30 NORTH, RANGE 3 WEST, BAGLEY TOWNSHIP, OTSEGO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 21, T30N-R3W; THENCE N01°14'12"E 1420.34 FEET ALONG THE N-S 1/4 LINE OF SAID SECTION TO THE SOUTH 1/8 CORNER OF SAID SECTION 21 ALSO BEING THE POINT OF BEGINNING; THENCE N01°14'12"E 630.12 FEET ALONG SAID N-S 1/4 LINE; THENCE S86°36'00"E 364.26 FEET; THENCE S01°14'12"W 622.96 FEET; THENCE N87°43'33"W 364.06 FEET TO THE POINT OF BEGINNING, CONTAINING 5.24 ACRES, MORE OR LESS, AND SUBJECT TO AND TOGETHER WITH AN 80' WIDE EASEMENT FOR INGRESS AND EGRESS AND THE INSTALLATION OF MAINTENANCE AND PUBLIC UTILITIES, THE CENTERLINE OF SAID EASEMENT BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 21, T30N-R3W; THENCE N01°14'12"E 2050.46 FEET ALONG THE N-S 1/4 LINE; THENCE N86°36'00"W 1161.27 FEET TO THE EAST LINE OF OLD 27 RIGHT OF WAY; THENCE N03°24'49"E 40.00 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID EASEMENT; THENCE ALONG THE CENTERLINE OF SAID 80 FOOT WIDE EASEMENT FOR THE FOLLOWING TWO (2) COURSES: 1.) S86°36'00"E 1564.04 FEET, 2.) S01°14'12"W 606.44 FEET TO THE POINT OF ENDING OF SAID EASEMENT.

REMAINDER PARCEL LEGAL DESCRIPTION

SITUATED IN THE TOWNSHIP OF BAGLEY, COUNTY OF OTSEGO, STATE OF MICHIGAN, BEING PART OF THE NORTH 1/2 OF THE SOUTHEAST 1/4, AND ALSO BEING PART OF GOV'T LOT 3 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 3 WEST, BEING DESCRIBED AS COMMENCING AT THE SOUTH 1/4 OF SECTION 21, T30N-R3W; THENCE N01°14'12"E 1420.34 FEET ALONG THE N-S 1/4 LINE OF SAID SECTION TO THE SOUTH 1/8 CORNER; THENCE ALONG THE SOUTH 1/8 LINE S87°43'33"E 364.06 FEET TO THE POINT OF BEGINNING; THENCE N01°14'12"E 622.96 FEET; THENCE N86°36'00"W 1525.53 FEET TO THE EAST LINE OF OLD 27 RIGHT-OF-WAY; THENCE N03°24'49"E 80.00 FEET ALONG SAID RIGHT-OF-WAY; THENCE S86°36'00E" 1158.24 FEET; THENCE N01°14'12"E 710.17 FEET; THENCE S85°31'45"E 1524.67 FEET ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 21; THENCE 1391.09 FEET ALONG THE WEST LINE OF THE I-75 FREEWAY RIGHT-OF-WAY ON THE ARC, CONCAVE TO THE WEST, OF 5614.58 FEET RADIUS, THRU A CENTRAL ANGLE OF 14°11'45", AND A CHORD BEARING S08°48'26"E 1387.54 FEET; THENCE N87°43'33"W 1400.21 FEET TO THE POINT OF BEGINNING, CONTAINING 50.20 ACRES, MORE OR LESS, AND SUBJECT TO AND TOGETHER WITH AN 80.00 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS AND THE INSTALLATION OF MAINTENANCE AND PUBLIC UTILITIES, THE CENTERLINE OF SAID EASEMENT BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 21, T30N-R3W; THENCE N01°14'12"E 2050.46 FEET ALONG THE N-S 1/4 LINE; THENCE N86°36'00"W 1161.27 FEET TO THE EAST LINE OF OLD 27 RIGHT OF WAY; THENCE N03°24'49"E 40.00 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING; THENCE ALONG THE CENTERLINE OF SAID 80.00 FOOT WIDE EASEMENT FOR THE FOLLOWING TWO (2) COURSES: 1.) S86°36'00"E 1564.04 FEET, 2.) S01°14'12"W 606.44 FEET TO THE POINT OF ENDING OF SAID EASEMENT

Scott D McLain, PS#57817

CLIENT: KORONA
JOB #17-182

NORTHERN MICHIGAN ENGINEERING INC.

114. N. Court Ave.
Gaylord, MI 49735

(989)217-3177

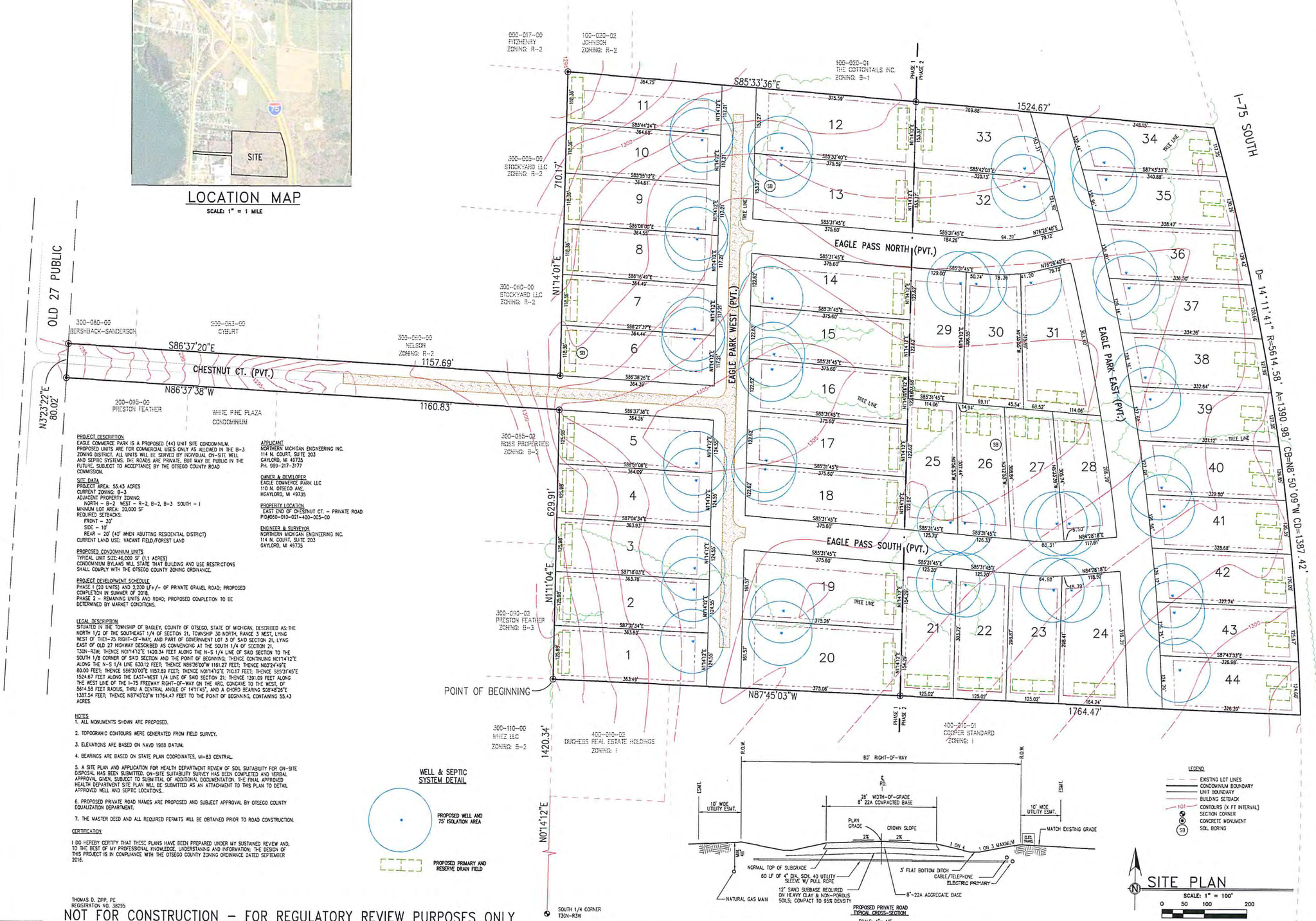
534 E. Eighth Street
Traverse City, MI 49686

FIELD BY: EJD	DATE: 3/21/18	SURVEYOR APPROVAL: SDM 4/2/18
DRAWN BY: QNF	DATE: 3/23/18	SHEET: 3 OF 3

NOT FOR CONSTRUCTION – FOR REGULATORY REVIEW PURPOSES ONLY

LOCATION MAP

SCALE: 1" = 1 MILE



PROJECT DESCRIPTION

EAGLE COMMERCE PARK IS A PROPOSED (44) UNIT SITE CONDOMINIUM. PROPOSED UNITS ARE FOR COMMERCIAL USES ONLY AS ALLOWED IN THE B-3 ZONING DISTRICT. ALL UNITS WILL BE SERVED BY INDIVIDUAL ON-SITE WELL AND SEPTIC SYSTEMS. THE ROADS ARE PRIVATE, BUT MAY BE PUBLIC IN THE FUTURE, SUBJECT TO ACCEPTANCE BY THE OTSEGO COUNTY ROAD COMMISSION.

SITE DATA

PROJECT AREA: 55.43 ACRES
CURRENT ZONING: B-3
ADJACENT PROPERTY ZONING:
NORTH – B-2 WEST – R-2, B-2, B-3 SOUTH – I
MINIMUM LOT AREA: 20,000 SF
REQUIRED SETBACKS:
FRONT – 30'
SIDE – 10'
REAR – 20' (40' WHEN ABUTTING RESIDENTIAL DISTRICT)
CURRENT LAND USE: VACANT FIELD/FOREST LAND

PROPOSED CONDOMINIUM UNITS

TYPICAL UNIT SIZE:46,000 SF (1.1 ACRES)
CONDOMINIUM BYLAWS WILL STATE THAT BUILDING AND USE RESTRICTIONS SHALL COMPLY WITH THE OTSEGO COUNTY ZONING ORDINANCE.

PROJECT DEVELOPMENT SCHEDULE

PHASE 1 (20 UNITS) AND 2,200 LF+/- OF PRIVATE GRAVEL ROAD; PROPOSED COMPLETION IN SUMMER OF 2018.
PHASE 2 – REMAINING UNITS AND ROAD; PROPOSED COMPLETION TO BE DETERMINED BY MARKET CONDITIONS.

LEGAL DESCRIPTION

SITUATED IN THE TOWNSHIP OF BAGLEY, COUNTY OF OTSEGO, STATE OF MICHIGAN, DESCRIBED AS: THE NORTH 1/2 OF THE SOUTH-EAST 1/4 OF SECTION 21, TOWNSHIP 30 NORTH, RANGE 3 WEST, LYING WEST OF THE I-75 RIGHT-OF-WAY, AND PART OF GOVERNMENT LOT 3 OF SAID SECTION 21, LYING EAST OF OLD 27 HIGHWAY DESCRIBED AS COMMENCING AT THE SOUTH 1/4 OF SECTION 21, T30N-R3W; THENCE N01°14'12"E 1420.34 FEET ALONG THE N-S 1/4 LINE OF SAID SECTION TO THE SOUTH 1/8 CORNER OF SAID SECTION AND THE POINT OF BEGINNING; THENCE CONTINUING N01°14'12"E ALONG THE N-S 1/4 LINE 630.12 FEET; THENCE N88°36'00"W 1161.27 FEET; THENCE N03°24'49"E 80.00 FEET; THENCE S86°37'00"E 1157.69 FEET; THENCE N01°14'12"E 710.17 FEET; THENCE S85°31'45"E 1524.67 FEET ALONG THE EAST-WEST 1/4 LINE OF SAID SECTION 21; THENCE 1391.09 FEET ALONG THE WEST LINE OF THE I-75 FREEWAY RIGHT-OF-WAY ON THE ARC, CONCAVE TO THE WEST, OF 5614.58 FEET RADIUS, THRU A CENTRAL ANGLE OF 14°11'41", AND A CHORD BEARING S08°48'26"E 1387.54 FEET; THENCE N87°45'03"W 11764.47 FEET TO THE POINT OF BEGINNING, CONTAINING 55.43 ACRES.

NOTES

1. ALL MONUMENTS SHOWN ARE PROPOSED.
2. TOPOGRAPHIC CONTOURS WERE GENERATED FROM FIELD SURVEY.
3. ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
4. BEARINGS ARE BASED ON STATE PLAN COORDINATES, MI-83 CENTRAL.
5. A SITE PLAN AND APPLICATION FOR HEALTH DEPARTMENT REVIEW OF SOIL SUITABILITY FOR ON-SITE DISPOSAL HAS BEEN SUBMITTED. ON-SITE SUITABILITY SURVEY HAS BEEN COMPLETED AND VERBAL APPROVAL GIVEN, SUBJECT TO SUBMITTAL OF ADDITIONAL DOCUMENTATION. THE FINAL APPROVED HEALTH DEPARTMENT SITE PLAN WILL BE SUBMITTED AS AN ATTACHMENT TO THIS PLAN TO DETAIL APPROVED WELL AND SEPTIC LOCATIONS.
6. PROPOSED PRIVATE ROAD NAMES ARE PROPOSED AND SUBJECT APPROVAL BY OTSEGO COUNTY EQUALIZATION DEPARTMENT.
7. THE MASTER DEED AND ALL REQUIRED PERMITS WILL BE OBTAINED PRIOR TO ROAD CONSTRUCTION.

CERTIFICATION

I DO HEREBY CERTIFY THAT THESE PLANS HAVE BEEN PREPARED UNDER MY SUSTAINED REVIEW AND, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, UNDERSTANING AND INFORMATION; THE DESIGN OF THIS PROJECT IS IN COMPLIANCE WITH THE OTSEGO COUNTY ZONING ORDINANCE DATED SEPTEMBER 2016.

THOMAS D. ZIPP, PE
REGISTRATION NO. 38295

APPLICANT
NORTHERN MICHIGAN ENGINEERING INC.
114 N. COURT, SUITE 203
GAYLORD, MI 49735
PH. 989-217-3177

OWNER & DEVELOPER
EAGLE COMMERCE PARK LLC
110 N. OTSEGO AVE.
HOAYLORD, MI 49735

ENGINEER & SURVEYOR
NORTHERN MICHIGAN ENGINEERING INC.
114 N. COURT, SUITE 203
GAYLORD, MI 49735

WELL & SEPTIC SYSTEM DETAIL

PROPOSED PRIVATE ROAD TYPICAL CROSS-SECTION

SCALE: 1" = 10'

LEGEND

- EXISTING LOT LINES
- CONDOMINIUM BOUNDARY
- UNIT BOUNDARY
- BUILDING SETBACK
- 101 CONTOURS (X FT INTERVAL)
- SECTION CORNER
- CONCRETE MONUMENT
- SB SOIL BORING

SITE PLAN

SCALE: 1" = 100'

0 50 100 200

DRAWN BY	D.C.D.		
CHECKED			
APPROVED BY			
DATE	4/25/2018		
PRINT DATE			

THOMAS D. ZIPP, PE
MI LICENSE #38295

NORTHERN MICHIGAN ENGINEERING INC.
114 N. Court Ave.
Suite 203
GAYLORD, MI 49735
534 E. Eighth Street
Traverse City, MI 49686
(989)217-3177

PROJECT

EAGLE COMMERCE PARK

PRELIMINARY SITE PLAN AND EXHIBIT B

110 N. COURT, GAYLORD MI 49735

JOB# 17-182

SHEET

SP.1

Exhibit 5

NOT FOR CONSTRUCTION – FOR REGULATORY REVIEW PURPOSES ONLY

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-002
Special Use Permit/Site Plan Review
010-028-200-020-01

Exhibit List

Exhibit #1: Applications for case PZSU18-002 submitted by Applicant/Representative

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 March 29, 2018 *(reference)*

Exhibit #4: Copy of Otsego County Equalization Department record card/Statement of Ownership

Exhibit #5: Site Plan/PZSU18-002 submitted by Applicant /Representative

Exhibit #6: Statement of representation dated..., 2018

Exhibit #7: Public Hearing Notice

Exhibit #8: Letter to Bagley Township Planning Commission dated May 31, 2018

Exhibit #9: Response from Bagley Township dated June 11, 2018

Exhibit #10: Map and list of parties notified

Exhibit #11: Receipt #01315205

Exhibit #12: General Finding of Fact/PZSU18-002

Exhibit #13: Specific Finding of Fact/PZSU18-002

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:	Parcel Number: _____-_____-_____-_____

PROPERTY LOCATION: *(REQUIRED)*

Address: 4055 S. US-27		City: Gaylord	Zip Code: 49735
Township: Bagley	Zoning District: B3	Section: 28	T 30 N/R 3 W

APPLICANT:

Name: Todd L. Seidell Architect LLC		Owner/Agent/Other Interest *(circle one)*	
Address: P.O. Box 2189	City: Gaylord	State: MI	Zip Code: 49734
Phone: (989) 731-0372	Fax: (989) 731 6932		

PROPERTY OWNER: *(If different from Applicant)*

Name: Dean Bach		Phone: (248) 444-7970	
Address: 6064 Glen Eagles Dr.	City: West Bloomfield	State: MI	Zip Code: 48323

DESCRIPTION OF PROJECT AND PROPOSED USE:
Assembly use open air pavilion for community gatherings, club events and music venue

SIGNATURE OF APPLICANT:	DATE:
	5-24-18

***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: 5.25.18	Permit Number: PZSUP18-003	
Date Application Complete:	Fee: $700	Receipt Number: 01315205

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: Todd L. Seibell Architect LLC	Owner/Agent/Other Interest *(circle one)*
Address: P.O. Box 2189 · Gaylord MI 49734	
Phone: (989) 731-0372	Fax: (989) 731-6932

PROPERTY OWNER: *(If different from Applicant)*

Name: Dean Bach	
Address: 6064 Glen Eagles Dr. West Bloomfield, MI 48323	
Phone: (248) 444-7970	Fax: ( ) -

PROPERTY LOCATION:

Township: Bagley	Section: 28	T 30 N/R 3 W	Zoning District: B3
Site Address: 4055 S. US 27 - Gaylord, MI 49735			
Parcel Number: 010 - 028 - 200 - 020 - 02			
Description of Project and Proposed Use: Assembly use open air pavilion for community gatherings, club events and music venue			

Signature of Applicant:	**Date:** 5/24/18

***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:_____

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:_____

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 ____ No X if "No" explain: Basic flat site with flow to detention basin's

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 ____ No X if "No" explain: Sand soils

16. Location and type of significant existing vegetation.

Yes V 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 X No____ if "No" explain:_____

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 X No ____ if "No" explain:_____

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 X No ____ if "No" explain: Note: Existing driveways

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 X No ____ if "No" explain:_____

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 ____ No X if "No" explain: N/A

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

Yes ____ No X if "No" explain: Field connection to site electrical.

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

Yes X No ____ if "No" explain: ____

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

Yes X No ____ if "No" explain: ____

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

Yes X No ____ if "No" explain: ____

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 ____ No X if "No" explain: Mountain grass site.

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: 5/24/18

Ian A. Scull Architect

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 _____, except for the following items: (List known variations from the Ordinance)

OFFICE USE ONLY

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

LAND USE SERVICES
1322 Hayes Rd
Gaylord, MI 49735
989.731.7400

OTSEGO COUNTY LAND USE SERVICES
AGENCY REVIEW FORM

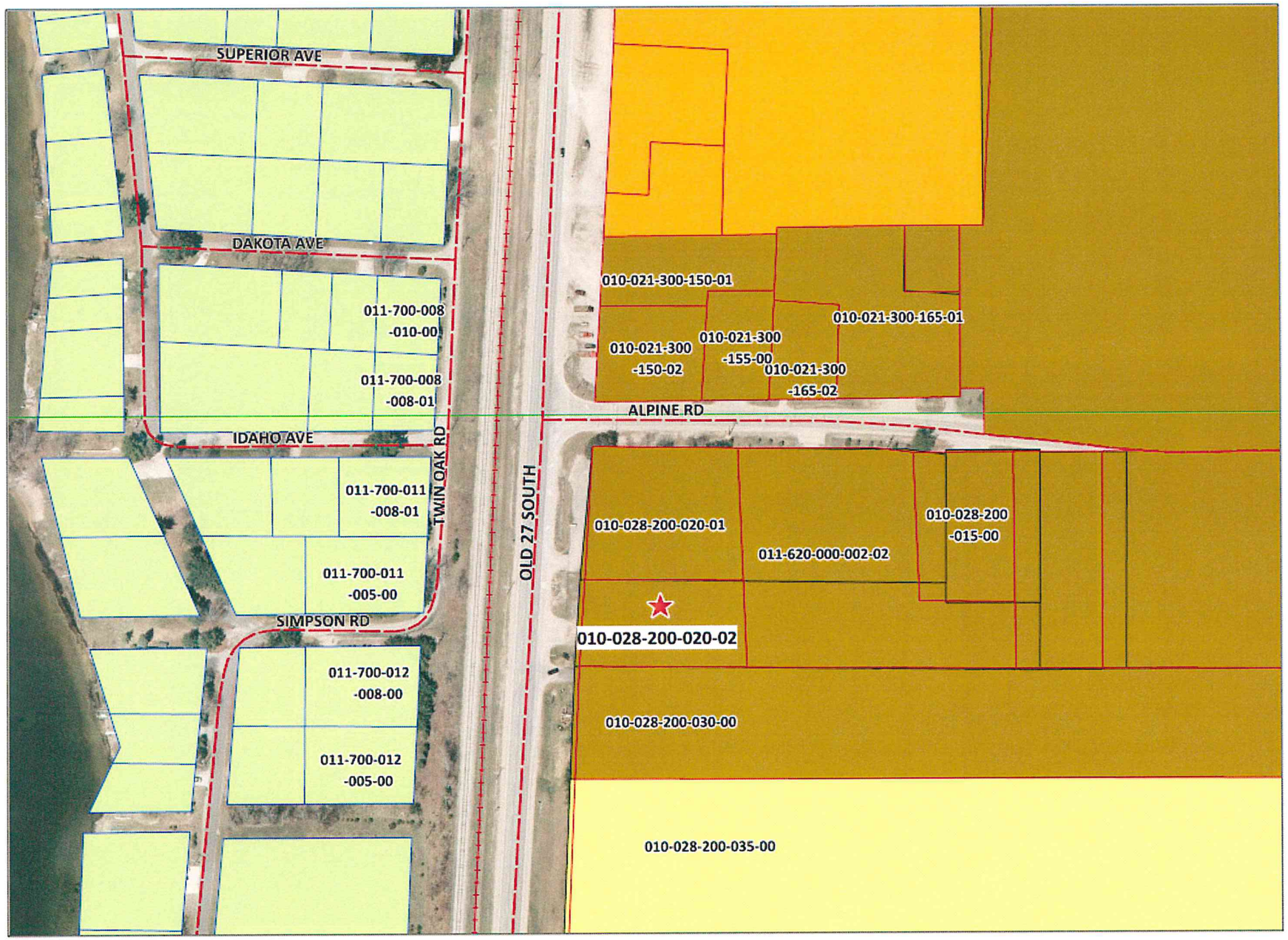
DATE:	
APPLICANT:	
SITE ADDRESS:	

After review, please state your approval or address any issues/concerns relating to the site plan submitted by the applicant for review by the Otsego County Planning Commission and/or Zoning Administrator per Article 23 Site Plan Review Section 23.4 Agency Review of the Otsego County Zoning Ordinance. A letter or email of approval is also acceptable for your convenience.

SIGNATURE/TITLE:
AGENCY:

PZSU18-003 **BACH**

4055 OLD 27 SOUTH **010-028-200-020-02**



OTSEGO COUNTY ZONING MAP

LEGEND

- 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 / MULTIPLE USE ZONING MAIN STREET
- MUZ / MULTIPLE USE ZONING TOWN CENTER
- PUD / PLANNED UNIT DEVELOPMENT
- STATE LAND
- N/A

Exhibit 2

Parcel Number: 69-010-028-200-020-02 Jurisdiction: BAGLEY TOWNSHIP County: OTSEGO Printed on 05/31/2018

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.

Property Address

4055 OLD 27 S

Owner's Name/Address

RAYMOND, WILLIAM J & BRENDA L
4572 PINEHURST AVE
GAYLORD MI 49735-9469

Tax Description

PAR 2A: A PAR OF LAND ON PT OF THE NW 1/4 OF THE NW 1/4 OF SEC 28, T30N R3W, BAGLEY TWP, OTSEGO CO, MI, BEING MORE PARTICULARLY DESC AS COMM AT THE N 1/4 COR OF SD SEC 28; TH N89°32'49"W 1241.63' ALG THE N LN OF SD SEC; TH S03°32'01"W 200.05' ALG THE E'LY LN OF HWY OLD US 27 TO THE POB; TH S89°33'09"E 238.28'; TH S02°16'35"E 129.95'; TH N89°31'41"W 251.44' TO SD E'LY ROW LN; TH N03°32'01"E 129.89' ALG SD ROW LN TO THE POB, CONTAINS 0.73 AC M/L. 2017 SPLIT FROM 010-028-200-025-00.

Comments/Influences

Class: 202 COM VACANT Zoning: B-3

School: Gaylord Community

P.R.E. 0%

:

2019 Est TCV 14,600(Value Overridden)

Building Permit(s)	Date	Number	Status

Improved | X | Vacant

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

Land Value Estimates for Land Table .

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

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	7,300	0	7,300			7,044C
2018	7,300	0	7,300			7,044C
2017	6,900	0	6,900			6,900S
2016	0	0	0			0

Who	When	What

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

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

Exhibit 4

B&B Construction, Inc.

Custom Home Builders

May 30, 2018

James Mouch
Otsego County Land Use Department
1322 Hayes Road
Gaylord, MI, 49735

RE: 4055 South U.S. 27
Parcel: 010-028-200-020-02

Dean Bach has purchased the piece of property listed above from Bill and Brenda Raymond.

Regards,

William Raymond

William Raymond

4572 Pinehurst Road . Gaylord, Michigan 49735 . Phone: (989) 705-7801 . Cell: (989) 370-5909 . Fax: (989) 705-2014
Email: braymond@bandbconstructioninc.com Web: www.bandbconstructioninc.com

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
June 18, 2018

The Otsego County Planning Commission will hold two public hearings on Monday, June 18, 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. Dean Bach, owner, represented by Todd L Seidell LLC, request a Special Use Permit/Site Plan Review for property located in Bagley Township at 4055 Old 27 South Gaylord, MI 49735. The proposed use of the property is to construct an outdoor pavilion for community gathering events. The property is located in a B3/Business, Light Manufacturing Zoning District.

   Parcel identification number: **010-028-200-020-02**
   4055 Old 27 South
   Gaylord, MI 49735

   Legal Description:
   PAR 2A: A PAR OF LAND ON PT OF THE NW 1/4 OF THE NW 1/4 OF SEC 28, T30N R3W, BAGLEY TWP, OTSEGO CO, MI, BEING MORE PARTICULARLY DESC AS COMM AT THE N 1/4 COR OF SD SEC 28; TH N89°32'49"W 1241.63' ALG THE N LN OF SD SEC; TH S03°32'01"W 200.05' ALG THE E'LY LN OF HWY OLD US 27 TO THE POB; TH S89°33'09"E 238.28'; TH S02°16'35"E 129.95'; TH N89°31'41"W 251.44' TO SD E'LY ROW LN; TH N03°32'01"E 129.89' ALG SD ROW LN TO THE POB, CONT 0.73 AC M/L. 2017 SPLIT FROM 010-028-200-025-00

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

May 31, 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's representative, Seidell Architects, be present at your meeting, he can be notified at the following address:

Dean Bach
c/o Todd L Seidell LLC
PO Box 2189
Gaylord, MI 49734
989.731.0372

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

June 1, 2018

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

Item Involved: Three new proposed projects, Construction of a new restaurant, construction of a new open-air pavilion adjacent to the restaurant and the special use permit for a 44 unit commercial subdivision.

Members Present:

Ken Arndt
Brian Goebel
Wally Loney
Celeste Szymanski
Larry Beckett

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

Citizens Attending: None

Meeting Opened at 7:00PM by Arndt

Item 1. Approval of new restaurant on 010 028 200 020 01 and pavilion on 010 028 200 020 02. This is the special use permit application for the two parcels noted above, the former to support the rebuild of a restaurant from an abandoned former office and the second for the construction of an open-air pavilion for music and outdoor food service to be constructed directly south of and contiguous to the restaurant project.
Both of these proposed uses are special use permitted under B-3 inclusive of B-2 zoning district that permit restaurants and taverns and bars.

Item 2. (Third Parcel) The third item on the agenda is the special use permit for a 44 unit site condominium in section 21 of Bagley Township.

Exhibit 9

June 11, 2018

Bagley Township Board Action-Continued from June 1 Bagley Township Planning Commission Meeting.

Addendum to Special Use Permit Application Resolution, Eagle Commerce Park, Section 22, Bagley Township.

Planning Commission Chairman Arndt contacted the owner of the proposed project and was thoroughly briefed on the use of the project. Based on his requested application clarification, the planned use for the project is light industrial, compatible with B-3, including warehousing, light assembly and manufacturing, storage and distribution. Residential uses will not be permitted.

The project is service by a common utility arrangement (presumed Class A) and is accessed by Chestnut Court, a private road accessed from Old 27 South.

The chairman appeared at the Township Board meeting on 11 June and admitted to insufficient research prior to bringing the matter the Planning Commission. He then briefed all present on the project essentials.

In order to move the project forward, the Chairman first suggested that, since there were 3 active PC members present, in a short recess, they could meet validly as a quorem and take action which could then be forwarded to the full board. The township clerk indicated that the meeting would have to have been posted in advance which would not be possible.

He next suggested that the project be voted directly by the Township Board, as the township's official recommending authority. There was agreement on this strategy.

Fred Burns moved that the board approve the special use permit and Celeste Szymanski seconded the motion. Board Chair Michelle Noirot called for a vote which passed the motion unanimously.

The Planning Commission Chairman thanked the board for their somewhat unorthodox help in moving this project forward and the items on the Planning Commission agenda being complete, the chairman returned to his seat.

Respectfully Submitted,

Kenneth R. Arndt
Chairman
Planning Commission.

This matter approved by voice vote of the Township Board

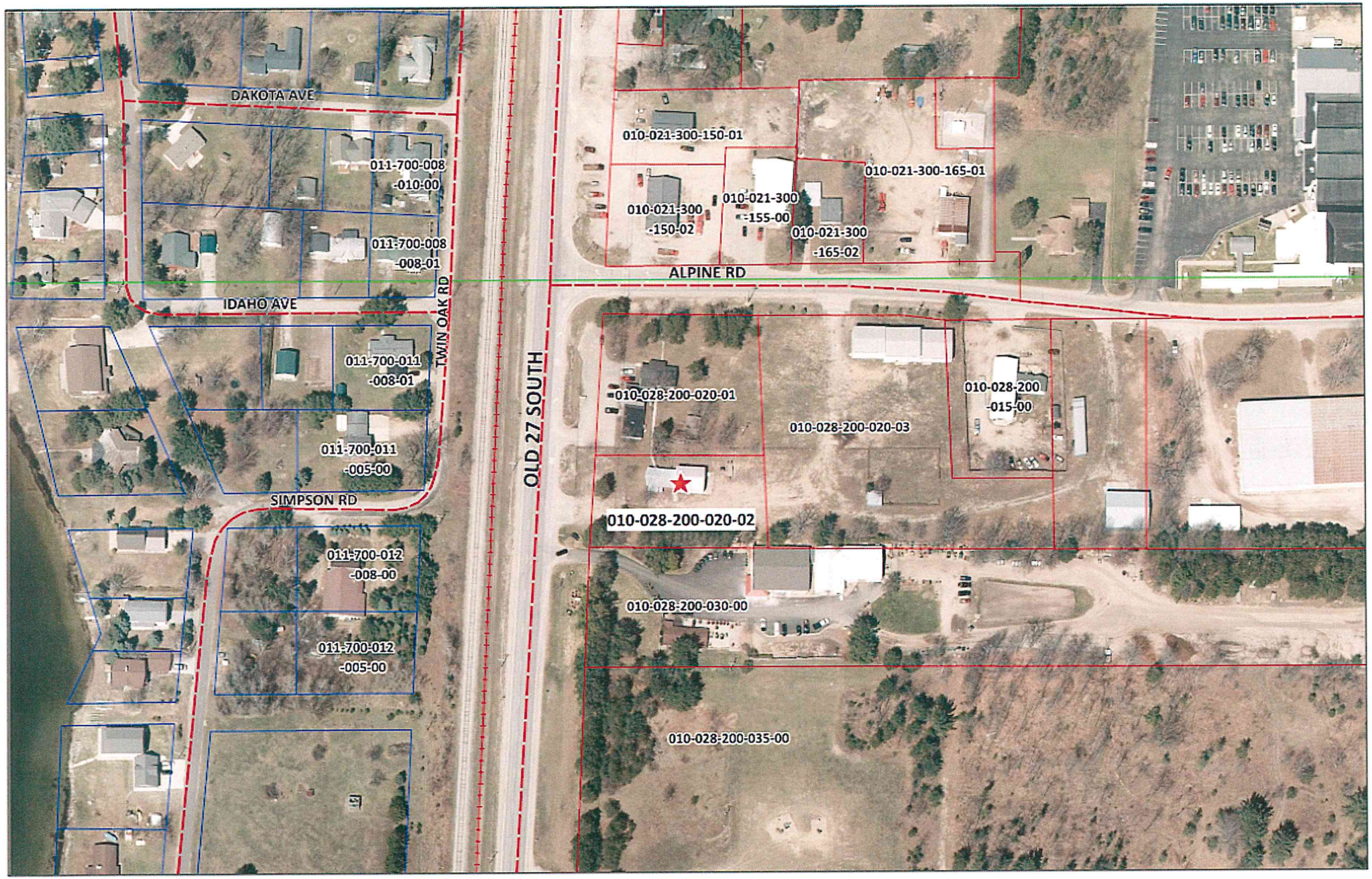
PZSU18-003 4055 OLD 27 SOUTH 010-028-200-020-02

OWNERS WITHIN THREE HUNDRED FEET (300')									
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Zoning Code	Class
010-021-300-150-01	3967 OLD 27 S	K & G STORAGE LLC	547 E PETOSKEY ST	GAYLORD	MI	49735	0.58	B3	201
010-021-300-150-02	3975 OLD 27 S	HOOGERHYDE, JEREMY D	PO BOX 432	GAYLORD	MI	49734-0432	0.53	B3	201
010-021-300-155-00	696 ALPINE RD	LAKEVIEW QUALITY TOOL, INC.	696 ALPINE RD	GAYLORD	MI	49735-9531	0.38	B3	301
010-021-300-165-01	648 ALPINE RD	KUJAWA TRUST	2534 MURNER RD	GAYLORD	MI	49735	1.15	B3	201
010-021-300-165-02	680 ALPINE RD	KUJAWA TRUST	2534 MURNER RD	GAYLORD	MI	49735	0.33	B3	401
010-028-200-015-00	647 ALPINE RD	NEEB - GETTEL	336 E BUTLER ST	BAD AXE	MI	48413-1267	0.75	B3	201
010-028-200-020-01	4029 OLD 27 S	RAYMOND, WILLIAM J & BRENDA L	4572 PINEHURST AVE	GAYLORD	MI	49735-9469	1.04	B3	201
010-028-200-020-02		RAYMOND, WILLIAM J & BRENDA L	4572 PINEHURST AVE	GAYLORD	MI	49735-9469	0.73	B3	202
010-028-200-030-00	4085 OLD 27 S	LAPPAN LLC	4085 OLD 27 S	GAYLORD	MI	49735-9596	4.91	B3	201
010-028-200-035-00		DUCHESS REAL ESTATE HOLDINGS LLC	718 NOTRE DAME ST STE 100	GROSSE POINTE	MI	48230-1240	9.6	R2	202
011-700-008-008-01	740 IDAHO AVE	DAVIS, THOMAS W SR & SALLEY A	30321 W JEFFERSON AVE	ROCKWOOD	MI	48173	0.25	RR	401
011-700-008-010-00	757 DAKOTA AVE	BENNETT, RITA	6553 HAYES TOWER RD	GAYLORD	MI	49735	0.25	RR	401
011-700-011-005-00	4038 TWIN OAK RD	HERST, ERNEST J & MARY E	4038 TWIN OAK RD	GAYLORD	MI	49735	0.48	RR	401
011-700-011-008-01	743 IDAHO AVE	GLASER, JENNIFER	6499 WESTLAKE DR	ELMIRA	MI	49730-9731	0.37	RR	401
011-700-012-005-00		SAMALIK-SAMALIK-SAMALIK	864 WOODCREST DR	GAYLORD	MI	49735-9124	0.44	RR	402
011-700-012-008-00	759 SIMPSON RD	SAMALIK, DAVID P & CARI A	4044 BUCK RD	GAYLORD	MI	49735-9488	0.47	RR	401
010-028-200-020-03	672 ALPINE RD	RAYMOND, WILLIAM J & BRENDA L	4572 PINEHURST AVE	GAYLORD	MI	49735-9469	2.31	B3	202

Exhibit 10

PZSU18-003 BACH

4055 OLD 27 SOUTH 010-028-200-020-02



010-021-300-150-01
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010-021-300-155-00
010-021-300-165-01
010-021-300-165-02
010-028-200-015-00
010-028-200-020-01
010-028-200-020-02
010-028-200-030-00
010-028-200-035-00
011-700-008-008-01
011-700-008-010-00
011-700-011-005-00
011-700-011-008-01
011-700-012-005-00
011-700-012-008-00
010-028-200-020-03

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:

BACH, DEAN / NORTHLAND / SEIDELL

RECEIPT NUMBER

01315205

05/24/2018

Type	Record	Category	Description	Amount
Permit	PZSU18-003	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.

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-003
Special Use Permit/Site Plan Review
010-028-200-020-02

GENERAL FINDING OF FACT

1. This is a proposal to construct a pavilion to hold community outdoor events. *Exhibit #1, Exhibit #5*
2. The property is located in a B3/Business, Light Manufacturing Zoning District. *Exhibit #2*
3. Adjacent properties in the area are zoned B2 / General Business, R2 / General Residential and RR / Recreation Residential. *Exhibit #2*
4. The proposed use is a listed use in a B2 /General Business Zoning District. *Exhibit #3*
5. All listed uses in a B2 / General Business Zoning District require a special use permit in a B3 / Business, Light Manufacturing Zoning District. *Exhibit #3*
6. The proposed property is 0.73 acres. *Exhibit #4*
7. The property is currently under the ownership of Dean Bach. *Exhibit #4*
8. The owners are being represented by Todd L Seidell LLC per letter dated..., 2018. *Exhibit #6*
9. The Public Hearing Notice was published in the Herald Times on June 1, 2018. *Exhibit #7*
10. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
11. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
12. 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*
13. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
14. The application deemed complete by Land Use Services. *Exhibit #1*
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 7, Exhibit #11, Exhibit #12, Exhibit #13...*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-003
Special Use Permit/Site Plan Review
010-028-200-020-02

SPECIFIC FINDING OF FACT

FINDINGS UNDER ARTICLE 12

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

INTENT

The B3 District is designed to provide sites for light manufacturing and wholesale storage and as a distribution area to retail stores or industrial users. These sites do not necessarily have to abut or be adjacent to a primary or secondary County road but must have access to these roads without passing through a residential district, provided that the entrance and exit is approved in written form by the County Road Commission.

SECTION 12.1 PRINCIPAL USES PERMITTED

12.1.1 Wholesale sales, storage and distribution facilities including accessory retail sales, but excluding storage of flammable or hazardous materials

12.1.2 Truck and rail freight terminals, including warehousing

12.1.3 Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles

12.1.4 Outside storage yards, provided proper fencing is provided per Article 21.10

12.1.5 Lumber yards, building and construction material suppliers

12.1.6 Bottling works, food packaging and freezer plants

12.1.7 Welding, jobbing, plastic, wood, machine and fabrication shops

12.1.8 Community service facilities (public library, offices operated through public funds, etc.)

12.1.9 Equipment reconditioning indoors on an impervious surface

12.1.10 Essential services buildings

12.1.11 Flea markets

12.1.12 Sawmills and forest product processing

12.1.13 Fuel storage and wholesale uses with underground storage tanks

12.1.14 Monument and art stone product operations

12.1.15Nursery sales and greenhouses

12.1.16 Public works garages

12.1.17 Indoor archery range

12.1.18 Indoor rifle or pistol ranges

12.1.19 Construction and utility service contractors storing heavy equipment

12.1.20 Storage buildings consisting of building(s) with the purpose of commercial and/or private storage (A storage building shall not be used in any form as a residence.)

12.1.21 Agricultural chemicals and supplies in an enclosed building

12.1.22 Veterinary hospitals, clinics with indoor kennels [Permit criteria includes Article 21.45]

12.1.23 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height [Permit criteria includes Article 21.46]

12.1.24 Recycling Facility

12.1.25 Solid Waste Hauler

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

SECTION 12.2 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.]

12.2.1 All permitted use or uses subject to special conditions in the B2 General Business District.

12.2.2 Auto repair garages or auto body shops, including wrecker service

12.2.3 Above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids

12.2.4 Concrete and asphalt manufacturing and distribution

12.2.5 Detention Facilities

12.2.6 Power generation plants

12.2.7 Research, experimental, and development establishments

12.2.8 Adult Entertainment

12.2.9 Industrial Laundries

12.2.10 Medical Laboratories

12.2.11 Dirt and aggregate storage, sales and processing

12.2.12 Wireless Telecommunications Towers and Facilities over one hundred ninety (190) feet in height [Permit criteria includes Article 21.46]

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

12.2.14 Unlisted property uses if authorized under Article 21.44

12.2.15 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]

FINDINGS UNDER ARTICLE 11

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 11.1 PRINCIPAL USES PERMITTED

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

11.1.1 All principal uses permitted in the B1 Local Business District

11.1.2 Theaters, halls, and similar places of assembly

11.1.3 Laundromats and dry cleaners

11.1.4 Bowling alleys, pool or billiard parlors or clubs

11.1.5 Equipment rental shops with outside storage

11.1.6 Indoor archery range

11.1.7 Lumber yards and building material suppliers-within enclosed building

11.1.8 Tavern/night clubs

11.1.9 Restaurants serving alcoholic beverages

11.1.10 Public parking garages

11.1.11 Bus stations and passenger terminals

11.1.12 Businesses and restaurants with drive-through service

11.1.13 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height without lights [Permit criteria includes Article 21.46]

11.1.14 Transient Merchants-Tent and open air merchants, for periods of up to ninety (90) days per year, housing retail uses otherwise allowed by the Zoning Ordinance in this district. A single thirty (30) day extension may be applied for. Three (3) or more merchants on a parcel simultaneously must be permitted as a "Flea market".

11.1.15 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See Article 21.46]

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 Uses / Permitted Use Subject to Special Conditions allowed in B2 Zoning District Requiring a Special Use Permit in B3 Zoning District**

FINDINGS UNDER ARTICLE 17/Table 1

ARTICLE 17 SCHEDULE OF DIMENSIONS

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

Zoning District	B1	B2	B3	I	HX	MUZ	
						MAIN ST	TOWN CENTER
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	8,000	8,000
Min. Front Setback	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	Build-to-Area	Build-to-Area
Max. Front Setback	NA	NA	NA	NA	NA	NA	NA
Min. Side Setback	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	5 ft	5ft
Min. Rear Setback	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	10 ft	10 ft
Min. Lot width (k)	100 ft	100 ft	100 ft	150 ft	150 ft	60 ft	60 ft
Max. % lot coverage	NA	NA	NA	NA	NA	NA	NA
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft	35 ft
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	NA	NA	NA
Min. Width of principal structure	NA	NA	NA	NA	NA	NA	NA

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

***Setbacks: Minimum Dimensions Met**

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.

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

***Access Management: Existing Driveway**

Exhibit 13

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.

***Landscaping: Conditional Approval**

***No Buffer Yard Required/See Table I**

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 ST	MUZ TWN CTR		HX	I
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 ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

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

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

***Lighting: Conditional Approval**

FINDINGS UNDER SECTION 21.27

SECTION 21.27 PARKING

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

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

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

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

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

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

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

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

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

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

21.27.10 Off-street Parking Schedule

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

MINIMUM PARKING SPACES REQUIRED

LAND USE	**PER UNIT OF MEASURE**
Commercial	
Planned Shopping Center	1 per 200 sq. ft. of usable floor area
Auto Wash-Automatic	5 per wash stall plus 1 per employee
Auto Wash-Automatic-Drive-in	1 for each 2 employees
Auto Wash-Self Service	1 per employee
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons at maximum capacity
Drive-in Business	1 per employee plus drive-in stalls and/or lanes to serve patrons
Banks	1 per 200 sq. ft. of usable floor area
Doctor or Dentist Office	1 per 50 sq. ft. of waiting room plus 1 per service chair
Business Office	1 per 200 sq. ft.
Billiard Hall	2 per game table
Bowling Alley	5 per lane
Taverns	1 per 100 sq. ft. of usable floor area
Restaurants	1 per 3 persons at maximum seating capacity
Drive-up or Drive-through Uses-Restaurant, Banks, Drug Pick-up, Laundries, Payment Windows or other Drive-up Service Windows…	In addition to the required parking for the principal use, the Drive-through facilities requirement in Article 18 shall be followed

***Parking: Conditional Approval**

Exhibit 13

FINDINGS UNDER SECTION 21.38

Section 21.38
Signs and Billboards

Amended 3.29 2018

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 21.38.01.01.03 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.

***Signage: Conditional Approval**

Exhibit 13

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: Conditional Approval**

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 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.

***Underground Utilities: Conditional Approval**

FINDINGS UNDER ARTICLE 23

ARTICLE 23 SITE PLAN REVIEW

Site Plan Review and approval of all development proposals listed below is required by the provisions of this Article. The intent of this Article is to provide for consultation and cooperation between the land developer and the Zoning Administrator so that beneficial utilization of the land is achieved at the same time that adverse effects upon the surrounding land uses are minimized consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Comprehensive Plan of Otsego County will be assured and its communities will develop in an orderly fashion.

SECTION 23.1 SITE PLAN REVIEW REQUIRED

Site plan review is required for the following uses:

23.1.1 Any use or development for which the submission of a site plan is required by any provision of this Ordinance.

23.1.2 Any development for which off-street parking areas in excess of five (5) spaces are provided as required in this Ordinance.

Any use in a B1, B2, B3 and Industrial zone.

Any Special Land Use (See Article 19).

(Note: An application for a zoning permit for a land use not requiring Site Plan Review shall contain a Plot Plan as outlined in Article 25.3.3.)

SECTION 23.2 APPLICATIONS FOR SITE PLAN REVIEW

An application for site plan review shall be obtained from the Zoning Administrator. The completed application and site plan shall be submitted to the Zoning Administrator along with fifteen (15) copies of each for distribution. The application, site plan and copies shall be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, in order to have the site plan review scheduled for that meeting. The applicant shall also meet requirements of Article 27 Township Participation in County Zoning. The application for site plan review and the site plan shall contain the following information:

23.2.1 The application shall, at a minimum, include the following information:

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

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

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

23.2.1.4 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)

23.2.1.5 The address and or parcel number of the property

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

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

23.2.1.8 Project title

23.2.1.9 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

23.2.1.10. A vicinity map drawn to with North point indicated

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

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

23.2.1.13. Project completion schedule/development phases

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

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

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

23.2.2.3 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.

23.2.2.4 Location and type of significant existing vegetation

23.2.2.5 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

23.2.2.6 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

23.2.2.7 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

23.2.2.8 Location of existing public roads, rights-of-way 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.

Exhibit 13

23.2.2.9 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.

23.2.2.10 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

23.2.2.11 Location, size and characteristics of all loading and unloading areas

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

23.2.2.13 Location of water supply lines and/or wells, including fire hydrants and shut off valves and 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

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

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

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

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

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

23.2.2.19 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.

23.2.2.20 Location, size of all trash receptacles and other solid waste disposal facilities

23.2.2.21 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.

23.2.2.22 Identification of any significant site amenities or unique natural features

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

23.2.2.24 North arrow, scale and date of original submittal and last revision

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

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 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 _____, except for the following items: (list known variations from the ordinance)
23.2.3 All projects requiring a site plan shall also require that the professional in charge of the project inspect and certify that the project has been constructed in accordance with the approved plans. The following format shall be used:
FORM FOR CONSULTANT'S CERTIFICATE

Date_____

Project name_____

Section _____, T____N, R____W, _____Township,

Otsego County, Michigan.

Exhibit 13

I hereby certify that construction of

_____

is complete and that:

1. I have personally directed the supervision or inspection of the construction.

2. To the best of my professional knowledge, understanding and information, all improvements to date have been installed in accordance with the special use permit.

3. The project meets all requirements of the Otsego County Zoning Ordinance.

Signed_____

Registered Professional Engineer (or Surveyor, Architect or Landscape Architect)

(seal)

23.2.4 The Planning Commission or Zoning Administrator may waive any site plan submittal requirement when any of the following circumstances are found to be in existence:

23.2.4.1 The data will serve no useful purpose. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted. Another reasonable circumstance or condition exists (not including the cost of complying).

23.2.5 Application fees must be paid when the application is submitted and sufficient escrow accounts may be established to cover the projected review costs.

SECTION 23.3 PRE-APPLICATION CONFERENCE

A pre-application conference is not mandatory, but it is strongly advised. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the Zoning Administrator and such other representatives as described in the Planning Commission bylaws. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance. There is no charge or fee to the applicant for this meeting.

SECTION 23.4 AGENCY REVIEW

The applicant shall submit a copy of required site plans and a blank comment form supplied by the Otsego County Zoning Administrator to designated Federal, State and Local agencies and departments for review as determined and requested by the Planning Commission or Zoning Administrator.

The applicant may be requested to submit site plans to one or more of the following agencies: the Otsego County Road Commission; the Michigan Department of Transportation; the Michigan State Police, the Otsego County Sheriff; the Otsego County Conservation District; the District Health Department; the Fire Department having jurisdiction; the Michigan Department of Natural Resources; the Michigan Department of Environmental Quality; the Otsego County Airport; or any other agency or department deemed necessary. After delivery of the application, site plans and comment forms the applicant should submit proof of delivery to the Otsego County Zoning Administrator. Comments not received from reviewing agencies by the Zoning Administrator within fifteen (15) of days of delivery shall be considered approved without comment.

SECTION 23.5 APPROVAL AUTHORITY

The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If he/she determines that all required information has not been supplied, a written notification to the applicant will be sent, citing the deficiencies. The application for site plan review cannot proceed until all requirements have been satisfied.

The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site plans for 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.

SECTION 23.6 CONDITIONAL APPROVALS

23.6.1 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of this ordinance.

23.6.2 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of another local, county or state agency, including a Water and Sewer Department, County Drain Commission, County Road Commission, State Highway Commission or Natural Resources Department. They may do so when such conditions:

23.6.2.1 Would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;

23.6.2.2 Would protect the natural environment and conserve natural resources and energy;

23.6.2.3 Would insure compatibility with adjacent uses of land, and would promote the use of land in a socially and economically desirable manner.

23.6.3 The Planning Commission and/or Zoning Administrator may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of Article 21.10 and 21.18of this Ordinance and may collect a performance guarantee consistent with the requirements of Article 23.8, to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:

23.6.3.1 That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;

23.6.3.2 that absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

SECTION 23.7 DISTRIBUTION OF APPROVED SITE PLAN

When a site plan is reviewed and approved or disapproved by the Planning Commission or Zoning Administrator, and all steps completed, two (2) copies of the site plan will be marked by the Planning Commission for the following distribution.

23.7.1.1 One (1) copy returned to the applicant signed by the Chairperson of the Planning Commission or by the Zoning Administrator including any conditions of approval.

23.7.1.2 One (1) copy forwarded to the Zoning Administrator including any conditions of approval.

SECTION 23.8 CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following final approval of a site plan by the Zoning Administrator or the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan.

Failure to do so is a violation of this ordinance and subject to the sanctions provided herein.

SECTION 23.9 SITE PLAN EXPIRATION AND REVOCATION

23.9.1 Failure to initiate construction of an approved site plan within three hundred sixty-five (365) days of approval shall require the applicant to appear before the Planning Commission and demonstrate why the approval should not be revoked. After this appearance the Planning Commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:

23.9.1.1 An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency;

23.9.1.2 Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;

23.9.1.3 A change in state law, local charter, or other local ordinance affecting the previous approval has occurred;

23.9.1.4 Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.

23.9.2 Thirty (30) days prior to expiration of an approved site plan, an applicant may make application for a one year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. If the original approval of the site plan was by the Planning Commission, the applicant shall present his/her case in person or by representative at the next meeting of the Planning Commission.

23.9.3 Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The Building Inspector shall also be notified to withhold any building permit until a new site plan is approved.

23.9.4 Any subsequent re-submittal shall be processed as a new request with new fees, except for minor amendments pursuant to Subsection 23.11 below.

SECTION 23.10 PERFORMANCE GUARANTEE REQUIRED

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Otsego County and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a performance guarantee as regulated by Article 25.6. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping and any other required improvements.

SECTION 23.11 MINOR AMENDMENTS TO APPROVED SITE PLANS

Minor Amendments to a site plan may be approved by the Zoning Administrator provided that such changes conform to the Zoning Ordinance and the applicant agrees. No additional fees will be charged for minor amendments. Minor changes to an approved site plan may be approved by the Zoning Administrator before or after construction has begun provided no such change results in any of the following:

23.11.1.1 A change in the use or character of the development

23.11.1.2 An increase in overall coverage of structures

23.11.1.3 An increase in the intensity of use

23.11.1.4 A reduction in required open space

23.11.1.5 A reduction in required off-street parking and loading

23.11.1.6 A reduction in required pavement widths or utility pipe sizes

23.11.1.7 An increase in traffic on public streets or an increase in the burden on public utilities or services

23.11.2 The following are minor amendments:

23.11.2.1 Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s) - Relocation of building entrances or exits, or shortening of building canopies

23.11.2.2 The changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided

23.11.2.3 Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or a reduction of aisle width below ordinance requirements

23.11.2.4 Moving of ingress and egress drives a distance of not more than one hundred (100) feet if required by the appropriate state, county or other local road authority with jurisdiction

23.11.2.5 Substituting landscape plan species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects

23.11.2.6 Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary

23.11.2.7 Increase peripheral yards

23.11.2.8 Changing the location of an exterior building wall or location not more than ten (10) feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected

23.11.3 If a proposed amendment to an approved site plan does not qualify as a minor change, a new site plan and application and fees in accordance with the provisions of Article 23 must be submitted. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

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

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

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

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

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

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

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

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity 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.

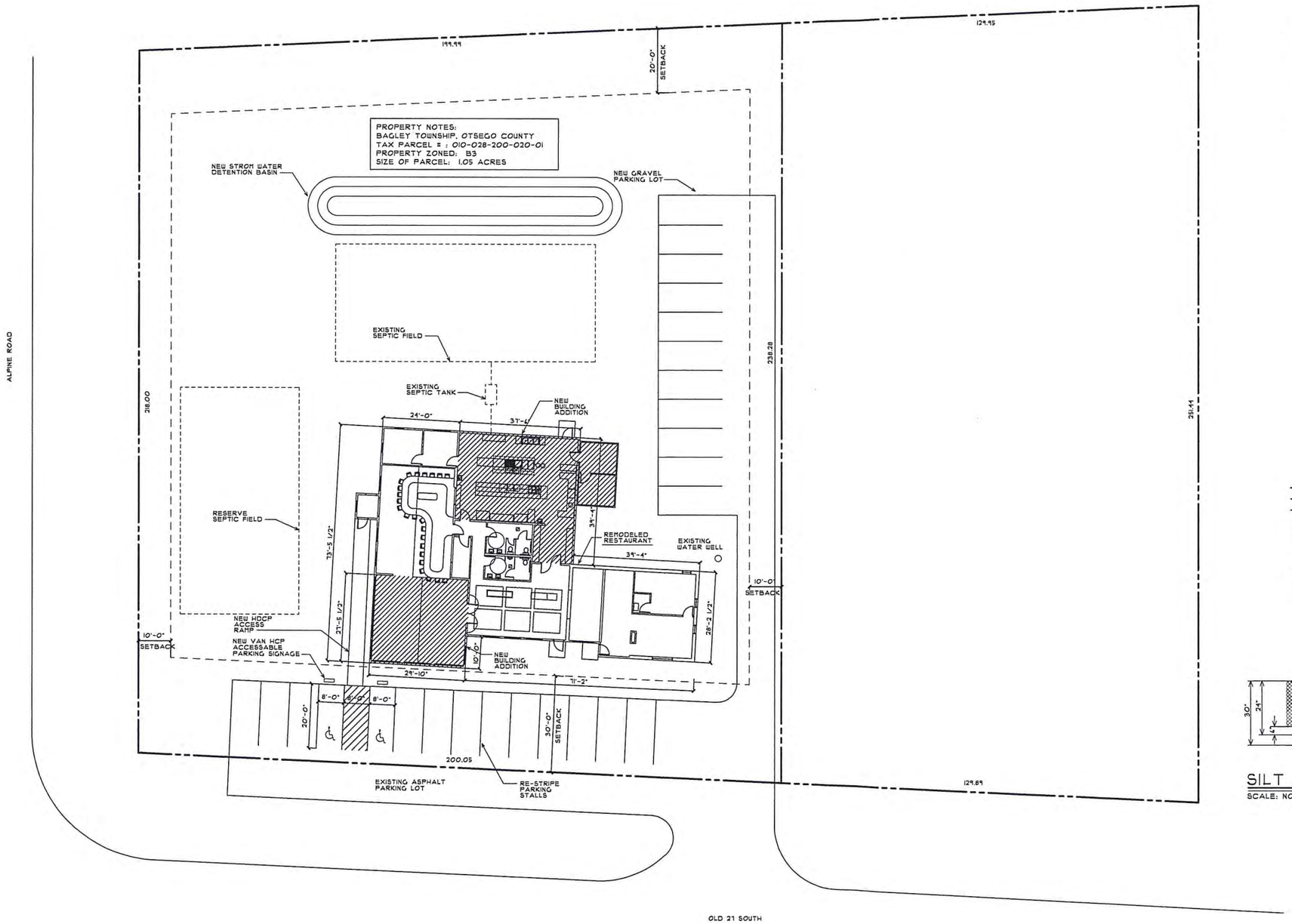
19.8.1 Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use and the community as a whole.

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

Exhibit 5



SITE PLAN

SCALE: 1/16" = 1'-0"

NORTH

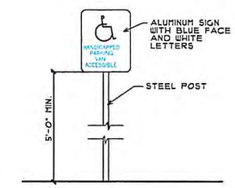
NOTE: THIS SITE PLAN IS NOT A SURVEY. IT WAS COMPILED TO APPROXIMATE CURRENT CONDITIONS FOR PLANNING ONLY AND DOES NOT REPRESENT TO BE AN EXACT MAP OF BUILDINGS, SITE FEATURES, ETC.

PROJECT:
BELLE IRON GRILLE
4029 SOUTH OLD 27, GAYLORD, MICHIGAN 49735
PHONE: (248) 444-7970

PROPERTY OWNER:
DEAN BACH
4044 GLEN EAGLES DR., W. BLOOMFIELD, MI 48323
PHONE: (248) 444-7970

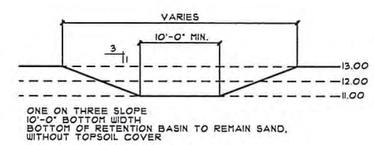
PROJECT DESCRIPTION:
REMODELED EXISTING BUILDING

PROJECT SCHEDULE:
CONSTRUCTION: MAY, 2018
COMPLETION: JULY, 2018



HCP PARKING SIGN DETAIL

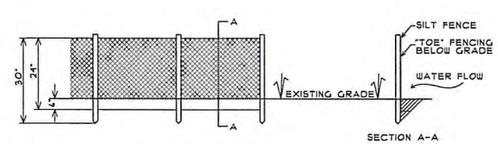
SCALE: NONE



ONE ON THREE SLOPE
10'-0" BOTTOM WIDTH
BOTTOM OF RETENTION BASIN TO REMAIN SAND, WITHOUT TOPSOIL COVER

RETENTION AREA DESIGN

SCALE: NONE



SILT FENCE DETAIL

SCALE: NONE

DATE: _____

Documents provided and prepared under the direct supervision of Todd L. Seidell, Architect. License #43749

DRAWN BY	T.L.S.	ISSUED	DATE
CHECKED	T.L.S.	ZONING APPROVAL	5/18/18
APPROVED BY	T.L.S.		
DATE	5/18/18		
PRINT DATE			

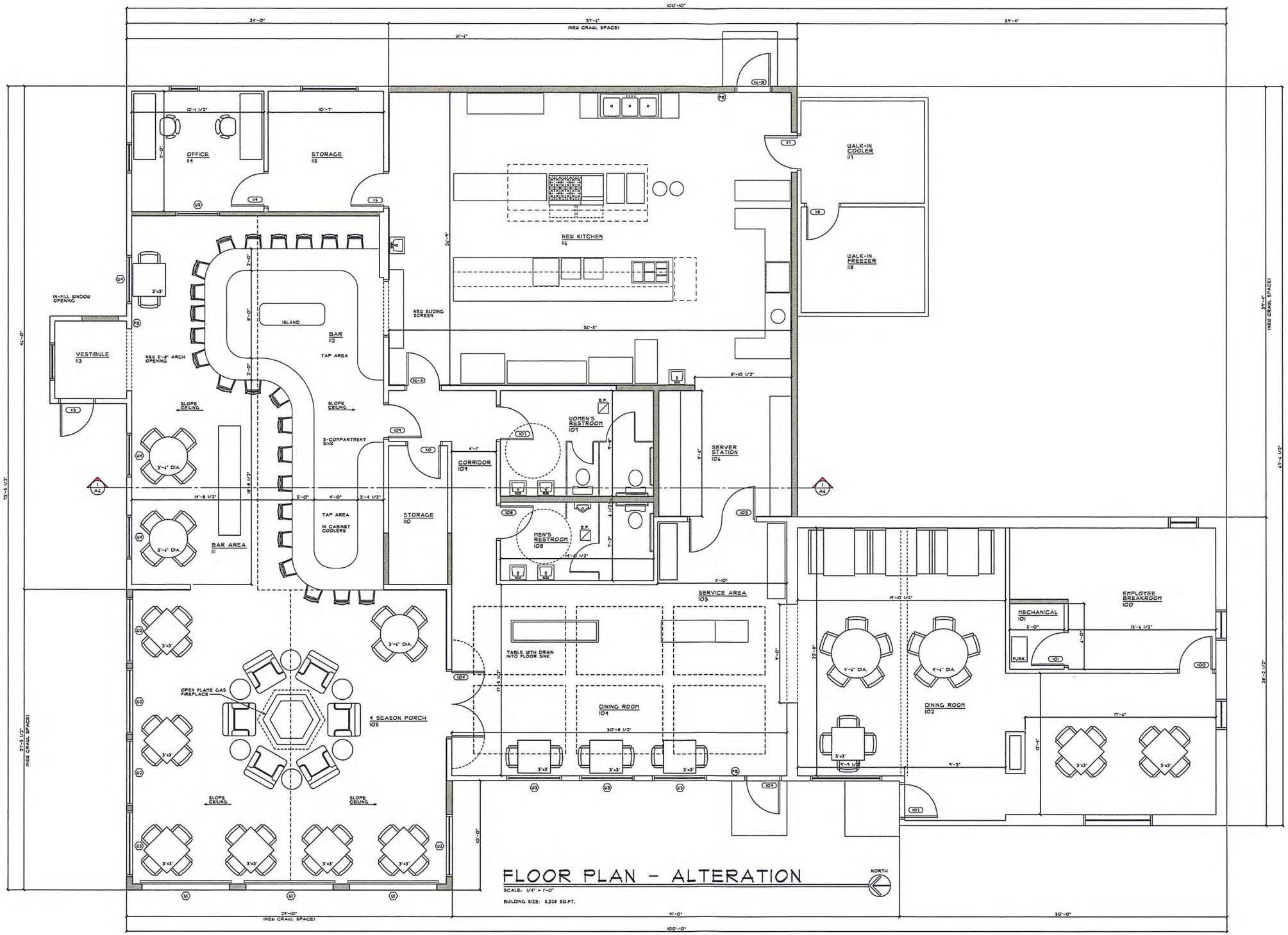
ISSUED DATE

SEIDELL ARCHITECTS
COMMERCIAL RESIDENTIAL INDUSTRIAL
114 N. COURT AVE. STE. 201
POST OFFICE BOX 2189
GAYLORD, MICHIGAN 49734
PHONE (989) 731-0372
FAX (989) 731-8932

PROJECT
BELLE IRON GRILLE
REMODELED BUILDING
4055 SOUTH U.S. 27
GAYLORD, MICHIGAN

PROJECT NO.
18-032

SHEET
SP1



FLOOR PLAN - ALTERATION

SCALE: 1/4" = 1'-0"

BUILDING SIZE: 5328 SQ.FT.

NORTH

ISSUED	DATE

ISSUED	DATE
ZONING APPROVAL	5/18/18

DRAWN BY	T.L.S.
CHECKED	T.L.S.
APPROVED BY	T.L.S.
DATE	5/18/18
PRINT DATE	

SEIDELLS ARCHITECTS

COMMERCIAL RESIDENTIAL INDUSTRIAL

114 N. COURT AVE., STE. 201
POST OFFICE BOX 2159
GAYLORD, MICHIGAN 49734

PHONE (989) 731-0372
FAX (989) 731-5932

PROJECT

BELLE IRON GRILLE

REMODELED BUILDING

4055 SOUTH U.S. 27

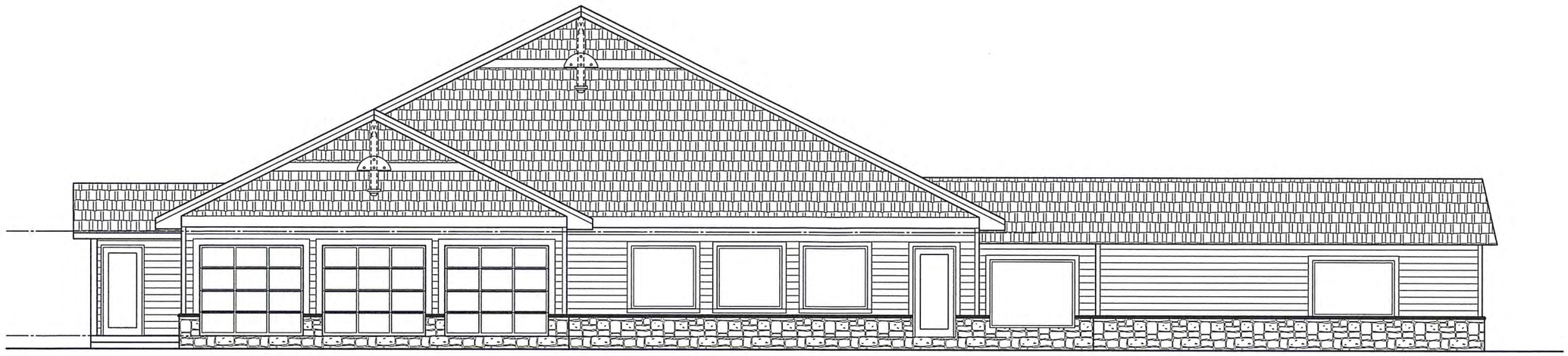
GAYLORD, MICHIGAN

PROJECT NO.

18-032

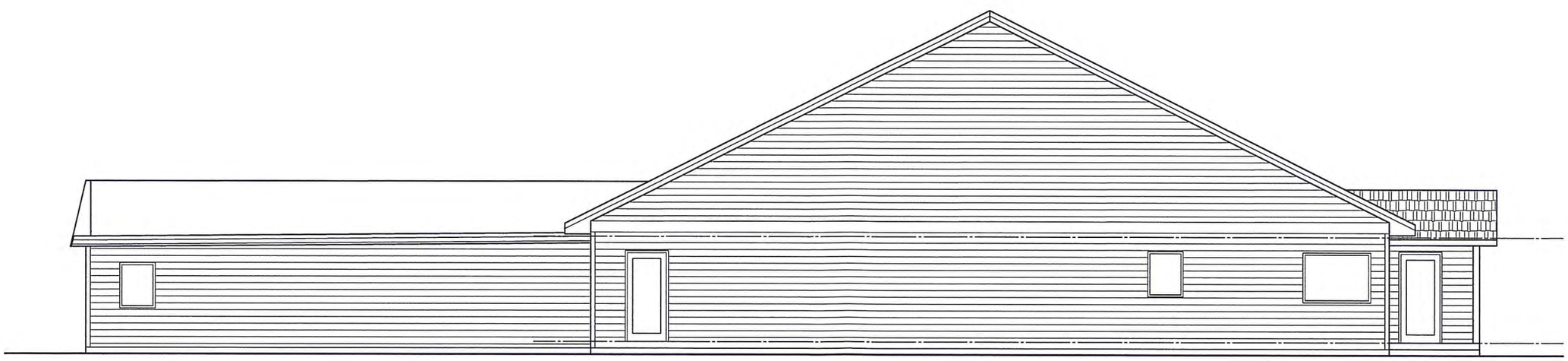
SHEET

A1



WEST ELEVATION - ALTERATION

SCALE: 1/4" = 1'-0"



EAST ELEVATION - ALTERATION

SCALE: 1/4" = 1'-0"

ISSUED	DATE

ISSUED	DATE
ZONING APPROVAL	5/18/18

DRAWN BY	T.L.S.
CHECKED	T.L.S.
APPROVED BY	T.L.S.
DATE	5/18/18
PRINT DATE	

SEIDELL ARCHITECTS

COMMERCIAL RESIDENTIAL INDUSTRIAL

116 N. COURT AVE., STE. 201
POST OFFICE BOX 2319
GAYLORD, MICHIGAN 49734

PHONE (989) 731-0372
FAX (989) 731-6932

PROJECT

BELLE IRON GRILLE

REMODELED BUILDING

4055 SOUTH U.S. 27

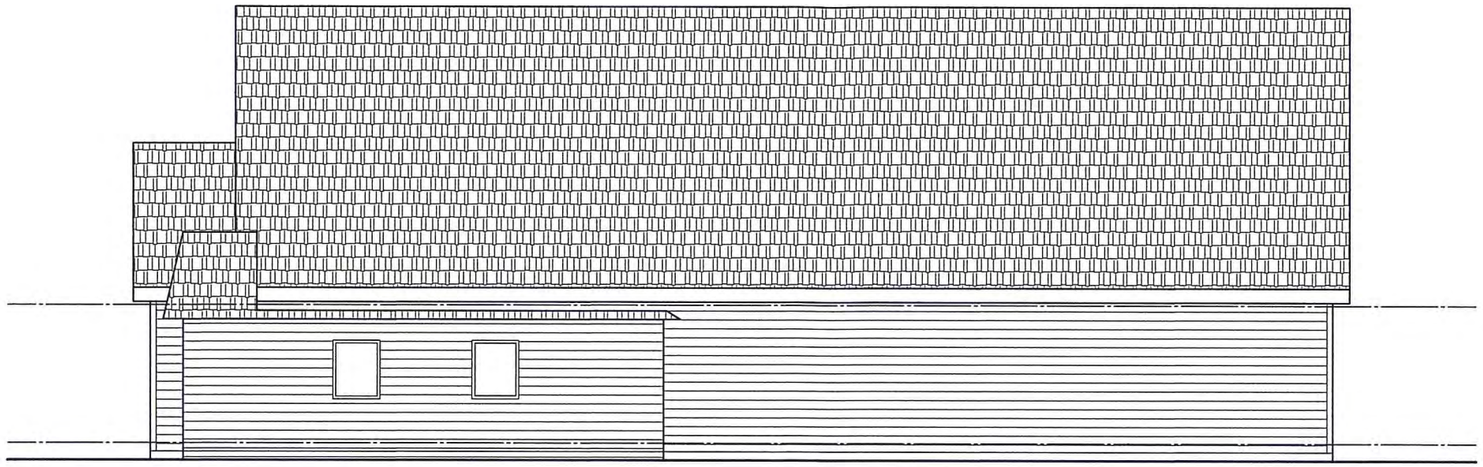
GAYLORD, MICHIGAN

PROJECT NO.

18-032

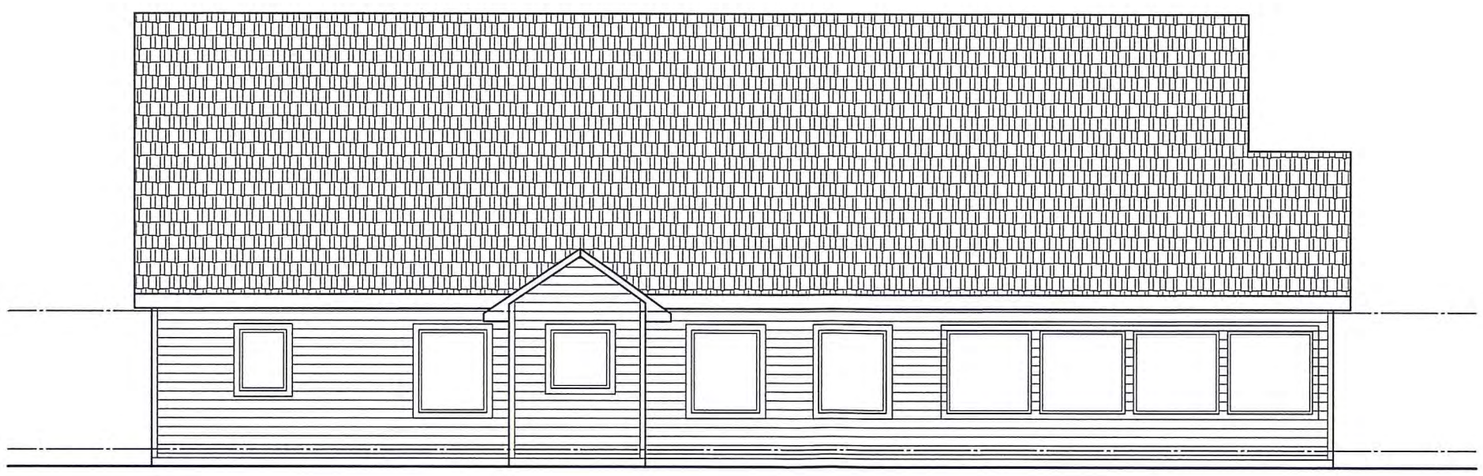
SHEET

A4



SOUTH ELEVATION - ALTERATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION - ALTERATION

SCALE: 1/4" = 1'-0"

		ISSUED	DATE	ISSUED	DATE
DRAWN BY	T.L.S.	ZONING APPROVAL	5/18/18		
CHECKED	T.L.S.				
APPROVED BY	T.L.S.				
DATE	5/18/18				
PRINT DATE					

SEIDELL ARCHITECTS

COMMERCIAL RESIDENTIAL INDUSTRIAL

114 N. COURT AVE., STE. 201
POST OFFICE BOX 2189
GAYLORD, MICHIGAN 49734

PHONE (989) 731-0372
FAX (989) 731-0532

PROJECT
BELLE IRON GRILLE

REMODELED BUILDING

4055 SOUTH U.S. 27

GAYLORD, MICHIGAN

PROJECT NO.
18-032

SHEET
A5

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-003
Special Use Permit/Site Plan Review
010-028-200-020-02

Exhibit List

Exhibit #1: Applications for case PZSU18-003 submitted by Applicant/Representative

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 March 29, 2018 *(reference)*

Exhibit #4: Copy of Otsego County Equalization Department record card/Statement of Ownership

Exhibit #5: Site Plan/PZSU18-003 submitted by Applicant /Representative

Exhibit #6: Statement of representation dated..., 2018

Exhibit #7: Public Hearing Notice

Exhibit #8: Letter to Bagley Township Planning Commission dated May 31, 2018

Exhibit #9: Response from Bagley Township dated June 11, 2018

Exhibit #10: Map and list of parties notified

Exhibit #11: Receipt #01315205

Exhibit #12: General Finding of Fact/PZSU18-003

Exhibit #13: Specific Finding of Fact/PZSU18-003

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: 5·30·18	Parcel Number: 010 - 028 - 200 - 020-01

PROPERTY LOCATION: *(REQUIRED)*

Address: 4029 South U-S. 27		City: Gaylord	Zip Code: 49735
Township: Bagley	Zoning District: B-3	Section: 28	T 30 N/R 3 W

APPLICANT:

Name: Todd L Seidell LLC		Owner/Agent/Other Interest *(circle one)*	
Address: Po Box 2189	City: Gaylord	State: MI	Zip Code: 49734
Phone: (989) 731- 0372	Fax: (989)731- 6932		

PROPERTY OWNER: *(If different from Applicant)*

Name: Dean Bach		Phone: (248)444- 7970	
Address: 6064 Glen Eagles Dr.	City: West Bloomfield	State: MI	Zip Code: 48323

DESCRIPTION OF PROJECT AND PROPOSED USE:

Remodeled for restaurant

SIGNATURE OF APPLICANT:	**DATE:** 5-30-18

***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: 5·30·18	Permit Number: PZ5018·003	
Date Application Complete:	Fee:	Receipt Number: 01315005

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: Todd L. Seidell Architect LLC	Owner/Agent/Other Interest *(circle one)*
Address: PO Box 2189 Gaylord MI 49734	
Phone: (989) 731 - 0372	Fax: (989) 731-6932

PROPERTY OWNER: *(If different from Applicant)*

Name: Dean Bach	
Address: 6064 Glen Eagles Drive West Bloomfield MI 48323	
Phone: (248) 444- 7970	Fax: ( ) -

PROPERTY LOCATION:

Township: Bagley	Section: 28	T 30 N/R 3 W	Zoning District: B-3
Site Address: 4029 South US 27			
Parcel Number: 010 - 028 - 200 - 020-01			
Description of Project and Proposed Use: New Restaurant			

Signature of Applicant:	**Date:** 5-30-19

***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:_____

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:_____

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 ___ No X if "No" explain: Basic flat site with flow to detention basin's

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 ___ No X if "No" explain: Sand soils

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 X No ___ if "No" explain: _____

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 X No ___ if "No" explain: _____

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 X No ___ if "No" explain: Note: Existing driveways

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 X No ___ if "No" explain: _____

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

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

Yes ___ No X if "No" explain: Field connection to site electrical.

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

Yes X No ___ if "No" explain: ___

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

Yes X No ___ if "No" explain: ___

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

Yes X No ___ if "No" explain: ___

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 ___ No X if "No" explain: Mountain grass site.

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: 5/24/18

Or

Paul A. Sewell Architect

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 _____, except for the following items: (List known variations from the Ordinance)

OFFICE USE ONLY

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

LAND USE SERVICES
1322 Hayes Rd
Gaylord, MI 49735
989.731.7400

OTSEGO COUNTY LAND USE SERVICES
AGENCY REVIEW FORM

DATE:	
APPLICANT:	
SITE ADDRESS:	

After review, please state your approval or address any issues/concerns relating to the site plan submitted by the applicant for review by the Otsego County Planning Commission and/or Zoning Administrator per Article 23 Site Plan Review Section 23.4 Agency Review of the Otsego County Zoning Ordinance. A letter or email of approval is also acceptable for your convenience.

SIGNATURE/TITLE:
AGENCY:

PZSU18-002 **BACH**

4029 OLD 27 SOUTH **010-028-200-020-01**

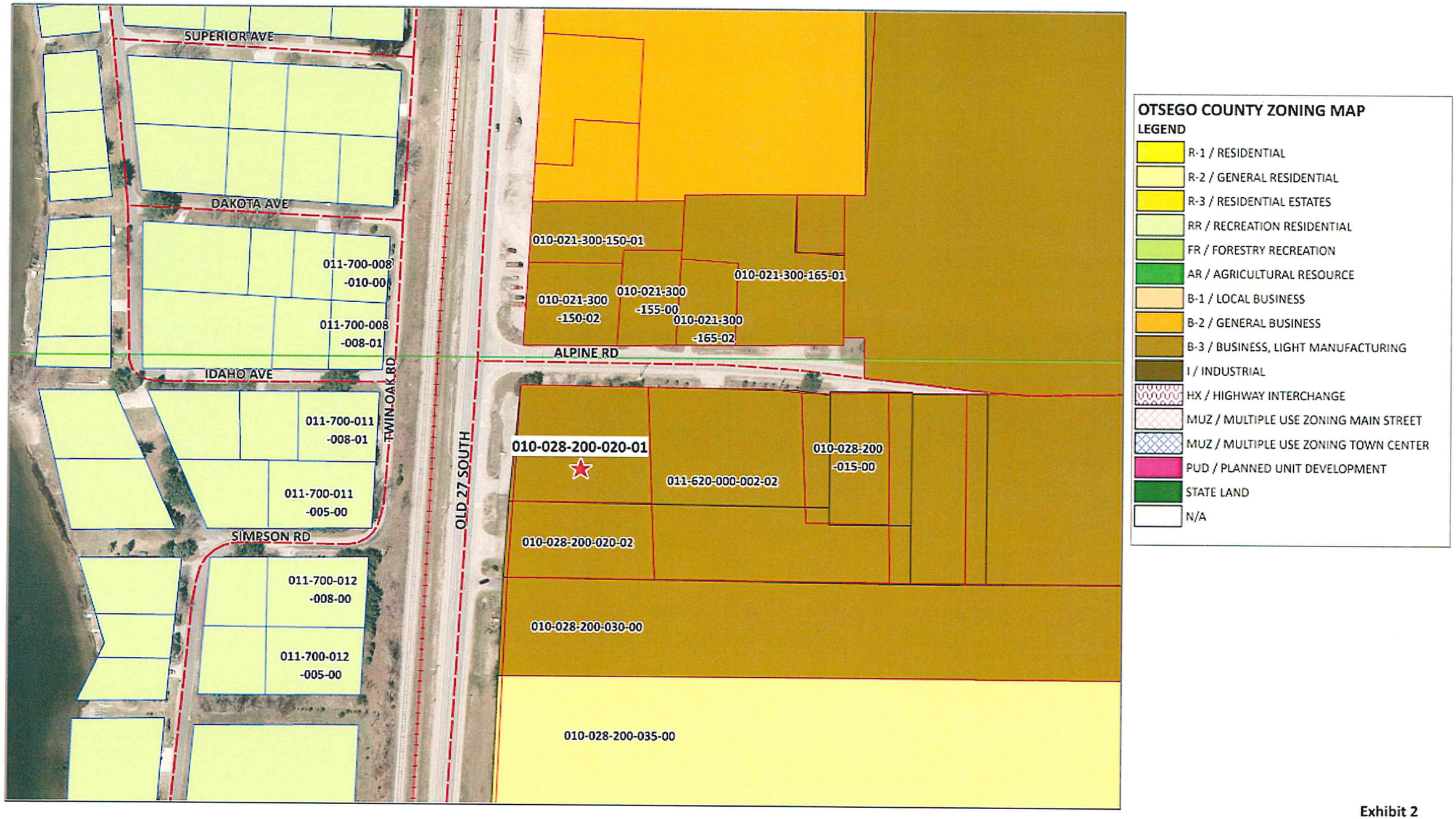


Exhibit 2

Parcel Number: 69-010-028-200-020-01 Jurisdiction: BAGLEY TOWNSHIP County: OTSEGO Printed on 05/31/2018

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.

Property Address

4029 OLD 27 S

Owner's Name/Address

RAYMOND, WILLIAM J & BRENDA L
4572 PINEHURST AVE
GAYLORD MI 49735-9469

Tax Description

PAR 1A: A PAR OF LAND ON PT OF THE NE 1/4 OF THE NW 1/4 OF SEC 28, T30N R3W, BAGLEY TWP, OTSEGO CO, MI BEING MORE PARTICULARLY DESC AS COMM AT THE N 1/4 COR OF SD SEC 28; TH N89°32'49"W 1024.65' ALG THE N LN OF SD SEC TO THE POB; TH S02°16'35"E 199.99'; TH N89°33'09"W 238.28' TO THE E'LY ROW OF HWY OLD US 27; TH N03°32'01"E 200.05' ALG SD ROW TO THE N LN OF SD SEC; TH S89°32'49"E 218.00' ALG SD SEC LN TO THE POB, CONTAINS 1.05 AC M/L. 2017 SPLIT FROM 010-028-200-020-00.

Comments/Influences

Class: 201 COM STRUCT Zoning: B-3

School: Gaylord Community

P.R.E. 0%

:

2019 Est TCV 235,800(Value Overridden)

Building Permit(s)	Date	Number	Status
BUILDING (ALTER, ENLARGE,	06/06/2017	PB17-0326	

Improved | X | Vacant

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

Land Value Estimates for Land Table .

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

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	117,900	0	117,900			117,900C
2018	117,900	0	117,900			117,900S
2017	118,000	0	118,000			118,000S
2016	0	0	0			0

Who	When	What

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

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

Exhibit 4

B&B Construction, Inc.

Custom Home Builders

May 30, 2018

James Mouch
Otsego County Land Use Department
1322 Hayes Road
Gaylord, MI, 49735

RE: 4029 South U.S. 27
Parcel: 010-028-200-020-01

Dean Bach has purchased the piece of property listed above from Bill and Brenda Raymond.

Regards,

William Raymond

William Raymond

4572 Pinehurst Road . Gaylord, Michigan 49735 . Phone: (989) 705-7801 . Cell: (989) 370-5909 . Fax: (989) 705-2014
Email: braymond@bandbconstructioninc.com Web: www.bandbconstructioninc.com

Exhibit 4

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
June 18, 2018

The Otsego County Planning Commission will hold two public hearings on Monday, June 18, 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. Dean Bach, owner, represented by Todd L Seidell LLC, request a Special Use Permit/Site Plan Review for property located in Bagley Township at 4029 Old 27 South Gaylord, MI 49735. The proposed use of the property is to remodel the existing building as a restaurant. The property is located in a B3/Business, Light Manufacturing Zoning District.

   Parcel identification number: **010-028-200-020-01**
   4029 Old 27 South
   Gaylord, MI 49735

   Legal Description:
   PAR 1A: A PAR OF LAND ON PT OF THE NE 1/4 OF THE NW 1/4 OF SEC 28, T30N R3W, BAGLEY TWP, OTSEGO CO, MI BEING MORE PARTICULARLY DESC AS: COMM AT THE N 1/4 COR OF SD SEC 28; TH N89°32'49"W 1024.65' ALG THE N LN OF SD SEC TO THE POB; TH S02°16'35"E 199.99'; TH N89°33'09"W 238.28' TO THE E'LY ROW OF HWY OLD US 27; TH N03°32'01"E 200.05' ALG SD ROW TO THE N LN OF SD SEC; TH S89°32'49"E 218.00' ALG SD SEC LN TO THE POB. CONT 1.05 AC M/L 2017 SPLIT FROM 010-028-200-020-00

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

May 31, 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's representative, Seidell Architects, be present at your meeting, he can be notified at the following address:

Dean Bach
c/o Todd L Seidell LLC
PO Box 2189
Gaylord, MI 49734
989.731.0372

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

June 1, 2018

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

Item Involved: Three new proposed projects, Construction of a new restaurant, construction of a new open-air pavilion adjacent to the restaurant and the special use permit for a 44 unit commercial subdivision.

Members Present:

Ken Arndt
Brian Goebel
Wally Loney
Celeste Szymanski
Larry Beckett

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

Citizens Attending: None

Meeting Opened at 7:00PM by Arndt

Item 1. Approval of new restaurant on 010 028 200 020 01 and pavilion on 010 028 200 020 02. This is the special use permit application for the two parcels noted above, the former to support the rebuild of a restaurant from an abandoned former office and the second for the construction of an open-air pavilion for music and outdoor food service to be constructed directly south of and contiguous to the restaurant project.
Both of these proposed uses are special use permitted under B-3 inclusive of B-2 zoning district that permit restaurants and taverns and bars.

Item 2. (Third Parcel) The third item on the agenda is the special use permit for a 44 unit site condominium in section 21 of Bagley Township.

Exhibit 9

June 11, 2018

Bagley Township Board Action-Continued from June 1 Bagley Township Planning Commission Meeting.

Addendum to Special Use Permit Application Resolution, Eagle Commerce Park, Section 22, Bagley Township.

Planning Commission Chairman Arndt contacted the owner of the proposed project and was thoroughly briefed on the use of the project. Based on his requested application clarification, the planned use for the project is light industrial, compatible with B-3, including warehousing, light assembly and manufacturing, storage and distribution. Residential uses will not be permitted.

The project is service by a common utility arrangement (presumed Class A) and is accessed by Chestnut Court, a private road accessed from Old 27 South.

The chairman appeared at the Township Board meeting on 11 June and admitted to insufficient research prior to bringing the matter the Planning Commission. He then briefed all present on the project essentials.

In order to move the project forward, the Chairman first suggested that, since there were 3 active PC members present, in a short recess, they could meet validly as a quorem and take action which could then be forwarded to the full board. The township clerk indicated that the meeting would have to have been posted in advance which would not be possible.

He next suggested that the project be voted directly by the Township Board, as the township's official recommending authority. There was agreement on this strategy.

Fred Burns moved that the board approve the special use permit and Celeste Szymanski seconded the motion. Board Chair Michelle Noirot called for a vote which passed the motion unanimously.

The Planning Commission Chairman thanked the board for their somewhat unorthodox help in moving this project forward and the items on the Planning Commission agenda being complete, the chairman returned to his seat.

Respectfully Submitted,

Kenneth R. Arndt
Chairman
Planning Commission.

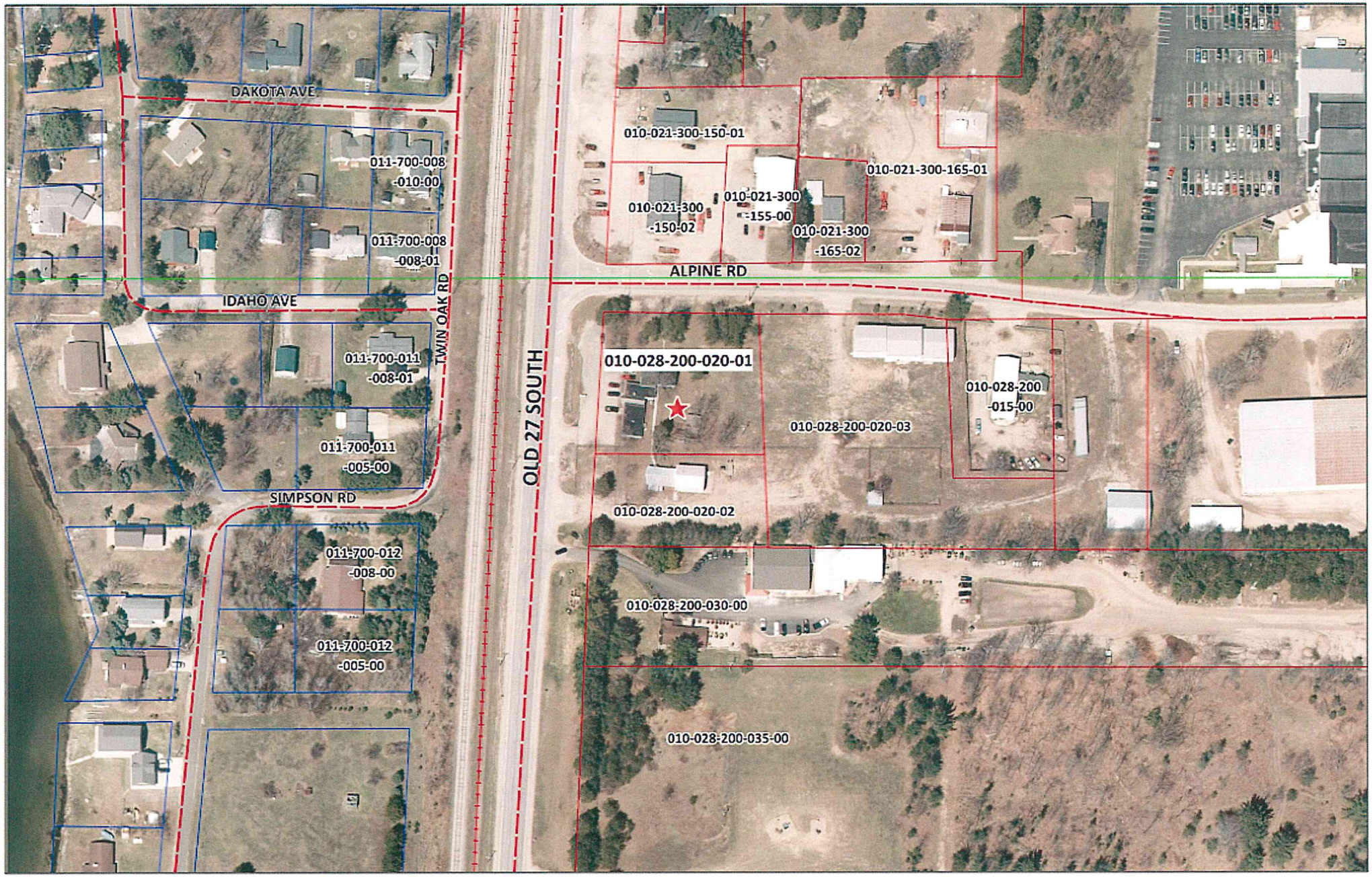
This matter approved by voice vote of the Township Board

PZSU18-002 4029 OLD 27 SOUTH 010-028-200-020-01

OWNERS WITHIN THREE HUNDRED FEET (300')									
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Zoning Code	Class
010-021-300-150-01	3967 OLD 27 S	K & G STORAGE LLC	547 E PETOSKEY ST	GAYLORD	MI	49735	0.58	B3	201
010-021-300-150-02	3975 OLD 27 S	HOOGERHYDE, JEREMY D	PO BOX 432	GAYLORD	MI	49734-0432	0.53	B3	201
010-021-300-155-00	696 ALPINE RD	LAKEVIEW QUALITY TOOL, INC.	696 ALPINE RD	GAYLORD	MI	49735-9531	0.38	B3	301
010-021-300-165-01	648 ALPINE RD	KUJAWA TRUST	2534 MURNER RD	GAYLORD	MI	49735	1.15	B3	201
010-021-300-165-02	680 ALPINE RD	KUJAWA TRUST	2534 MURNER RD	GAYLORD	MI	49735	0.33	B3	401
010-028-200-015-00	647 ALPINE RD	NEEB - GETTEL	336 E BUTLER ST	BAD AXE	MI	48413-1267	0.75	B3	201
010-028-200-020-01	4029 OLD 27 S	RAYMOND, WILLIAM J & BRENDA L	4572 PINEHURST AVE	GAYLORD	MI	49735-9469	1.04	B3	201
010-028-200-020-02		RAYMOND, WILLIAM J & BRENDA L	4572 PINEHURST AVE	GAYLORD	MI	49735-9469	0.73	B3	202
010-028-200-030-00	4085 OLD 27 S	LAPPAN LLC	4085 OLD 27 S	GAYLORD	MI	49735-9596	4.91	B3	201
010-028-200-035-00		DUCHESS REAL ESTATE HOLDINGS LLC	718 NOTRE DAME ST STE 100	GROSSE POINTE	MI	48230-1240	9.6	R2	202
011-700-008-008-01	740 IDAHO AVE	DAVIS, THOMAS W SR & SALLEY A	30321 W JEFFERSON AVE	ROCKWOOD	MI	48173	0.25	RR	401
011-700-008-010-00	757 DAKOTA AVE	BENNETT, RITA	6553 HAYES TOWER RD	GAYLORD	MI	49735	0.25	RR	401
011-700-011-005-00	4038 TWIN OAK RD	HERST, ERNEST J & MARY E	4038 TWIN OAK RD	GAYLORD	MI	49735	0.48	RR	401
011-700-011-008-01	743 IDAHO AVE	GLASER, JENNIFER	6499 WESTLAKE DR	ELMIRA	MI	49730-9731	0.37	RR	401
011-700-012-005-00		SAMALIK-SAMALIK-SAMALIK	864 WOODCREST DR	GAYLORD	MI	49735-9124	0.44	RR	402
011-700-012-008-00	759 SIMPSON RD	SAMALIK, DAVID P & CARI A	4044 BUCK RD	GAYLORD	MI	49735-9488	0.47	RR	401
010-028-200-020-03	672 ALPINE RD	RAYMOND, WILLIAM J & BRENDA L	4572 PINEHURST AVE	GAYLORD	MI	49735-9469	2.31	B3	202

Exhibit 10

PZSU18-002 **BACH**
4029 OLD 27 SOUTH **010-028-200-020-01**



010-021-300-150-01
010-021-300-150-02
010-021-300-155-00
010-021-300-165-01
010-021-300-165-02
010-028-200-015-00
010-028-200-020-01
010-028-200-020-02
010-028-200-030-00
010-028-200-035-00
011-700-008-008-01
011-700-008-010-00
011-700-011-005-00
011-700-011-008-01
011-700-012-005-00
011-700-012-008-00
010-028-200-020-03

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:

BACH, DEAN / NORTHLAND / SEIDELL

RECEIPT NUMBER

01315205

05/24/2018

Type	Record	Category	Description	Amount
Permit	PZSU18-003	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.

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-002
Special Use Permit/Site Plan Review
010-028-200-020-01

GENERAL FINDING OF FACT

1. This is a proposal to remodel an existing building for use as a restaurant. *Exhibit #1, Exhibit #5*
2. The property is located in a B3/Business, Light Manufacturing Zoning District. *Exhibit #2*
3. Adjacent properties in the area are zoned B2 / General Business, R2 / General Residential and RR / Recreation Residential. *Exhibit #2*
4. The proposed use is a listed use in a B2 /General Business Zoning District. *Exhibit #3*
5. All listed uses in a B2 / General Business Zoning District require a special use permit in a B3 / Business, Light Manufacturing Zoning District. *Exhibit #3*
6. The proposed property is 1.05 acres. *Exhibit #4*
7. The property is currently under the ownership of Dean Bach. *Exhibit #4*
8. The owners are being represented by Todd L Seidell LLC per letter dated..., 2018. *Exhibit #6*
9. The Public Hearing Notice was published in the Herald Times on June 1, 2018. *Exhibit #7*
10. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
11. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
12. 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*
13. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
14. The application deemed complete by Land Use Services. *Exhibit #1*
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, Exhibit7, Exhibit #11, Exhibit #12, Exhibit #13...*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-002
Special Use Permit/Site Plan Review
010-028-200-020-01

SPECIFIC FINDING OF FACT

FINDINGS UNDER ARTICLE 12

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

INTENT

The B3 District is designed to provide sites for light manufacturing and wholesale storage and as a distribution area to retail stores or industrial users. These sites do not necessarily have to abut or be adjacent to a primary or secondary County road but must have access to these roads without passing through a residential district, provided that the entrance and exit is approved in written form by the County Road Commission.

SECTION 12.1 PRINCIPAL USES PERMITTED

12.1.1 Wholesale sales, storage and distribution facilities including accessory retail sales, but excluding storage of flammable or hazardous materials

12.1.2 Truck and rail freight terminals, including warehousing

12.1.3 Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles

12.1.4 Outside storage yards, provided proper fencing is provided per Article 21.10

12.1.5 Lumber yards, building and construction material suppliers

12.1.6 Bottling works, food packaging and freezer plants

12.1.7 Welding, jobbing, plastic, wood, machine and fabrication shops

12.1.8 Community service facilities (public library, offices operated through public funds, etc.)

12.1.9 Equipment reconditioning indoors on an impervious surface

12.1.10 Essential services buildings

12.1.11 Flea markets

12.1.12 Sawmills and forest product processing

12.1.13 Fuel storage and wholesale uses with underground storage tanks

12.1.14 Monument and art stone product operations

12.1.15Nursery sales and greenhouses

12.1.16 Public works garages

12.1.17 Indoor archery range

12.1.18 Indoor rifle or pistol ranges

12.1.19 Construction and utility service contractors storing heavy equipment

12.1.20 Storage buildings consisting of building(s) with the purpose of commercial and/or private storage (A storage building shall not be used in any form as a residence.)

12.1.21 Agricultural chemicals and supplies in an enclosed building

12.1.22 Veterinary hospitals, clinics with indoor kennels [Permit criteria includes Article 21.45]

12.1.23 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height [Permit criteria includes Article 21.46]

12.1.24 Recycling Facility

12.1.25 Solid Waste Hauler

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

SECTION 12.2 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.]

12.2.1 All permitted use or uses subject to special conditions in the B2 General Business District.

12.2.2 Auto repair garages or auto body shops, including wrecker service

12.2.3 Above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids

12.2.4 Concrete and asphalt manufacturing and distribution

12.2.5 Detention Facilities

12.2.6 Power generation plants

12.2.7 Research, experimental, and development establishments

12.2.8 Adult Entertainment

12.2.9 Industrial Laundries

12.2.10 Medical Laboratories

12.2.11 Dirt and aggregate storage, sales and processing

12.2.12 Wireless Telecommunications Towers and Facilities over one hundred ninety (190) feet in height [Permit criteria includes Article 21.46]

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

12.2.14 Unlisted property uses if authorized under Article 21.44

12.2.15 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]

FINDINGS UNDER ARTICLE 11

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 11.1 PRINCIPAL USES PERMITTED

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

11.1.1 All principal uses permitted in the B1 Local Business District

11.1.2 Theaters, halls, and similar places of assembly

11.1.3 Laundromats and dry cleaners

11.1.4 Bowling alleys, pool or billiard parlors or clubs

11.1.5 Equipment rental shops with outside storage

11.1.6 Indoor archery range

11.1.7 Lumber yards and building material suppliers-within enclosed building

11.1.8 Tavern/night clubs

11.1.9 Restaurants serving alcoholic beverages

11.1.10 Public parking garages

11.1.11 Bus stations and passenger terminals

11.1.12 Businesses and restaurants with drive-through service

11.1.13 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height without lights [Permit criteria includes Article 21.46]

11.1.14 Transient Merchants-Tent and open air merchants, for periods of up to ninety (90) days per year, housing retail uses otherwise allowed by the Zoning Ordinance in this district. A single thirty (30) day extension may be applied for. Three (3) or more merchants on a parcel simultaneously must be permitted as a "Flea market".

11.1.15 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See Article 21.46]

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 Uses / Permitted Use Subject to Special Conditions allowed in B2 Zoning District Requiring a Special Use Permit in B3 Zoning District**

FINDINGS UNDER ARTICLE 17/Table 1

ARTICLE 17 SCHEDULE OF DIMENSIONS

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

Zoning District	B1	B2	B3	I	HX	MUZ	
						MAIN ST	TOWN CENTER
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	8,000	8,000
Min. Front Setback	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	Build-to-Area	Build-to-Area
Max. Front Setback	NA	NA	NA	NA	NA	NA	NA
Min. Side Setback	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	5 ft	5ft
Min. Rear Setback	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	10 ft	10 ft
Min. Lot width (k)	100 ft	100 ft	100 ft	150 ft	150 ft	60 ft	60 ft
Max. % lot coverage	NA	NA	NA	NA	NA	NA	NA
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft	35 ft
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	NA	NA	NA
Min. Width of principal structure	NA	NA	NA	NA	NA	NA	NA

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

***Setbacks: Minimum Dimensions Met**

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.

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

***Access Management: Existing Driveway**

Exhibit 13

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.

***Landscaping: Conditional Approval**

***No Buffer Yard Required/See Table I**

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 ST	MUZ TWN CTR		HX	I
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 ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

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

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

***Lighting: Conditional Approval**

FINDINGS UNDER SECTION 21.27

SECTION 21.27 PARKING

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

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

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

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

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

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

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

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

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

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

21.27.10 Off-street Parking Schedule

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

MINIMUM PARKING SPACES REQUIRED

LAND USE	**PER UNIT OF MEASURE**
Commercial	
Planned Shopping Center	1 per 200 sq. ft. of usable floor area
Auto Wash-Automatic	5 per wash stall plus 1 per employee
Auto Wash-Automatic-Drive-in	1 for each 2 employees
Auto Wash-Self Service	1 per employee
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons at maximum capacity
Drive-in Business	1 per employee plus drive-in stalls and/or lanes to serve patrons
Banks	1 per 200 sq. ft. of usable floor area
Doctor or Dentist Office	1 per 50 sq. ft. of waiting room plus 1 per service chair
Business Office	1 per 200 sq. ft.
Billiard Hall	2 per game table
Bowling Alley	5 per lane
Taverns	1 per 100 sq. ft. of usable floor area
Restaurants	1 per 3 persons at maximum seating capacity
Drive-up or Drive-through Uses-Restaurant, Banks, Drug Pick-up, Laundries, Payment Windows or other Drive-up Service Windows…	In addition to the required parking for the principal use, the Drive-through facilities requirement in Article 18 shall be followed

***Parking: Conditional Approval**

FINDINGS UNDER SECTION 21.38

Exhibit 13

Section 21.38
Signs and Billboards

Amended 3.29.2018

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.

Exhibit 13

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 21.38.01.01.03 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.

***Signage: Conditional Approval**

FINDINGS UNDER SECTION 21.42

Exhibit 13

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: Conditional Approval**

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 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.

***Underground Utilities: Conditional Approval**

FINDINGS UNDER ARTICLE 23

ARTICLE 23 SITE PLAN REVIEW

Site Plan Review and approval of all development proposals listed below is required by the provisions of this Article. The intent of this Article is to provide for consultation and cooperation between the land developer and the Zoning Administrator so that beneficial utilization of the land is achieved at the same time that adverse effects upon the surrounding land uses are minimized consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Comprehensive Plan of Otsego County will be assured and its communities will develop in an orderly fashion.

SECTION 23.1 SITE PLAN REVIEW REQUIRED

Site plan review is required for the following uses:

23.1.1 Any use or development for which the submission of a site plan is required by any provision of this Ordinance.

23.1.2 Any development for which off-street parking areas in excess of five (5) spaces are provided as required in this Ordinance.

Any use in a B1, B2, B3 and Industrial zone.

Any Special Land Use (See Article 19).

(Note: An application for a zoning permit for a land use not requiring Site Plan Review shall contain a Plot Plan as outlined in Article 25.3.3.)

SECTION 23.2 APPLICATIONS FOR SITE PLAN REVIEW

An application for site plan review shall be obtained from the Zoning Administrator. The completed application and site plan shall be submitted to the Zoning Administrator along with fifteen (15) copies of each for distribution. The application, site plan and copies shall be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, in order to have the site plan review scheduled for that meeting. The applicant shall also meet requirements of Article 27 Township Participation in County Zoning. The application for site plan review and the site plan shall contain the following information:

23.2.1 The application shall, at a minimum, include the following information:

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

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

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

23.2.1.4 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)

23.2.1.5 The address and or parcel number of the property

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

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

23.2.1.8 Project title

23.2.1.9 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

23.2.1.10. A vicinity map drawn to with North point indicated

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

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

23.2.1.13. Project completion schedule/development phases

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

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

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

23.2.2.3 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.

23.2.2.4 Location and type of significant existing vegetation

23.2.2.5 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

23.2.2.6 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

23.2.2.7 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

23.2.2.8 Location of existing public roads, rights-of-way 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.

23.2.2.9 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 -

Exhibit 13

Details of entryway and sign locations shall be separately depicted with an elevation view.

23.2.2.10 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

23.2.2.11 Location, size and characteristics of all loading and unloading areas

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

23.2.2.13 Location of water supply lines and/or wells, including fire hydrants and shut off valves and 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

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

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

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

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

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

23.2.2.19 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.

23.2.2.20 Location, size of all trash receptacles and other solid waste disposal facilities

23.2.2.21 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.

23.2.2.22 Identification of any significant site amenities or unique natural features

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

23.2.2.24 North arrow, scale and date of original submittal and last revision

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

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 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 _____, except for the following items: (list known variations from the ordinance)

23.2.3 All projects requiring a site plan shall also require that the professional in charge of the project inspect and certify that the project has been constructed in accordance with the approved plans. The following format shall be used:

FORM FOR CONSULTANT'S CERTIFICATE

Date_____

Project name_____

Section _____, T____N, R____W, _____Township,

Otsego County, Michigan.

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I hereby certify that construction of

_____

is complete and that:

1. I have personally directed the supervision or inspection of the construction.

2. To the best of my professional knowledge, understanding and information, all improvements to date have been installed in accordance with the special use permit.

3. The project meets all requirements of the Otsego County Zoning Ordinance.

Signed_____

Registered Professional Engineer (or Surveyor, Architect or Landscape Architect)

(seal)

23.2.4 The Planning Commission or Zoning Administrator may waive any site plan submittal requirement when any of the following circumstances are found to be in existence:

23.2.4.1 The data will serve no useful purpose. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted. Another reasonable circumstance or condition exists (not including the cost of complying).

23.2.5 Application fees must be paid when the application is submitted and sufficient escrow accounts may be established to cover the projected review costs.

SECTION 23.3 PRE-APPLICATION CONFERENCE

A pre-application conference is not mandatory, but it is strongly advised. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the Zoning Administrator and such other representatives as described in the Planning Commission bylaws. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance. There is no charge or fee to the applicant for this meeting.

SECTION 23.4 AGENCY REVIEW

The applicant shall submit a copy of required site plans and a blank comment form supplied by the Otsego County Zoning Administrator to designated Federal, State and Local agencies and departments for review as determined and requested by the Planning Commission or Zoning Administrator.

The applicant may be requested to submit site plans to one or more of the following agencies: the Otsego County Road Commission; the Michigan Department of Transportation; the Michigan State Police, the Otsego County Sheriff; the Otsego County Conservation District; the District Health Department; the Fire Department having jurisdiction; the Michigan Department of Natural Resources; the Michigan Department of Environmental Quality; the Otsego County Airport; or any other agency or department deemed necessary. After delivery of the application, site plans and comment forms the applicant should submit proof of delivery to the Otsego County Zoning Administrator. Comments not received from reviewing agencies by the Zoning Administrator within fifteen (15) of days of delivery shall be considered approved without comment.

SECTION 23.5 APPROVAL AUTHORITY

The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If he/she determines that all required information has not been supplied, a written notification to the applicant will be sent, citing the deficiencies. The application for site plan review cannot proceed until all requirements have been satisfied.

The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site plans for 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.

SECTION 23.6 CONDITIONAL APPROVALS

23.6.1 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of this ordinance.

23.6.2 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of another local, county or state agency, including a Water and Sewer Department, County Drain Commission, County Road Commission, State Highway Commission or Natural Resources Department. They may do so when such conditions:

23.6.2.1 Would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;

23.6.2.2 Would protect the natural environment and conserve natural resources and energy;

23.6.2.3 Would insure compatibility with adjacent uses of land, and would promote the use of land in a socially and economically desirable manner.

23.6.3 The Planning Commission and/or Zoning Administrator may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of Article 21.10 and 21.18of this Ordinance and may collect a performance guarantee consistent with the requirements of Article 23.8, to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:

23.6.3.1 That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;

23.6.3.2 that absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

SECTION 23.7 DISTRIBUTION OF APPROVED SITE PLAN

When a site plan is reviewed and approved or disapproved by the Planning Commission or Zoning Administrator, and all steps completed, two (2) copies of the site plan will be marked by the Planning Commission for the following distribution.

23.7.1.1 One (1) copy returned to the applicant signed by the Chairperson of the Planning Commission or by the Zoning Administrator including any conditions of approval.

23.7.1.2 One (1) copy forwarded to the Zoning Administrator including any conditions of approval.

SECTION 23.8 CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following final approval of a site plan by the Zoning Administrator or the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan.

Failure to do so is a violation of this ordinance and subject to the sanctions provided herein.

SECTION 23.9 SITE PLAN EXPIRATION AND REVOCATION

23.9.1 Failure to initiate construction of an approved site plan within three hundred sixty-five (365) days of approval shall require the applicant to appear before the Planning Commission and demonstrate why the approval should not be revoked. After this appearance the Planning Commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:

23.9.1.1 An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency;

23.9.1.2 Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;

23.9.1.3 A change in state law, local charter, or other local ordinance affecting the previous approval has occurred;

23.9.1.4 Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.

23.9.2 Thirty (30) days prior to expiration of an approved site plan, an applicant may make application for a one year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. If the original approval of the site plan was by the Planning Commission, the applicant shall present his/her case in person or by representative at the next meeting of the Planning Commission.

23.9.3 Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The Building Inspector shall also be notified to withhold any building permit until a new site plan is approved.

23.9.4 Any subsequent re-submittal shall be processed as a new request with new fees, except for minor amendments pursuant to Subsection 23.11 below.

SECTION 23.10 PERFORMANCE GUARANTEE REQUIRED

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Otsego County and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a performance guarantee as regulated by Article 25.6. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping and any other required improvements.

SECTION 23.11 MINOR AMENDMENTS TO APPROVED SITE PLANS

Minor Amendments to a site plan may be approved by the Zoning Administrator provided that such changes conform to the Zoning Ordinance and the applicant agrees. No additional fees will be charged for minor amendments. Minor changes to an approved site plan may be approved by the Zoning Administrator before or after construction has begun provided no such change results in any of the following:

23.11.1.1 A change in the use or character of the development

23.11.1.2 An increase in overall coverage of structures

23.11.1.3 An increase in the intensity of use

23.11.1.4 A reduction in required open space

23.11.1.5 A reduction in required off-street parking and loading

23.11.1.6 A reduction in required pavement widths or utility pipe sizes

23.11.1.7 An increase in traffic on public streets or an increase in the burden on public utilities or services

23.11.2 The following are minor amendments:

23.11.2.1 Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s) - Relocation of building entrances or exits, or shortening of building canopies

23.11.2.2 The changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided

23.11.2.3 Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or a reduction of aisle width below ordinance requirements

23.11.2.4 Moving of ingress and egress drives a distance of not more than one hundred (100) feet if required by the appropriate state, county or other local road authority with jurisdiction

23.11.2.5 Substituting landscape plan species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects

23.11.2.6 Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary

23.11.2.7 Increase peripheral yards

23.11.2.8 Changing the location of an exterior building wall or location not more than ten (10) feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected

23.11.3 If a proposed amendment to an approved site plan does not qualify as a minor change, a new site plan and application and fees in accordance with the provisions of Article 23 must be submitted. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

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

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

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

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

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

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

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

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity 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.

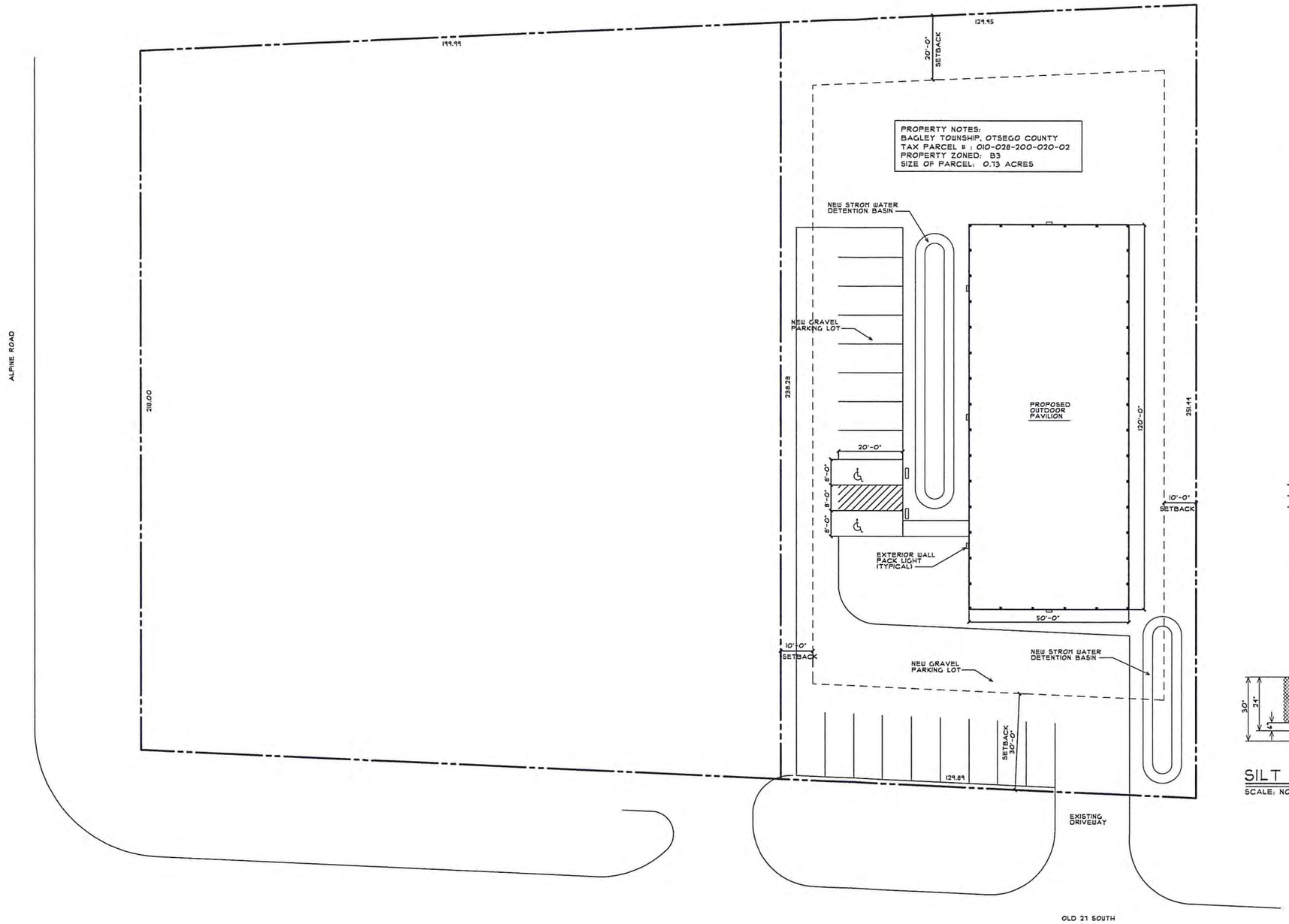
19.8.1 Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use and the community as a whole.

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

Exhibit 5



SITE PLAN

SCALE: 1/16" = 1'-0"

NORTH

NOTE: THIS SITE PLAN IS NOT A SURVEY. IT WAS COMPILED TO APPROXIMATE CURRENT CONDITIONS FOR PLANNING ONLY AND DOES NOT REPRESENT TO BE AN EXACT MAP OF BUILDINGS, SITE FEATURES, ETC.

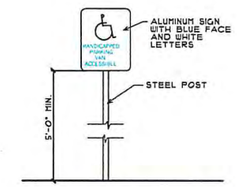
PROJECT:
NEW OUTDOOR PAVILION
4055 SOUTH OLD 27; GAYLORD, MICHIGAN 49735
PHONE: (248) 444-7970

PROPERTY OWNER:
DEAN BACH
6044 GLEN EAGLES DR.; W. BLOOMFIELD, MI 48323
PHONE: (248) 444-7970

PROJECT DESCRIPTION:
NEW OUTDOOR PAVILION

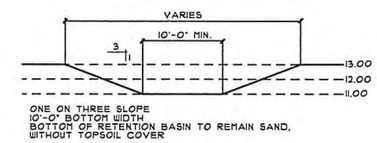
PROJECT SCHEDULE:
CONSTRUCTION: MAY, 2018
COMPLETION: JULY, 2018

USE GROUP: A3



HCP PARKING SIGN DETAIL

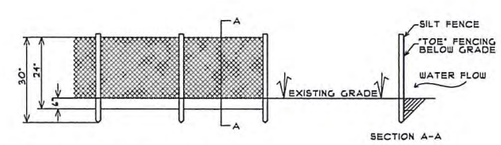
SCALE: NONE



ONE ON THREE SLOPE
10'-0" BOTTOM WIDTH
BOTTOM OF RETENTION BASIN TO REMAIN SAND, WITHOUT TOPSOIL COVER

RETENTION AREA DESIGN

SCALE: NONE



SILT FENCE DETAIL

SCALE: NONE

DATE: _____

Documents provided and prepared under the direct supervision of Todd L. Seidell, Architect. License #43749

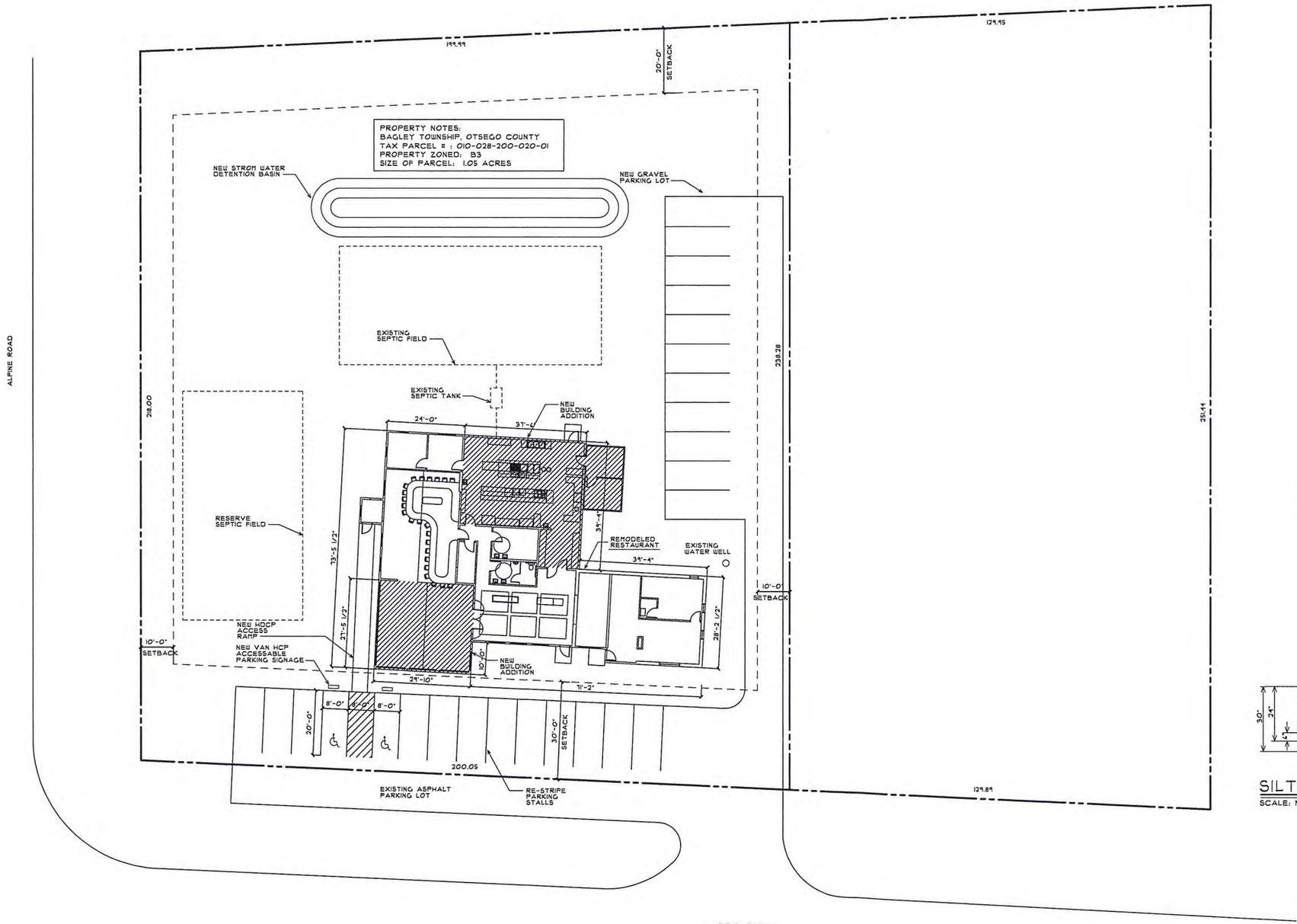
DRAWN BY	T.L.S.	ISSUED	DATE
CHECKED	T.L.S.	ZONING APPROVAL	5/18/18
APPROVED BY	T.L.S.		
DATE	5/18/18		
PRINT DATE			

SEIDELL ARCHITECTS
COMMERCIAL RESIDENTIAL INDUSTRIAL
114 N. COURT AVE. STE. 201
POST OFFICE BOX 2189
GAYLORD, MICHIGAN 49734
PHONE (989) 731-0372
FAX (989) 731-0932

PROJECT
BELLE IRON GRILLE
SITE PLAN
4055 SOUTH OLD 27
GAYLORD, MICHIGAN

PROJECT NO.
18-032

SHEET
SP1



SITE PLAN

SCALE: 1/16" = 1'-0"

NORTH

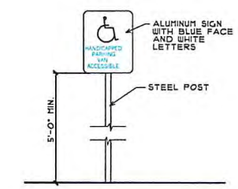
NOTE: THIS SITE PLAN IS NOT A SURVEY. IT WAS COMPILED TO APPROXIMATE CURRENT CONDITIONS FOR PLANNING ONLY AND DOES NOT REPRESENT TO BE AN EXACT MAP OF BUILDINGS, SITE FEATURES, ETC.

PROJECT:
BELLE IRON GRILLE
4029 SOUTH OLD 27; GAYLORD, MICHIGAN 49735
PHONE: (248) 444-7970

PROPERTY OWNER:
DEAN BACH
6014 GLEN EAGLES DR.; W. BLOOMFIELD, MI 48323
PHONE: (248) 444-7970

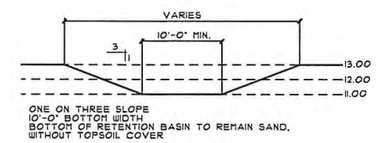
PROJECT DESCRIPTION:
REMODELED EXISTING BUILDING

PROJECT SCHEDULE:
CONSTRUCTION: MAY, 2018
COMPLETION: JULY, 2018



HCP PARKING SIGN DETAIL

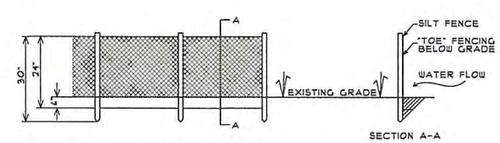
SCALE: NONE



ONE ON THREE SLOPE
10'-0" BOTTOM WIDTH
BOTTOM OF RETENTION BASIN TO REMAIN SAND, WITHOUT TOPSOIL COVER

RETENTION AREA DESIGN

SCALE: NONE



SILT FENCE DETAIL

SCALE: NONE

DATE: _____

Documents provided and prepared under the direct supervision of Todd L. Seidell, Architect. License #43749

DRAWN BY	T.L.S.	ISSUED	DATE
CHECKED	T.L.S.	ZONING APPROVAL	5/18/18
APPROVED BY	T.L.S.		
DATE	5/18/18		
PRINT DATE			

SEIDELL ARCHITECTS
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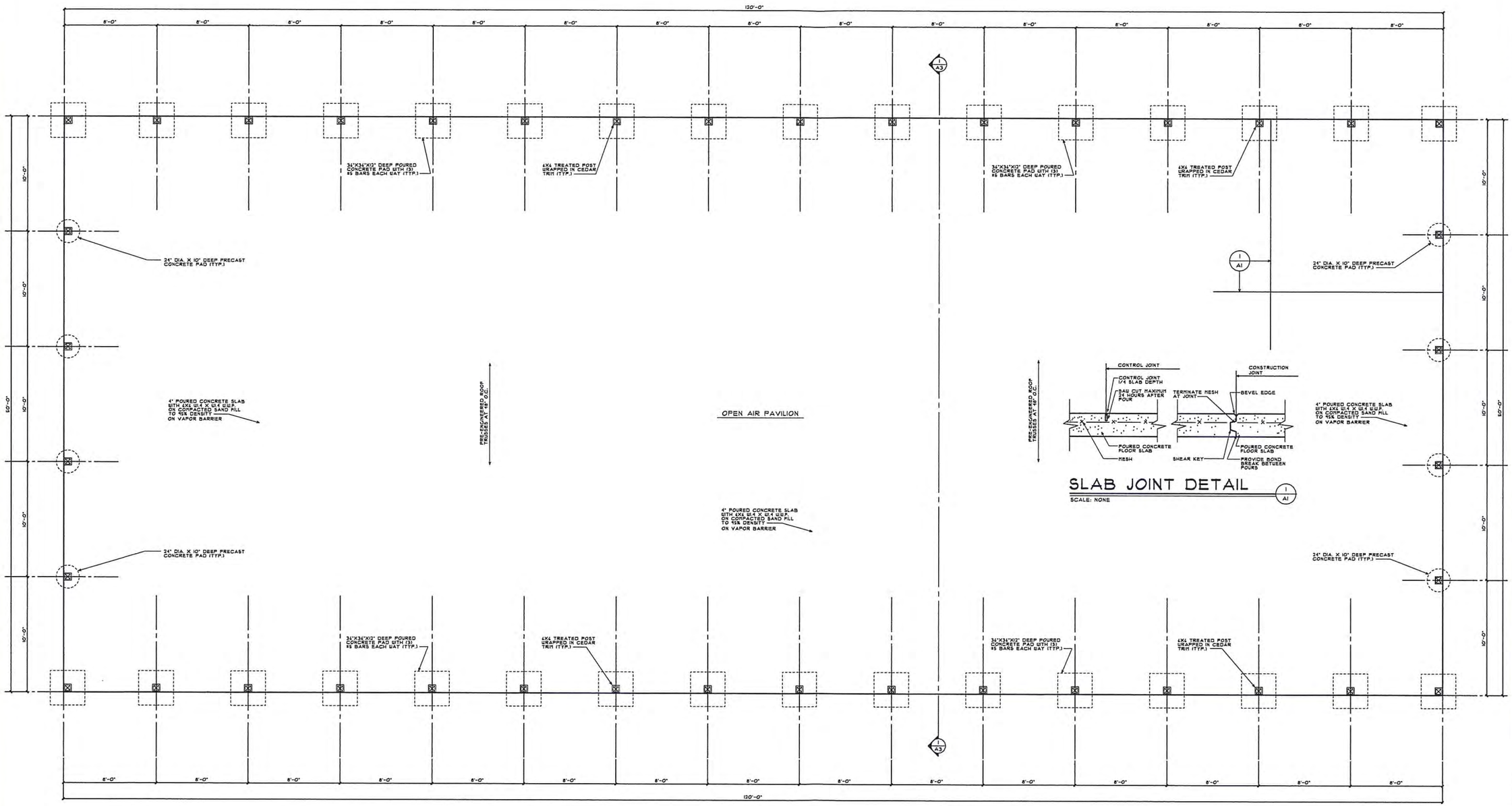
PROJECT
BELLE IRON GRILLE

SITE PLAN

4029 SOUTH OLD 27 GAYLORD, MICHIGAN

PROJECT NO.
18-032

SHEET
SP2



SLAB JOINT DETAIL

SCALE: NONE

1 A1

FLOOR PLAN

SCALE: 1/4" = 1'-0"

NORTH

ISSUED	DATE

ISSUED	DATE
CONSTRUCTION	5/14/18

DRAWN BY	T.L.S.
CHECKED	T.L.S.
APPROVED BY	T.L.S.
DATE	5/14/18
PRINT DATE	

SEIDELLS ARCHITECTS
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GAYLORD, MICHIGAN 49734
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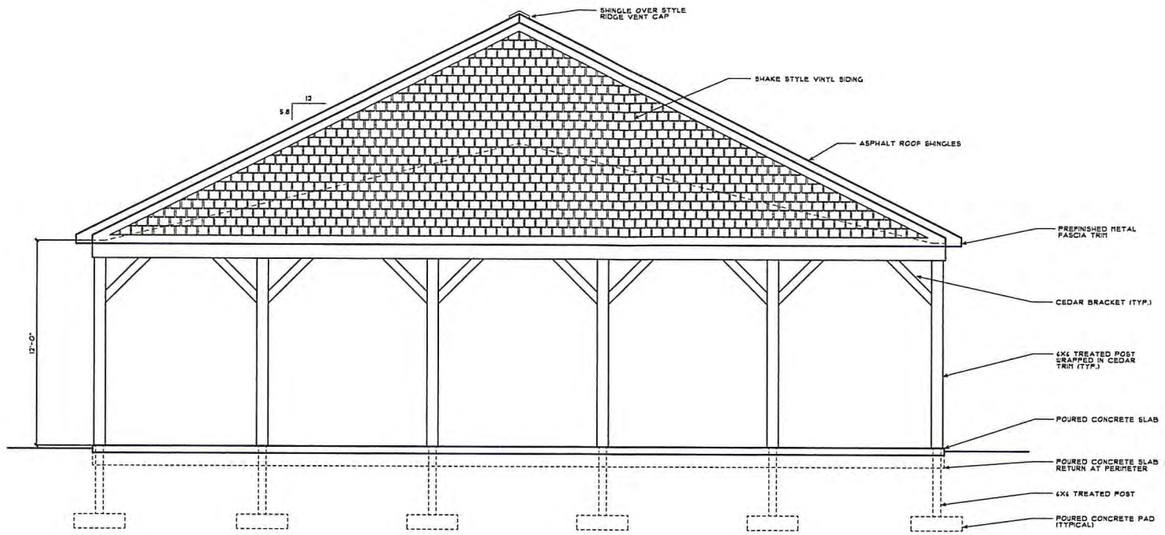
PROJECT
BELLE IRON GRILLE
NEW OPEN AIR PAVILION
OLD 27 SOUTH
GAYLORD, MICHIGAN

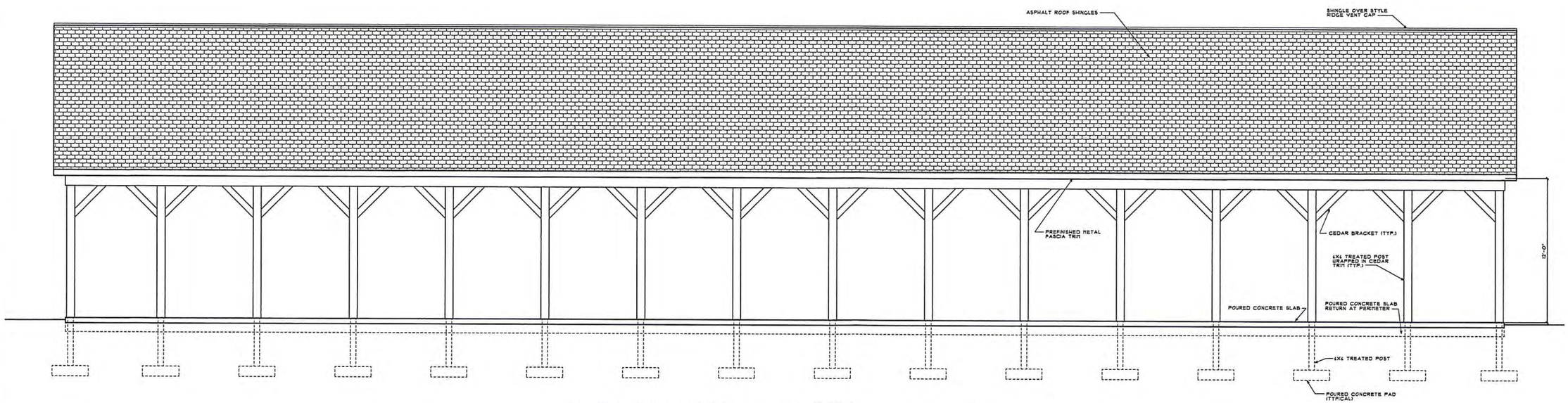
PROJECT NO.
18-032

SHEET
A1



NORTH/SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



WEST/EAST ELEVATION

SCALE: 1/4" = 1'-0"

DRAWN BY	T.L.S.	ISSUED	DATE
CHECKED	T.L.S.	CONSTRUCTION	5/14/18
APPROVED BY	T.L.S.		
DATE	5/14/18		
PRINT DATE			

ISSUED	DATE

SEIDELL ARCHITECTS
COMMERCIAL RESIDENTIAL INDUSTRIAL
114 N. COURT AVE., STE. 201
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FAX (989) 731-0232

PROJECT
BELLE IRON GRILLE
NEW OPEN AIR PAVILION
OLD 21 SOUTH
GAYLORD, MICHIGAN

PROJECT NO.
18-032

SHEET
A2