OTSEGO COUNTY
PLANNING COMMISSION
March 18, 2019
6:00 PM

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

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From January 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
8. PUBLIC HEARINGS:

   1. *MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*
      4855 West Otsego Lake Dr
      Gaylord, MI 49735
      011-800-000-018-02
      Property located in a B2 / General Business Zoning District
      PZSU19-001 – proposed use of the property is to construct additional storage units to the already existing
      a. *Open Public Hearing*
      b. *Applicant Summary*
      c. *Public Comment (3 minute limit)*
      d. *Close Public Hearing*
      e. *Planning Commission Discussion – Motion*

   2. *Otsego County Zoning Ordinance – Wireless Communications – Section 21.46 - Text amendments – Proposed language to allow wireless towers up to 179' in Residential Zoning Districts listed as a permitted use subject to special conditions and a permitted use in remaining Zoning Districts*
      a. *Open Public Hearing*
      b. *Land Use Introduction*
      c. *Public Comment (3 minute limit)*
      d. *Close Public Hearing*
      e. *Planning Commission Discussion – Motion*

   3. *Otsego County Zoning Ordinance – Article 27 Township Participation in County Zoning – Text amendments – Proposed language to amend Township notifications and timeframes*
      a. *Open Public Hearing*
      b. *Land Use Introduction*
      c. *Public Comment (3 minute limit)*
      d. *Close Public Hearing*
      e. *Planning Commission Discussion – Motion*

9. ADVERTISED CASES:

   1. *MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*
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2. *Otsego County Zoning Ordinance – Wireless Communications – Section 21.46 - Text amendments – Proposed language to allow wireless towers up to 179' in Residential Zoning Districts listed as a permitted use subject to special conditions and a permitted use in remaining Zoning Districts*

3. *Otsego County Zoning Ordinance – Article 27 Township Participation in County Zoning – Text amendments – Proposed language to amend Township notifications and timeframes*

10. UNFINISHED COMMISSION BUSINESS

11. NEW BUSINESS:

1. *Site Plan Review – Scott Property Management LLC, owner – Bagley Township*
   011-600-000-002-01
   011-600-000-003-00
   011-600-000-004-00
   011-600-000-006-00
   Maximum building height review for proposed apartment buildings in a R2 / General Residential Zoning District
   Revised site plan to be provided the at meeting

2. Steve Scott – New member representing Dover Township
   Chuck Klee resigning – *Plaque presentation*

12. REPORTS AND COMMISSION MEMBER'S COMMENTS:

1. Otsego County Parks & Recreation report / Judy Jarecki
2. Land Use Services
   Jim Mouch:
   Chris Churches: Camp Grayling MOA

13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for January 21, 2019

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Borton, Mr. Hilgendorf, Mr. Brown, Mr. Klee, Mr. Caverson, Mr. Bauman

Absent: Mr. Arndt, Mrs. Norton, Ms. Corfis

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

Public Present: Mike. Bienick, LCC Telecom Communications representative, Dave Drew, Northern Michigan Engineering Inc

Others Present: Haider Kazim, Otsego County attorney, Michelle Noirot, Bagley Township Supervisor, Jack Udebrock, Otsego Lake Planning Commission

Approval of minutes from: December 17, 2018

Chairperson Hartmann requested discussion on the minutes.

Mr. Caverson stated the minutes showed him present and absent. He did not attend the meeting; correction made.

Motion made by Mr. Klee to approve minutes as corrected; Seconded by Mr. Bauman.

Motion approved unanimously.

Consent Agenda: None

Other:

Dave Drews – *Eagle Commerce Park LLC Site Plan Amendment*

Mr. Drews, representing Eagle Commerce Park LLC, presented an updated version of the Eagle Commerce site plan amendment and stated the change to the previous submitted Phase 1 plan was due to an offer to purchase Lot 36 along the I-75 corridor of the approved site plan. The original site plan depicted Phase 1 as the property along the west half of the parcel but was being expanded to include the top portion north of the proposed street Eagle Pass North on the east side of the property. He stated the Master Deed was almost ready to record but was undergoing changes due to the pending site plan amendment. No other items would be affected.

Chairperson Hartmann requested discussion; hearing none asked for a motion.

Motion made by Mr. Brown to approve the amendment to Phase 1 of the Eagle Commerce Park LLC site plan, Special Use Permit PSUP18-001; Seconded by Mr. Klee.

Motion approved unanimously.

Public participation for items not on the agenda: None

Public Hearing: None

Advertised Case: None

Unfinished Commission Business:

1. Section 21.46 Wireless Communications – Zoning Districts - *Text amendments*

Chairperson Hartmann welcomed Mr. Biencik and requested a statement from him.

Mr. Biencik stated he had been to previous planning commission meetings in conjunction with a proposed tower installation in Elmira Township. He had discussed it at length with the Elmira Planning Commission and they were on board with the tower; they were waiting on the section amendment to proceed with a special use permit. He commented on the information submitted by the opposition stating it was misleading. He explained the legislation of Section 6409 was designed for equipment modifications and coexistence on towers. It was not meant for companies to come back and randomly increase a tower's height. Towers are designed for a specific height when built and there would need to be significant upgrades in order to increase that. He stated they were fine with the text amendment presented and their special use request would be for a tower height of one hundred seventy-nine feet (179').

Chairperson Hartmann stated he was glad the legislation concerning a 10% or 20' tower height increase was brought to the Planning Commission's attention and that was why they were proposing the height change to one hundred seventy-nine feet (179') instead of one hundred ninety-nine feet (199') as originally proposed. He requested comments from Mr. Churches.

Mr. Churches stated the reason behind the height change was to prevent lighted towers in residential districts so by decreasing the height to one hundred seventy-nine feet (179'), it would ensure any *Eligible Facility Request* would still keep the tower under two hundred feet (200') and unlit.

Mr. Hilgendorf requested reassurance that this increase could only be requested once.

Mr. Churches stated Mr. Kazim had researched this and confirmed the height increase could only be requested once. He had also spoke with him that morning and he recommended other changes to the section's text.

Mr. Kazim stated the proposed height amendments in Section 21.46; he then pointed out the height gap between the two amendments. With this language in place, the concern would be the twenty foot (20') gap that could not be addressed other than with an *Eligible Facility Request*. This request was intended to be sporadic but would become the norm for Otsego County as the only means to build a tower between the two listed uses. He suggested changing Section 21.46.3 from the proposed text height of one hundred ninety-nine feet (199') to one hundred seventy-nine feet (179') to eliminate that gray area.

Chairperson Hartmann thanked him for his clarification and agreed with the change. He requested any other discussion.

Mr. Brown questioned if this language had been sent to townships yet.

Chairperson Hartmann stated it had not but he would be requesting a recommendation.

Vice Chairperson Jarecki stated she had read about the need for shorter towers when moving from 4G to 5G and asked for clarification.

Mr. Bienick stated that would not be an issue in rural areas, it was an urban issue because of the density in population. He continued stating that was the general issue with the proposed tower in Elmira; it needed to be replaced in order to handle the types of upgrades necessary to improve the signal.

Chairperson Hartmann made the following motion to include the changes discussed:

Motion made by Mr. Hartmann to recommend amendment changes to Section 21.46 Wireless Communications and the related zoning district sections be sent to townships for review and input; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Chairperson Hartmann thanked Mr. Bienick for coming.

New Business:

1. Article 27 Township Participation – *Text amendment*

Chairperson Hartmann requested comment from Mr. Churches.

Mr. Churches stated the changes being proposed were for quicker distribution of information, notification to multiple parties to ensure government units were well informed and a shortened timeframe for response. An additional change had been made pertaining to the approving government body because the Otsego Lake Township Board has given the decision authority to their planning commission. They would also send text amendments out to townships after a subcommittee meeting instead of being presented to the County Planning Commission first to help accelerate the process.

Chairperson Hartmann stated he had reviewed the By-Laws and did not find anything in them preventing this from becoming procedure.

Mr. Kazim suggested the following changes:

Section 27.1:

- the addition of *'or Otsego County Zoning Board of Appeals...'* in the first sentence after 'the Otsego County Planning Commission'

Section 27.2:

- the addition of '*..., supervisor, and Planning Commission Chair'* after ' the township clerk' in the first and third paragraph;
- change 'Township Board's decision' to *'Township's approving government body's decision'* in paragraph two and four and;
- change 'applicable governing body' to *'approving government body'* in paragraph five

Chairperson Hartmann agreed with the changes in addition to the others presented and asked for further discussion. He requested a motion.

Motion made by Mr. Borton to recommend amendment changes to Article 27 Township Participation in County Zoning be sent to townships for review and input; Seconded by Mr. Brown.

Motion approved unanimously.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated Kyle Ryan, Parks & Rec Director, applied for a public health grant in the amount of $15,000 for the third year in a row - the monies would be used for a walking trail at Irontone Springs to promote physical health – the previous year's grant was used for the upgrade at Libke Field and prior to that it was used for the Pontresina Dog Park; plans to upgrade the electrical at the County Park would be done in phases – air conditioning some of the cabins was a possibility and raising the rates for these sites was also being considered; $375,000 was approved for the entrance to the Groen Preserve to include the road in, trees and a parking lot and $60,000 was approved for the upgrade to the Hilltop House Ranger Station; Mr. Ryan had also prepared a Capital Improvement List for items to be reused, renewed and replaced for the Parks & Rec Department.

2. Land Use Services report

Jim Mouch:

Mr. Mouch stated the hospital expansion is nearing completion and calls from architects pertaining to Lucky Steak House and Discount Tire have been received.

Chris Churches:

Mr. Churches presented a report depicting enforcements by category showing Section 21.34 with the highest percentage of enforcements. He requested a review of Section 21.34 Restricted Uses to try and better define the section for enforcement purposes.

Chairperson Hartmann requested volunteers for a subcommittee and stated a meeting would be scheduled.

Committee volunteers: Mr. Hartmann
Mr. Hilgendorf
Mr. Brown

Chairperson Hartmann reminded committee members of the Site Plan Review meeting scheduled Monday, January 28th at 9:00am.

Mr. Borton stated the Board of Commissioners' meeting was Tuesday. January 22nd; Tom Quinn, from Kirkland Community College, would be attending for discussion. He also announced the Belle Iron Trail would be extended down to the County line past Waters funded entirely by the DNR Trust Fund.

Mr. Hartmann stated OCEA (Otsego County Economic Alliance), Gaylord Area Chamber of Commerce and the Gaylord Area Convention and Tourism Bureau were launching a competition to promote local entrepreneurism, similar to Shark Tank. As part of SCORE (Service Corps of Retired Executives), the applicants will be mentored and prepped for their business pitch to the contributors. Five awards will be given out along with in-kind contributions for advertising and marketing. The event will take place April 11th from 6-8pm at Gornick Auditorium.

With no further comments, Chairperson Hartmann adjourned the meeting.

Adjournment: 7:03pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-001
Special Use Permit/Site Plan Review
011-800-000-018-02

Exhibit List

Exhibit #1: Applications for case PZSU19-001 submitted by Applicant

Exhibit #2: Otsego County Zoning Map Effective Date March 20, 2010/Amended November 27, 2018

Exhibit #3: Otsego County Zoning Ordinance Effective March 20, 2010/Amended November 27, 2018

Exhibit #4: Copy of Otsego County Equalization Department record card/WD 1378-700

Exhibit #5: Site Plan for case PZSU19-001 submitted by Applicant

Exhibit #6: Narrative for PZSU19-001

Exhibit #7: Letter of representation dated January 31, 2019

Exhibit #8: Public Hearing Notice

Exhibit #9: Letter to Bagley Township Planning Commission dated February 22, 2019

Exhibit #10: Response from Bagley Township Planning Commission dated...

Exhibit #11: Map and list of parties notified

Exhibit #12: Receipt #01317256

Exhibit #13: General Finding of Fact/PZSU19-001

Exhibit #14: Specific Finding of Fact/PZSU19-001

Exhibit #15: Existing Site Pictures (4)

Exhibit #16: Otsego County Road Commission Driveway Permit dated January 11, 2019

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: 2-18-19	Parcel Number: 011 - 800 - 000 - 018-02

PROPERTY LOCATION: *(REQUIRED)*

Address: 4855 West. Otsego Lake Drive Gaylord, MI 49735		City: Gaylord	Zip Code: 49735
Township: Bagley	Zoning District: B-2	Section: 29	T 30 N/R 3 W

APPLICANT:

Name: Northern Michigan Engineering, Inc.		Owner/Agent/Other Interest *(circle one)*	
Address: 114 N. Court Ave, Suite 203	City: Gaylord	State: MI	Zip Code: 49735
Phone: (989) 370-8429	Fax: (888) 893-9761		

PROPERTY OWNER: *(If different from Applicant)*

Name: Robert & Alison Demaree III		Phone: (989) 619-5432	
Address: P.O. Box 2108	City: Gaylord	State: MI	Zip Code: 49734

DESCRIPTION OF PROJECT AND PROPOSED USE: Storage Facility Addition.

SIGNATURE OF APPLICANT: [signature] **DATE:** 2-18-19

***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, all copies of drawing and blueprints.

OFFICE USE ONLY

Date Application Received: February 20, 2019	Permit Number: PZSU19-001	
Date Application Complete:	Fee: $700	Receipt Number: 01317956

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: Northern Michigan Engineering, Inc	Owner/Agent/Other Interest *(circle one)*
Address: 114 N. Court Ave, Suite 203 Gaylord, MI 49735	
Phone: (989)370-8429	Fax: (989)813-9761

PROPERTY OWNER: *(If different from Applicant)*

Name: Robert & Alison Demaree III	
Address: P.O. Box 2108 Gaylord MI 49734	
Phone: (989)619-5432	Fax: ( ) -

PROPERTY LOCATION:

Township: Bagley	Section: 29	T 30N/R 3 W	Zoning District: B-2
Site Address: 4855 West Otsego Lake Drive Gaylord, MI 49735			
Parcel Number: 011 - 800 - 000 - 018-02			
Description of Project and Proposed Use: Storage Facility Addition			

Signature of Applicant:	**Date:** 2-18-19

***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 ✓ 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___ No___ if "No" explain:_____

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

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

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

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

8. A vicinity map drawn to scale with North point indicated.
   Yes___ No ✓ if "No" explain: See Street address

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

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

Yes____ No ✓ if "No" explain: To be determined (2019)

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 ✓ 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 ✓ No ____ if "No" explain:

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

Yes ✓ 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 ____ No ✓ if "No" explain: NA

16. Location and type of significant existing vegetation.

Yes ____ No ✓ if "No" explain: NA

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 ✓ if "No" explain: None

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____ 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 ____ No ✓ if "No" explain: No accessory structures

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 ✓ No ____ if "No" explain:

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

Yes ✓ No ____ 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 ____ if "No" explain:

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

Yes ___ No ✓ if "No" explain: NA

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

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

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

Yes ___ No ✓ if "No" explain: NA

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

Yes ___ No ✓ if "No" explain: NA

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

Yes ___ No ✓ if "No" explain: ~~None~~ No new signs

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

Yes ✓ No ___ if "No" explain: See architectural plans

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

Yes ✓ No ___ if "No" explain:

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 ___ if "No" explain:

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

Yes ___ No ✓ 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 ✓ if "No" explain: NA

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

Yes ✓ No ___ if "No" explain:

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

Yes ✓ No ___ if "No" explain:

Demeree

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: 11/27/2018

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
ESTABLISHED 1875 MICHIGAN

AGENCY REVIEW FORM

Please address any issues/concerns below 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.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

1322 Hayes Road
Gaylord, MI 49735
Phone: 989.731.7400 Fax: 989.731.7419
www.otsegocountymi.gov

PZSU19-001 011-800-000-018-02
MD OIL FIELD SERVICES LLC 4855 WEST OTSEGO LAKE DR

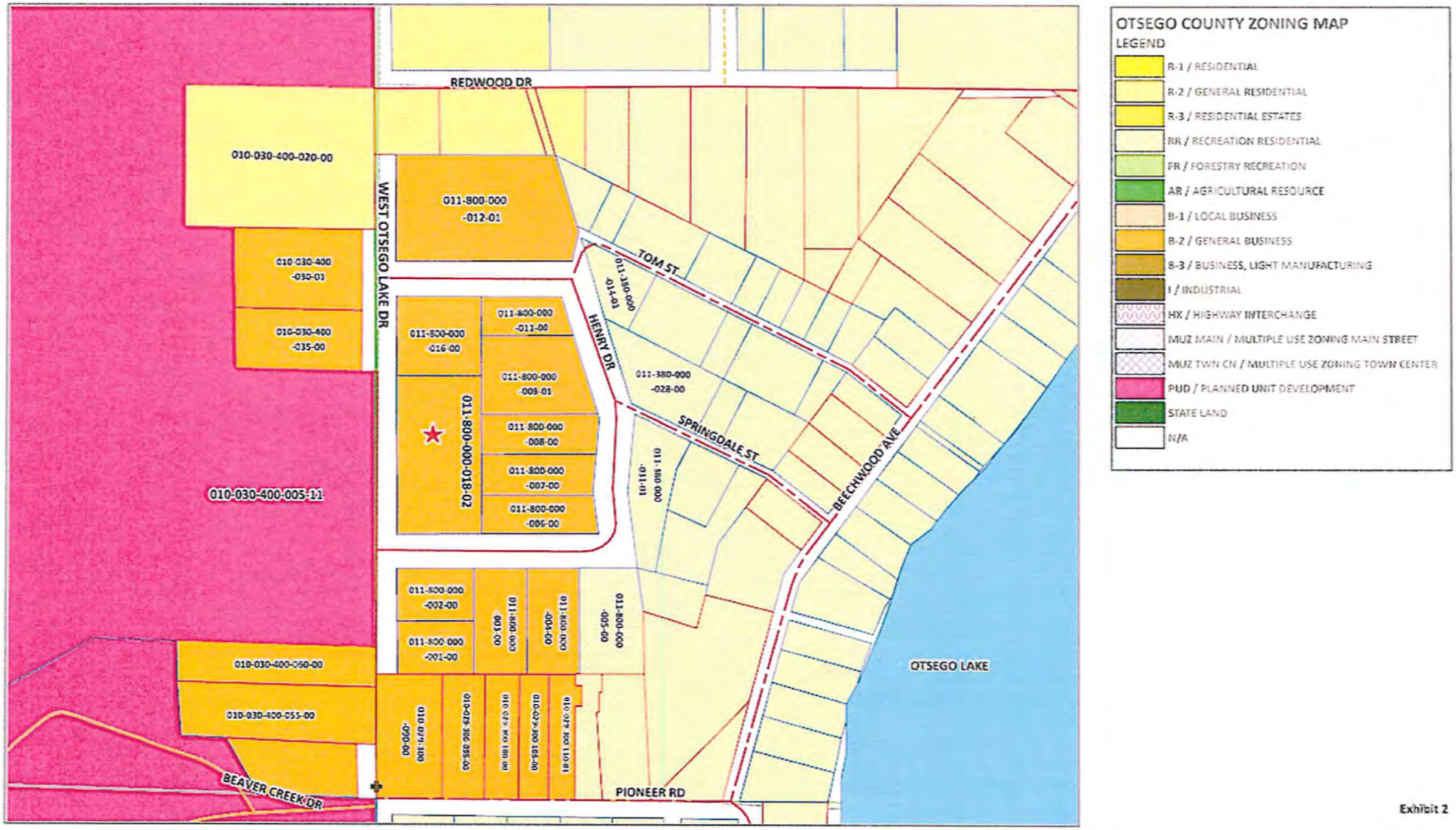

Exhibit 2

Parcel Number: 69-011-800-000-018-02 Jurisdiction: BAGLEY TOWNSHIP County: OTSEGO Printed on 02/21/2019

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
WEST OTSEGO LAKE MINI STOR	MD OIL FIELD SERVICES LLC	135,000	07/01/2015	WD	Good	1378/700	DEED	100.0
WODER, TIMOTHY W & DIANE M	OTSEGO LAKE MINI STORAGE I	0	05/26/2004	QC	No Sale Price	0998/145	DEED	0.0
LORIMAR LLC	WODER, TIMOTHY W & DIANE	122,000	05/11/1999	WD	Good	0720/425	DEED	0.0

Property Address
4855 WEST OTSEGO LAKE DR

Owner's Name/Address
MD OIL FIELD SERVICES LLC
2596 BELMONT STAKES DR
VIRGINIA BEACH VA 23456

Tax Description
LOTS 18-21 WEST OTSEGO LAKE. SEC 29 T30N R3W.

Comments/Influences

Class: 201 COM STRUCT Zoning: B-2
School: Gaylord Community
P.R.E. 0%
: 0.00
2019 Est TCV 182,200(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

Who When What

Land Value Estimates for Land Table .

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

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	91,100	0	91,100			91,100S
2018	91,100	0	91,100			91,100S
2017	92,400	0	92,400			92,400S
2016	93,600	0	93,600			93,600S

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

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

Exhibit 4

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich., 7/2/15

I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of local collection, board of review, PRE denial or tax tribunal.

Linda Sargent, Deputy COUNTY TREASURER

LIBER 1378 PAGE 700

OTSEGO COUNTY MICHIGAN
RECEIVED FOR RECORD
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
07/02/2015 9:30:45 AM

OTSEGO COUNTY
JULY 2. 2015
RECEIPT #5508

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX STAMP
$ 148.50-CL
$ 1012.50-ST
# 9494

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That West Otsego Lake Mini Storage LLC, a Michigan Limited Liability Company, whose address is PO Box 993, Gaylord, MI 49735

Convey(s) and Warrant(s) to MD Oil Field Services, LLC, a Michigan Limited Liability Company, whose address is 2596 Belmont Stakes Dr., Virginia Beach, VA 23456

the following described premises:

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

Lots 18, 19, 20 and 21, West Otsego Subdivision, according to the plat thereof as recorded in Liber 3 of Plats, Page 79, Otsego County Records.

Tax Parcel No.: 011-800-000-018-02

For the sum of One Hundred Thirty Five Thousand Dollars and No Cents ($135,000.00) subject to the existing building and use restrictions, easements, and zoning ordinances of record, if any.

The grantor grants to the grantee the right to make all division(s) under section 108 of the Land Division Act, Act. No. 288 of the Public Acts of 1967. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated July 01, 2015

Signed
WEST OTSEGO LAKE MINI STORAGE LLC, A MICHIGAN LIMITED LIABILITY COMPANY

Diane M Woder
Diane M. Woder
Sole Member

State of: Florida)
) SS
County of)

RCUD JUL 2'15 AM 9:27

On this 30 day of June, 2015, before me personally appeared by Diane M. Woder, Sole Member of West Otsego Lake Mini Storage LLC, a Michigan Limited Liability Company to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

PATRICIA L. CAMPBELL
MY COMMISSION #FF052932
EXPIRES September 10, 2017
(407) 398-0153 FloridaNotaryService.com

Patricia L. Campbell
, Notary Public
County,
My Commission Expires: 9/10/2017
Acting in the County of:

Drafted By: Diane M. Woder, Sole Member
West Otsego Lake Mini Storage LLC, a Michigan Limited Liability Company
PO Box 993
Gaylord, MI 49735

Return To: MD Oil Field Services, LLC
4855 West Otsego Lake Drive
Gaylord, MI 49735

Assisted By: Alpine Title & Escrow
114 E. Main Street
Gaylord, MI 49735 (411935)

Recording Fee $20.00 State Transfer Tax $1,012.50 County Transfer Tax $148.50
County Treasurer's Certificate *City Treasurer's Certificate*

1161

Exhibit 4

AT 14

Application for Special Use Permit

West Otsego Lake Storage Addition

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#011-800-000-018-02
  4855 W. Otsego Lake Drive, Gaylord, MI
  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, Robert & Alison Demaree III, have authorized NME to act as their representative for purposes of applying for a Special Use Permit and Site Plan submittal for the proposed "West Otsego Lake Storage Addition" project.

  Date 2/6/2019

- 19.3.4 – Site Plan
  See attached

- 19.3.5 – Detail Description – Proposed Land Use

  The land is zoned B2. In the B2 district, the minimum parcel size is 10,000 SF and 100' minimum lot width.

  The existing boundary contains 1.10 acres. The west side of the parcel abuts West Otsego Lake Drive, and the south line abuts Henry Drive. The existing entrance drive is on Henry Drive and we proposed a new entry drive on West Otsego Lake which has been permitted. (see attached)

The proposed addition is an expansion of the existing use. (cold storage) The proposed expansion of existing land use 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.

All adjacent land is zoned B2.

"West Otsego Lake Storage Addition" 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 building 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, West Otsego Lake and Henry Drive.

Date 01/23/2019

Designated Agent Form

Landowners name: Robert ~~Demering~~ Demoree
Property Address: 4855 West Otsego Lake Dr.
Parcel Tax ID: 011-800-000-018-02
Mailing Address (if different): P.O. Box 2108—Gaylord
Phone: 989-619-5432 e-mail: Rbd111@msn.com

Designated Agent: Dave Drews—Northern Michigan Engineering,Inc.
Contact Person: Dave Drews
Mailing Address: 114 N. Court Ave., Suite 203—Gaylord
Phone: 989-370-8429 e-mail: david@nme.land

I certify I am the owner of the above listed property and authorize the above listed designated agent on my behalf to secure all necessary permits and evaluations.

Signature: _____ Date: 1-31-2019

Exhibit 7

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
March 18, 2019

The Otsego County Planning Commission will hold three public hearings on Monday, March 18, 2019 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. MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township at 4855 West Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct additional storage units to the already existing. The property is located in a B2 / General Business Zoning District. Mini-storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in the B2 Zoning District.

Parcel identification number: **011-800-000-018-02**
4855 West Otsego Lake Dr
Gaylord, MI 49735

Legal Description:
LOTS 18-21 WEST OTSEGO LAKE SEC 29 T30N R3W

2. SECTION 21.46 WIRELESS COMMUNICATIONS
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to tower height

3. ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to Township notifications and timeframes

Proposed amendments can be viewed on the Otsego County website link below:
https://www.otsegocountymi.gov/county-government-2/land-use-services/planning-zoning/

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

February 22, 2019

Bagley Township
3218 Old 27 North
Gaylord, MI 49735

RE: Special Use Permit / Storage Units / 011-800-000-018-02

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, Northern Michigan Engineering Inc / Dave Drews be present at your meeting, he can be notified at:

Northern Michigan Engineering Inc
c/o Dave Drews
114 N Court Ave Ste 203
Gaylord, MI 49735
989.370.8429

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

Sincerely,

Chris Churches
Planning & Zoning Director

cbw

encl

Exhibit 9

PZSU19-001 011-800-000-018-02 MD OIL FIELD SERVICES LLC

OWNERS WITHIN THREE HUNDRED FEET (300')

PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS				ZONE	ACREAGE	CLASS
010-029-300-090-00	4979 WEST OTSEGO LAKE DR	O'NEILL, ELAINE L	4979 WEST OTSEGO LAKE DR	GAYLORD	MI	49735	B-2	0.68	401
010-029-300-095-00	1998 PIONEER RD	OROSZ, TIMOTHY L & DEBRA R	59101 RAVENNA DR	MATTAWAN	MI	49071-9619	B-2	0.43	401
010-029-300-100-00	1996 PIONEER RD	HARTMAN, JAMES M & CHERIL S	34357 MUNGER DR	LIVONIA	MI	48154	B-2	0.35	401
010-029-300-105-00	1994 PIONEER RD	WILLIAMSON - WILLIAMSON	201 GLEN WOODS TRL	GAYLORD	MI	49735	B-2	0.30	401
010-029-300-110-01	1988 PIONEER RD	KURTH, CASSIE	1988 PIONEER RD	GAYLORD	MI	49735	B-2	0.28	401
010-030-400-005-11	4706 WEST OTSEGO LAKE DR	NATURAL GOLF COURSE LLC	5004 WEST OTSEGO LAKE DR	GAYLORD	MI	49735-8612	PUD	138	201
010-030-400-020-00 / 010-030-400-030-01 / 011-800-000-016-00	4730 WEST OTSEGO LAKE DR / 4754 WEST OTSEGO LAKE DR / 4841 WEST OTSEGO LAKE DR	ISELER, RONALD & ANN	4754 W OTSEGO LAKE DR	GAYLORD	MI	49735-8612	R-2/ B-2/ B-2	2.19/ 0.85/ 0.55	401/ 401/ 201
010-030-400-035-00	4800 WEST OTSEGO LAKE DR	SVALUTO PROPERTIES LLC	4800 WEST OTSEGO LAKE DR	GAYLORD	MI	49735	B-2	0.63	201
010-030-400-055-00 / 010-030-400-060-00	4974 WEST OTSEGO LAKE DR / 4968 WEST OTSEGO LAKE DR	LAMB, STEVE R ET UX	150 IRONTONE SPRINGS TRL	GAYLORD	MI	49735-7521	B-2/ B-2	0.89/ 0.65	401/ 402
011-380-000-014-01	1917 TOM ST	RIORDAN, DANIEL	4272 LAKE MANUKA RD	GAYLORD	MI	49735-8064	RR	0.28	401
011-380-000-028-00	1886 SPRINGDALE ST	SCHAEFER, RONALD	3109 N THOMAS RD	FREELAND	MI	48623	RR	0.53	401
011-380-000-031-01	4859 HENRY DR	ZINGERY, MICHAEL G & BONNIE L	602 INDUSTRIAL DR	MT PLEASANT	MI	48858-4642	RR	0.47	401
011-800-000-001-00	4945 WEST OTSEGO LAKE DR	DAVIS, TERRY A & SUZANNE M	2600 NEWPORT DR	LANSING	MI	48906-3441	B-2	0.33	401
011-800-000-002-00	4927 HENRY DR	CASTO, SUE A	1644 ANDREW PL	TRAVERSE CITY	MI	49686-4957	B-2	0.33	401
011-800-000-003-00	4915 HENRY DR	PAVWOSKI, EDWARD & SUSAN	2042 MARY AVE	LANSING	MI	48910	B-2	0.46	401
011-800-000-004-00	4909 HENRY DR	RICHTER, CHARLES A	PO BOX 233	WATERS	MI	49797-0233	B-2	0.46	401
011-800-000-005-00	4903 HENRY DR	HALL, THOMAS W & LORAINE C	PO BOX 93	CLARKSTON	MI	48347-0093	RR	0.55	401
011-800-000-006-00	4912 HENRY DR	ZAPPATERRENO - FRY	4912 HENRY DR	GAYLORD	MI	49735-9692	B-2	0.36	401
011-800-000-007-00 / 011-800-000-008-00	4870 HENRY DR	REVENAUGH, WILSON B & WENDY A	201 BOLTSTONE CT	CARY	NC	27513-6042	B-2/ B-2	0.38/ 0.38	402/ 401
011-800-000-011-00 / 011-800-000-012-01	4813 HENRY DR	NADOLSKI, MARY A & DAVID L LLC	3206 TRAVIS CT	MIDLAND	MI	48642-6700	B-2/ B-2	0.28/ 1.52	402/ 401
011-800-000-018-02	4855 WEST OTSEGO LAKE DR	MD OIL FIELD SERVICES LLC	2596 BELMONT STAKES DR	VIRGINIA BEACH	VA	23456	B-2	1.11	201
011-800-000-009-01	4830 HENRY DR	TOPP, SARAH LYNN	4830 HENRY DR	GAYLORD	MI	49735-9692	B-2	0.68	401

Exhibit 11

PZSU19-001 011-800-000-018-02
MD OIL FIELD SERVICES LLC 4855 WEST OTSEGO LAKE DR

010-029-300-090-00	011-380-000-014-01	011-800-000-016-00
010-029-300-095-00	011-380-000-028-00	011-800-000-018-02
010-029-300-100-00	011-380-000-031-01	011-800-000-008-00
010-029-300-105-00	011-800-000-001-00	011-800-000-009-01
010-029-300-110-01	011-800-000-002-00	011-800-000-012-01
010-030-400-005-11	011-800-000-003-00	
010-030-400-020-00	011-800-000-004-00	
010-030-400-030-01	011-800-000-005-00	
010-030-400-035-00	011-800-000-006-00	
010-030-400-055-00	011-800-000-007-00	
010-030-400-060-00	011-800-000-011-00	

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:

DEMAREE, ROBERT B III & ALISON E

RECEIPT NUMBER

01317256

02/20/2019

Type	Record	Category	Description	Amount
Permit	PZSU19-001	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

PZSU19-001
Special Use Permit/Site Plan Review
011-800-000-018-02

GENERAL FINDINGS OF FACT

1. This is a proposal for a 40'x120' addition for mini storage units added to an existing business. *Exhibit #1, Exhibit #5, Exhibit #6*

2. The property is located in a B2/General Business Zoning District. *Exhibit #2*

3. The proposed use is a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*

4. The property is currently under the ownership of MD Oil Field Services LLC. *Exhibit #4*

5. The owners are being represented by Northern Michigan Engineering Inc, Dave Drews. *Exhibit #7*

6. The Public Hearing Notice was published in the Herald Times on March 1, 2019 *Exhibit #8*

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

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

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

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

11. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #6, Exhibit #13, Exhibit #14*

12. An application for a Driveway Permit from the Otsego County Road Commission has been submitted. *Exhibit #16*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-001
Special Use Permit/Site Plan Review
011-800-000-018-02

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 11/SECTION 11.2

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

INTENT

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

SECTION 11.1 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 Use Subject to Special Conditions

FINDINGS UNDER ARTICLE 21 /SECTION 21.10

SECTION 21.10 FENCES

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

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

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

21.10.2

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

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

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

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

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

***Existing Fencing in Place**

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.

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

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

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: Wallpack Cutoff Fixtures per Site Plan**

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.

Exhibit 14

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.

Exhibit 14

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 **three (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 **three (3) Regulations**:

Regulation 01: Such signs shall follow the Accessory Signs restrictions as it relates to 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.

Exhibit 14

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 permit 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: To Be Determined

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 Receptacle: To Be Determined

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: To Be Determined

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.

011-800-000-018-02 4855 WEST OTSEGO LAKE DR 011-800-000-018-02

Exhibit 15

Otsego County Road Commission

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

Application and Permit to Construct a Driveway Approach

Receipt 12399

Date: 12/21/18 Permit No.: 19-1-11-01

Applicant (Mailing address for permit)	Contractor (*See note below*) T.B.D.
Name: Alison & Bob Demering	Name:
(m) Address: 4855 West Otsego Lake Drive	Address:
City, State, Zip: Gaylord, MI 49735	City, State, Zip:
Contact Phone: 989-619-5432 - Bob	Contact Phone:
Facsimile:	Facsimile:
E-mail: Rbd111@msn.com	E-mail:

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

Road Name: West Otsego Lake Drive House No.: 4855
Township: Bagley Section : 29

Help us find your site by giving us the following directions:

The site is located on: West Otsego Lake Dr. on the N S (E) W (circle one) side of the road
~~at~~ 150' miles/(feet) (N) S E W from Henry Drive (South) Road
between Henry Dr. South Road and Henry Dr. North Road

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

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

Remarks: Flagged & new drive on chain link fence

Date Work to Begin On:	T.B.D.	DATE SITE WILL BE FLAGGED:	12/24/18

Applicant's Signature: [signature] Contractor's Signature:

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

Do Not Write Below This Line

Date Checked: 1-11-19 Surface Type: (G) A C Number of Drives: (1) 2 Width: 30'
Road Name: WEST OTSEGO LK Dr. on the N S E W Side
Drive No.: 1 Drive No.: 2 Miles/Feet N (S) E W of
Culvert ☐ Required (if required 12 in. x 20 ft. minimum) ☒ Not Required
Sight Distance (N) S E W 500 N (S) E W 500'
Remarks: COMMERCIAL DR.

Approved By: [signature] *, Permit Agent* *Date:* 1-11-19

Exhibit 16

TERMS AND CONDITIONS

1. Specifications. All work performed under this permit must be done in accordance with the application, plans, specifications, maps and statements filed with the County Road Commission ("Road Commission") and must comply with the Road Commission's current procedures and regulations on file at its offices and the current MDOT Standard Specifications for Construction, if applicable.

2. Fees and Costs. The Permit Holder shall be responsible for all costs incurred by the Road Commission in connection with this permit and shall deposit estimated fees and costs as determined by the Road Commission, at the time the permit is issued.

3. Bond. The Permit Holder shall provide a cash deposit, irrevocable letter of credit or bond in a form and amount acceptable to the Road Commission at the time permit is issued.

4. Insurance. The Permit Holder shall furnish proof of general liability insurance in amounts not less than $1,000,000 each occurrence and general aggregate, proof of automobile liability in amounts not less than $1,000,000 combined single limit for each accident, bodily injury per accident, and property damage per accident, and in an amount not less than $500,000 for bodily injury per person. Such proof of insurance shall include a valid certificate of insurance demonstrating that the Road Commission is an additional insured party on the policy. Such insurance shall cover a period not less than the term of this permit and shall provide that it cannot be cancelled without 30 days advance written notice to the Road Commission, by certified mail, first-class, return receipt requested. This permit is invalid if insurance expires during the authorized period of work described herein.

5. Indemnification. In addition to any liability or obligation of the Permit Holder that may otherwise exist, Permit Holder shall, to the fullest extent permitted by law, indemnify and hold harmless the Road Commission and its commissioners, officers, agents, and employees from and against any and all claims, actions, proceedings, liabilities, losses, and damages thereof, and any and all costs and expenses, including legal fees, associated therewith which the Road Commission may sustain by reason of claims for or allegations of the negligence or violation of the terms and conditions of this permit by the Permit Holder, its officers, agents, or employees, arising out of the work which is the subject of this permit, or arising out of work not authorized by this permit, or arising out of the continued existence of the operation or facility, which is the subject of this permit.

6. Miss Dig. The Permit Holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. CALL MISS DIG AT (800) 482-7171 or www.missdig.org AT LEAST THREE (3) FULL WORKING DAYS, BUT NOT MORE THAN FOURTEEN (14) CALENDAR DAYS, BEFORE YOU START WORK. The Permit Holder assumes all responsibility for damage to or interruption of underground utilities.

7. Notification of Start and Completion of Work. The Permit Holder must notify the Road Commission at least 48 hours before starting work, when work is completed, and additionally as directed by the Road Commission.

8. Time Restrictions. All work shall be performed Mondays through Fridays between 8:00 a.m. and 5:00 p.m. unless written approval is obtained from the Road Commission, and work shall be performed only during the period set forth in this permit. Perform no work except emergency work, unless authorized by the Road Commission on Saturdays, Sundays, or from 3:00 p.m. on the day proceeding until the normal starting time the day after the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

9. Safety. Furnish, install and maintain all necessary traffic controls and protection during Permit Holder's operations in accordance with the Michigan Manual of Uniform Traffic Control Devices, Part 6 and any supplemental specifications set forth herein.

10. Restoration and Repair of Road. The construction, operation and maintenance of the activity covered by this permit shall be performed by the Permit Holder without cost to the Road Commission unless specified herein. The Permit Holder shall also be responsible for the cost of restoration and repair of the right-of-way determined by the Road Commission to be damaged as a result of the activity which is the subject of this permit. Restoration shall meet or exceed conditions when work is commenced and be in accordance with specifications. The Permit Holder shall be responsible for costs incurred by the Road Commission for emergency repairs performed by or on behalf of the Road Commission for the safety of the motoring public. Said repairs shall be performed with or without notice to the Permit Holder if immediate action is required. This determination shall be in the sole and reasonable opinion of the Road Commission.

11. Limitation of Permit. Issuance of this permit does not relieve Permit Holder from meeting any and all requirements of law, or of other public bodies or agencies. The Permit Holder shall be responsible for securing and shall secure any other permits or permission necessary or required by law from cities, villages, townships, corporations, property owners, or individuals for the activities hereby permitted. Any work not described by the application, including the time and place thereof, is strictly prohibited in the absence of the application for and issuance of an additional permit or amendment to this permit.

12. Revocation of Permit. This permit may be suspended or revoked at will, and the Permit Holder shall surrender this permit and alter, relocate or remove its facilities at its expense at the request of the Road Commission. It is understood that the rights granted herein are revocable at the will of the Road Commission and that the Permit Holder acquires no rights in the right-of-way and expressly waives any right to claim damages or compensation in case this permit is revoked.

13. Assignability. This permit is not assignable and not transferable unless specifically agreed to by the Road Commission.

14. Authority. The statutory authority of the Road Commission to require compliance with permit requirements is predicated upon its jurisdictional authority and is set forth in various statutes including, without limitation and in no particular order, MCL §247.321 et seq; MCL §224.19b; MCL §560.101 et seq; and MCL §247.171 et seq.

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
March 18, 2019

The Otsego County Planning Commission will hold three public hearings on Monday, March 18, 2019 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. MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township at 4855 West Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct additional storage units to the already existing. The property is located in a B2 / General Business Zoning District. Mini-storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in the B2 Zoning District.

Parcel identification number: **011-800-000-018-02**
4855 West Otsego Lake Dr
Gaylord, MI 49735

Legal Description:
LOTS 18-21 WEST OTSEGO LAKE SEC 29 T30N R3W

2. SECTION 21.46 WIRELESS COMMUNICATIONS
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to tower height

3. ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to Township notifications and timeframes

Proposed amendments can be viewed on the Otsego County website link below:
https://www.otsegocountymi.gov/county-government-2/land-use-services/planning-zoning/

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.

*****Amendment changes / additions are highlighted in yellow**

*****Amendment deletions are double struck**

Proposed Language:

SECTION 21.46 WIRELESS COMMUNICATIONS:

Reference the Telecommunication Act (Act 104 of 1996 as amended) and the Michigan Zoning and Enabling Act (Act 110 of 2006 as amended including Act 143 of 2012). These set forth provisions concerning placement, location and construction of towers and related facilities for wireless services, provide rules for changes to existing towers and set time frames for municipality action. The purpose of this Section is to establish general guidelines for the sighting of wireless communications towers and antennas. The goals of the section are to:

(1) Protect residential zoning districts from potential adverse impacts of towers and antennas;

(2) Encourage the location of towers in non-residential areas;

(3) Minimize the total number of towers throughout the county;

(4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, sighting, landscape;

(7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;

(8) Consider the public health and safety of communication towers; and

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Wireless and cellular phone service are specially determined to not be essential services, nor to be public utilities as such terms are used in this Ordinance.

It is not the intent to create "antennae farms" with a number of monopoles and antennae in a small area. Also, it is not the intent to regulate ham radio antennae under this section, or to regulate towers installed at single family dwellings for personal television reception.

SECTION 21.46.1 DEFINITIONS:

As used in this section, the following terms shall have the meanings set forth below:

1. Antenna means any exterior transmitting or receiving device mounted on a tower, building structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
2. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
3. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting (lattice) towers, guyed towers, or monopole towers (including telephone poles). The term includes radio and television transmission towers, microwave towers, common carrier towers,

cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

4. Co-location shall mean the location by two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the County.

SECTION 21.46.2 WIRELESS COMMUNICATIONS TOWERS OF ONE HUNDRED ~~NINETY~~ SEVENTY-NINE (~~190~~ 179) FEET OR LESS AND RELATED FACILITIES:

Construction of Wireless Telecommunication Antenna Towers of one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less and Equipment Shelter Buildings are allowed in Otsego County subject to the following provisions:

21.46.2.1 Prior to approval of any new tower to be located within one (1) mile of an existing tower or other structure of equal or greater height than the proposed tower, applicant shall contact owner(s) of all said towers or structures and request permission to locate or co-locate in lieu of construction of a new tower. No new tower request shall be granted until proof of contact(s) has been provided to the zoning administrator.

21.46.2.1.1 As an alternative to contacting owners of all towers or structures, as described in the above paragraph, location or co-location on existing towers or structures shall be approved by the Zoning Administrator under applicable provisions, including 21.46.2.7.1.

An accessory equipment shelter building shall meet all normal requirements of accessory buildings. Any location or co-location shall not result in a height of more than twice the height of the existing structure.

21.46.2.2 Wireless Telecommunication Antenna Towers and Equipment Shelter Buildings shall not be placed in any road right-of-way or in any easement for road purposes.

21.46.2.3 Such towers and facilities shall be placed on parcels (whether the land is owned or leased by the tower owner) that have an area no less than the minimum parcel size for the district, as listed in Article 17. No variances shall be granted to reduce this size limit.

21.46.2.4 All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer than ~~one~~ two hundred percent (~~100~~ 200%) of the tower's height from any property line or any residence.

21.46.2.5 A tower proposal of more than thirty-five (35) feet shall be submitted to the Otsego County Airport Manager and FAA for review and approval prior to issuance of a zoning permit.

21.46.2.6 The tower itself must be of monopole design. There shall be no guyed or self-supporting towers. Self-supporting towers may be considered with application to the Planning Commission.

21.46.2.7 All such tower location proposals shall be submitted with a site plan (Section 23.2).

21.46.2.7.1 The following conditions are required for approval of an application.

Antennas may or may not be mounted on existing structures. The tower and antenna are painted or screened as to blend into the background.

The service building shall be constructed of material such as wood, brick, or stucco, and shall be designed to blend into the natural setting and surrounding buildings. In no case will metal exteriors be allowed for service buildings.

Unless technically impossible, all connecting wires from towers to accessory buildings shall be underground.

Unless technically impossible, all electrical and other service wires to the facility shall be underground.

The service building shall be no larger than necessary to house the equipment and shall meet all setback requirements of this Ordinance.

21.46.2.8 Lighting shall be designed in accordance with Section 21.19 in addition to the following:

Lights shall not be permitted on the tower or antennae unless FAA regulations require them.

Light poles and fixtures shall be located as low as practical; a greater number of low "area" lights are favored over higher lights. Incandescent lights are favored over sodium or mercury-type street lighting.

21.46.2.9 The tower and its accessory buildings shall be fenced with no less than a six-foot (6) safety fence with a locked gate.

21.46.2.10 The application shall include a description of security to be posted at the time of receiving a building permit for the tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the security shall, at the selection of the applicant, be in the form of: cash or letter of credit to remove the tower in a timely manner as required under Section 21.46.4, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the county in securing removal.

SECTION 21.46.3 WIRELESS TELECOMMUNICATION ANTENNA TOWERS OVER ONE HUNDRED ~~NINETY~~ SEVENTY-NINE (~~190~~179) FEET AND RELATED FACILITIES:

Construction of Wireless Communications Towers over one hundred ~~ninety~~ seventy-nine (~~190~~179) feet and Equipment Shelter Buildings are a Permitted Use Subject to Special Conditions under Article 19. Requirements include all those in Section 21.46.2, plus the following:

21.46.3.1 In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on Otsego County, location, co-location, or the provision of more than one (1) antenna on a single tower may be allowed by the Zoning Administrator and/or required by the Planning Commission.

21.46.3.1.1 As an alternative to the provisions of 21.46.3.1.2 below, location or co-location on existing towers or structures shall be approved as a Principal Use Permitted by the Zoning Administrator under applicable provisions, including 21.46.2.7.1. An accessory equipment shelter building shall meet all normal requirements of accessory buildings.

If not locating or co-locating on existing towers or structures, the applicant shall be required to provide information regarding the feasibility of location or co-location as part of the Special Land Use application.

Factors to be considered in determining feasibility or co-sharing include available space on existing structures, towers, the tower owner's ability to lease space, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, the comparative costs of co-location and new construction, and any FCC limitations on tower sharing.

21.46.3.1.2 The applicant shall be required to send a certified mail announcement to all other tower owners in the area, stating their sighting needs and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not be denied space on a tower unless mechanical, structural, or regulatory factors prevent sharing.

21.46.3.1.3 Further the applicant may be required to provide a letter of intent to lease excess space on a facility and commit to: Responding to any requests for information from another potential shared use applicant. Negotiating in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable; and making no more than a reasonable charge for a share use lease.

21.46.3.2 Tower heights shall be no more than required according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. The applicant shall provide funds to the county determined by the Planning Commission to be sufficient to acquire an independent technical and engineering evaluation of the need for any tower in excess of one hundred ~~ninety~~ seventy-nine (~~190~~179) feet. Where the independent evaluation shows that service can be provided by a one hundred ~~ninety~~ seventy-nine (~~190~~179) foot or lower tower no

tower in excess of one hundred ~~ninety~~ seventy-nine (~~190~~179) feet shall be allowed. The Zoning Board of Appeals shall not grant a variance from this requirement.

SECTION 21.46.4 REMOVAL OF WIRELESS COMMUNICATION TOWERS:

21.46.4.1 A condition of every approval of a wireless communication tower shall be adequate provision for removal of all or part of the facility by users and owners when the tower has not been used for a period of twelve (12) months. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations shall be considered as the beginning of a period of non-use.

21.46.4.2 At such time that removal is required, the property owner or persons who had used the facility shall immediately apply or secure the application that require demolition or removal and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

21.46.4.3 If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the County may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and /or enforced from or under the security posted at the time application was made for establishing the facility.

SECTION 21.46.5

All towers in Section 21.46 must comply with FCC and FAA regulations.

ARTICLE 6 R3 RESIDENTIAL ESTATES DISTRICT

INTENT

The R3 Residential Estates District is established to provide for areas topographically and locationally well suited to meet an increasing market for ten (10) acre lots and larger, which can potentially be re-subdivided into smaller lots. This district is to encourage the orderly transition of land to low density residential use.

SECTION 6.1 PRINCIPAL USES PERMITTED

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

6.1.1 All principal uses permitted in the R1 District [See Article 4.1]

6.1.2 Fraternal lodges

6.1.3 Wildlife, plant and habitat preservation areas

6.1.4 Group care facilities meeting applicable state licensing requirements

6.1.5 Retail specialty store as permitted in Article 5.1.4

6.1.6 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site, and that the parking requirements of Article 21.27 be observed

6.1.7 Temporary Recreation Housing/Travel trailers. [Permit criteria include Article 21.33]

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

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

SECTION 6.2 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 Site Plan Requirements.]

6.2.1 All principal uses permitted in the R2 District, and all permitted uses subject to special conditions in the R1 District [See Article 4.2] and R2 District [See Article 5.2]

6.2.2 Gasoline stations with store

6.2.3 Driving range

6.2.4 Campgrounds (Commercial or Non-commercial)

6.2.5 Manufactured Housing Parks

6.2.6 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]

6.2.7 Unlisted property uses if authorized under Article 21.44

6.2.8 Wireless Telecommunications Towers and Facilities one hundred seventy-nine (179) feet or less in height, without lights [Permit criteria include Article 21.46]

ARTICLE 8 FR FORESTRY RECREATION DISTRICT

INTENT

The FR Forestry Recreation District is designed to promote the use of rural areas in a manner that will retain the basic attractiveness and inherent values of natural resources. The intent of the District is to retain rural areas for resource purposes, but recognizing the need to allow multiple uses considered acceptable in a rural environment.

SECTION 8.1 PRINCIPAL USES PERMITTED

8.1.1 One (1) family dwellings

8.1.2 Growing and harvesting of nursery field stock

8.1.3 Farms and agricultural operations of all kinds, including temporary agricultural roadside stands, provided the stands are off the road right-of-way, operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked on site and that the parking requirements of Article 21.27 be observed

8.1.4 Tree farms, forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities

8.1.5 Public and private parks, playgrounds, passive recreational areas, camping grounds, hunting grounds, fishing sites and wildlife preserves

8.1.6 Bed and breakfast/tourist homes

8.1.7 Family and group care facilities

8.1.8 Duplex dwellings

8.1.9 Fraternal lodges

8.1.10 Landing strips

8.1.11 Wildlife, plant, and habitat preservation areas

8.1.12 Cemeteries [Permit criteria include Article 21.4]

8.1.13 Riding academies or stables [Permit criteria include Article 21.35]

8.1.14 Travel trailers (on private property) [Permit criteria include Article 21.33]

8.1.15 Home occupation

8.1.16 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) or less in height, without lights [Permit criteria include Article 21.46]

8.1.17 Structures for storage of the owner's personal non-farm possessions and non-commercial activities - These structures shall not be used as dwellings. Structures shall meet the size requirements of Section 21.1.3.

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

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

8.1.20 WTG Medium: Permitted as an accessory use to an allowed Principal Use

SECTION 8.2 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.]

8.2.1 All permitted uses subject to special conditions, as permitted and regulated in the R1 District.

8.2.2 Sportsmen associations or clubs, including shooting ranges

8.2.3 Active recreation areas, stadiums and race tracks

8.2.4 Veterinary hospitals, clinics with indoor kennels [Permit criteria include Article 21.45]

8.2.5 Driving ranges

8.2.6 Game preserves

8.2.7 Gasoline stations with or without store

8.2.8 Detention facilities

8.2.9 Recreation farms (dude ranches)

8.2.10 Restaurants and/or taverns (without drive-through service)

8.2.11 Campgrounds (commercial)

8.2.12 Dog grooming and kennel facilities [Permit criteria include Article 21.45]

8.2.13 Golf courses and country clubs [Refer to Articles 4.2.5 and 21.11]

8.2.14 Hunt clubs (commercial)

8.2.15 Recreation camps or resorts

8.2.16 Surface mining of gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]

8.2.17 Travel trailer courts

8.2.18 Wireless Telecommunications Towers and Facilities over one hundred ~~ninety~~ seventy-nine (~~190~~179) feet in height, or with lights

8.2.19 WTG Large

8.2.20 Anemometer Tower

8.2.21 Unlisted property uses if authorized under Article 21.44

8.2.22 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]

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

INTENT

The Agricultural Resource District is intended to encourage the maintenance of productive farm and agricultural land for growing, raising or production of food stuffs. It is further intended that the productive agricultural land base of the County be maintained in agricultural activities. Other land uses and activities may be permitted if they meet the objective of retaining farmlands in an open land character.

SECTION 9.1 PRINCIPAL USES PERMITTED

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

9.1.1 One (1) family dwelling unit

9.1.2 Two (2) family (duplex) dwellings subject to the one (1) family density requirements with a minimum lot width of three hundred (300) feet

9.1.3 Two (2) detached single-family dwelling units may be permitted, subject to the following conditions:

9.1.3.1 There is a separation between the two (2) dwellings so the lot may be divided into two (2) legal lots with each lot having a lawful minimum width and area, with each dwelling still maintaining the front, side and rear setback as regulated in the District.

9.1.3.2 The County Health Department approves the sanitary system.

9.1.4 Growing, raising, and harvesting of agricultural products and farm livestock

9.1.5 Woodlots, tree farms, nursery field stock, and harvesting activities

9.1.6 Buildings for storing or housing machinery, equipment and/or livestock, including repair operations when accessory to agricultural and farm operations

9.1.7 Experimental agricultural activities and uses related to farm research

9.1.8 Wildlife habitat and plant species preservation areas

9.1.9 Farm industries may include saw mills of a permanent or temporary nature, with assembly of green or untreated wood to a usable item for marketing, provided the operation is conducted as an accessory to a farm and that the use is two hundred (200) feet from property lines

9.1.10 Bed and breakfast/tourist homes

9.1.11 Family and group care facilities

9.1.12 Forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities

9.1.13 Fraternal lodges

9.1.14 Aircraft Landing Strips

9.1.15 Churches

9.1.16 Cemeteries [Permit criteria include Article 21.4]

9.1.17 Dwellings less than sixteen (16) feet wide [Permit criteria include Article 21.22]

9.1.18 Riding academies or stables [Permit criteria include Article 21.35]

9.1.19 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site and that the parking requirements of Article 21.27 be observed

9.1.20 Veterinary hospitals, clinics with indoor kennel [Permit criteria include Article 21.45]

9.1.21 Travel trailers (on private property) [Permit criteria include Article 21.33]

9.1.22 Home occupation

9.1.23 Farm buildings, in existence at the time of the adoption of this amendment and no longer used in support of agricultural interests, may be used as rental property for storage of individually owned items

9.1.23.1 So as to alleviate noise and traffic associated with commercial activities and thus maintain the rural, open space character of the area, the rental shall not be made into commercial enterprises.

9.1.23.2 All applicable sections of the zoning Ordinance apply

9.1.23.3 The Zoning Administrator may opt to refer the application to the Planning Commission if there are unusual circumstances

9.1.24 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less in height without lights [Permit criteria include Article 21.46]

9.1.25 Structures for storage of the owner's personal non-farm possessions and non-commercial activities. These structures shall not be used as dwellings. Structures shall meet the size requirements of Section 21.1.3.

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

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

9.1.28 WTG Medium: Permitted as an accessory use to an allowed Principal Use

SECTION 9.2 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.]

9.2.1 Public and private parks, recreational facilities and public or private non-profit schools offering courses in general education when the use is not, to the extent practical, placed on soils predominantly rated as having high agricultural productivity in comparison with other farm land in Otsego County

9.2.2 Recreation farms, dude ranches (so called) and sportsmen's clubs provided the farm land base remains essentially intact, that the number of new and/or expanded buildings be limited in scale, in so far as is practical, to that typical of a farm, and further, no activities shall cause the depletion or erosion of agricultural soils (dust, vehicle tracks, stream bank breakdown, etc.)

9.2.3 Permanent forest industries, including permanent sawmills, planing mills, veneer mills and related operations, provided:

9.2.3.1 There is a complete clean-up of discarded wastes following the cessation of activity

9.2.3.2 There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity

9.2.3.3 The site of the proposed use encompasses an area of at least five (5) acres

9.2.4 Auction yards for livestock and/or agricultural equipment with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred (600) feet, provided that there is no nuisance imposed upon the surrounding farms or dwellings

9.2.5 Commercial outdoor sport and recreational facilities, outdoor musical entertainment

9.2.6 Driving ranges

9.2.7 Game preserves

9.2.8 Gasoline stations with or without store

9.2.9 Detention facilities

9.2.10 Shooting ranges (outdoor)

9.2.11 Recreation camps, resorts or housekeeping units

9.2.12 Restaurants and/or taverns (without drive-through service)

9.2.13 Dog grooming and kennel facilities [Permit criteria include Article 21.45]

9.2.14 Golf courses and country clubs [Refer to Articles 4.2.5 and 21.11]

9.2.15 Hunt clubs (commercial)

9.2.16 Airport with appurtenant facilities, when approved by the Planning Commission after a hearing, provided the operating characteristics are deemed not to conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.)

9.2.17 Surface mining of gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]

9.2.18 Travel trailer courts

9.2.19 Campgrounds (commercial)

9.2.20 Race tracks

9.2.21 Wireless Telecommunications Towers and Facilities over one hundred ~~ninety~~ seventy-nine (~~190~~179) feet in height, or with lights [See Article 21.46]

9.2.22 WTG Large

9.2.23 Anemometer Tower [See Article 21.47]

9.2.24 Unlisted property uses if authorized under Article 21.44

9.2.25 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]

ARTICLE 10 B1 LOCAL BUSINESS DISTRICT

INTENT

The B1 Local Business District establishes a Business District that is more selective than a General Business District. It provides for the establishment of neighborhood shopping areas, personal services, and professional office areas that are compatible with and of service to residential uses, provided the uses are within a completely enclosed building.

SECTION 10.1 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:

10.1.1 Office buildings for administrative, professional, governmental and sales offices

10.1.2 Medical and dental offices, including clinics

10.1.3 Banks and financial institutions, without drive through

10.1.4 Any generally recognized retail business within an enclosed building less than one hundred thousand (100,000) square feet, excluding bars and restaurants serving alcoholic beverages

10.1.5 Any personal service establishment which performs such services as, but not limited to: barber, beauty salon, shoe repair, tailor shops, interior decorators and photographers

10.1.6 Offices and showrooms of plumbers, electricians, decorators or similar trades, without outdoor storage

10.1.7 Rental shops with no outdoor storage

10.1.8 Printing establishments, newspaper offices, publishers, and copying services

10.1.9 Existing residences

10.1.10 Athletic or sports facilities and health clubs, indoor only

10.1.11 Churches

10.1.12 Convalescent or nursing home care facility

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

10.1.14 Educational institutions

10.1.15 Commercial Day Care

10.1.16 Funeral home and mortuary

10.1.17 Family Care Facility

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

SECTION 10.2 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.]

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

10.2.2 Gasoline service stations for sale of motor fuels, oil and minor accessories

10.2.3 Retail uses over one hundred thousand (100,000) square feet

10.2.4 Dry cleaners, laundry

10.2.5 Utility and essential service buildings when operating requirements necessitate the locating of said facilities within the District in order to serve the immediate vicinity

10.2.6 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less in height [Permit criteria include Article 21.46]

10.2.7 Nursery sales, garden supply centers and greenhouses with outdoor display areas

10.2.8 Recycling Facility

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

10.2.10 Unlisted property uses if authorized under Article 21.44

10.2.11 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]

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~~ seventy-nine (~~190~~ 179) 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~~ seventy-nine (~~190~~179) 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]

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~~ seventy-nine (~~190~~-179) 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~~ seventy-nine (~~190~~179) 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]

ARTICLE 13 I INDUSTRIAL DISTRICT

INTENT AND REQUIRED CONDITIONS

The I Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial operations, subject to certain performance requirements relative to their impact on the community and adjacent non-industrial districts.

Whenever an industrial use permitted in this Article requires the use of a storage area or operational activity which is not within the confines of an enclosed building, then adequate greenbelt, screening devices, and/or buffer walls are required. [See Article 21.10 and 21.18]

The height of industrial structures and uses shall be related to building setbacks. For each foot of building height above twenty (20) feet, the minimum yard setbacks shall be increased by one (1) foot when adjacent to non-industrial districts. Building height shall not exceed thirty-five (35) feet.

Any industrial activity which produces glare, noise, vibrations, smoke, dust, odors and similar or related nuisances, shall confine these nuisances to the industrial district and must conform to State and Federal environmental regulations. Industrial operations involving the manufacture, processing, or packaging of materials which are inherently dangerous or hazardous due to flammability, toxicity, radioactivity, explosiveness, shall require special review by the Planning Commission after a hearing, and any approval shall be contingent upon a showing by the applicant industry that no dangerous, noxious or nuisance conditions will impact any adjacent premises. Whenever there is evidence that municipal treatment plants, or any river, wetland, or groundwater, lake, or other water in the County may be damaged, polluted, or otherwise adversely affected by industrial chemicals, environmental contamination prevention measures, spill containment procedures, surety bonds and other financial guarantees to correct damages, may be required by the County.

SECTION 13.1 PRINCIPAL USES PERMITTED

13.1.1 All principal uses permitted in the B3 Business, Light Manufacturing District

13.1.2 Contractors' yards, equipment storage, and materials handling operations

13.1.3 Major utility service yards and buildings, either public or private

13.1.4 Repair operations and/or maintenance activities for vehicles of any kind, including farm implements, conveyors, and other equipment or machinery

13.1.5 Concrete and asphalt manufacturing and distribution

13.1.6 Grain elevators (commercial)

13.1.7 Meat and poultry processing plants

13.1.8 Manufacturing facilities within an enclosed building, and excluding uses listed in Section 13.2

13.1.9 Auto body shop including wrecker service

13.1.10 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less in height without lights [Permit criteria includes Article 21.46]

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

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

13.1.13 WTG Medium: Permitted as an Accessory Use to an allowed Principal Use

SECTION 13.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Under such conditions as the Planning Commission finds the use as not being injurious to the I Industrial District and environs and not contrary to the spirit and purpose of this Ordinance, and subject further to the conditions herein imposed as well as the conditional use standards of Article 19, the following uses may be permitted:

13.2.1 All uses subject to special conditions in the B3 Business, Light Manufacturing District.

13.2.2 Metal plating, buffing and polishing subject to appropriate measures to control any type of process to prevent noxious results, particularly potential acid spills and waste from plating operations.

13.2.3 Manufactured gas, bottled gas and related fuel services or fuel production activities, except the uses specifically exempted by the Michigan Zoning Enabling Act (Public Act 110 of 2006) Petroleum storage tanks, bottled gas or storage tanks for any flammable liquid and production or refining plants for petroleum products when not closer than one thousand (1000) feet from any residential district or residence and three hundred (300) feet from any other district, unless exempt under Act 110 of 2006

13.2.4 Junk yards and places so called for the storage, dismantling, wrecking and disposing of junk, and for refuse material or industrial, agricultural and automotive vehicles, upon findings that the use will operate in a reasonable manner and all harmful effects of open storage, smoke, dust, glare, noise, fire and explosive hazards are confined to the premises and are in accord with all other local and state laws - There shall be provided a completely obscuring wall not to be less than eight (8) feet in height as measured from the grade at the property line. Junk yards shall not be located closer than two hundred (200) feet from the boundary of any other zoning district. [Permit criteria includes Article 21.3]

Such use shall not be closer than forty (40) feet from any lot line. There shall be no outdoor storage of materials, equipment, structures or debris of any kind anywhere outside the designated storage area.

13.2.5 Painting, varnishing and undercoating shops when set back at least seventy-five (75) feet from any adjacent residential district and when conducted within a completely enclosed building

13.2.6 Heavy manufacturing (assembly, processing or cleaning of heavy bulky durable goods requiring heavy trucks or rail transport; drop forging, heavy stamping, punch pressing, plating, hammering or other similar processing activities)

13.2.7 Surface mining of gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]

13.2.8 Manufacturing of explosives, corrosive and other dangerous chemical substances

13.2.9 Metal and wood-stripping establishments

13.2.10 Airports and landing strips

13.2.11 Detention Facilities

13.2.12 Power company generation plants

13.2.13 Printing and publishing plants

13.2.14 Research and development laboratories

13.2.15 Chemical processing and metallurgic manufacturing

13.2.16 Industrial Laundries

13.2.17 Medical Laboratories

13.2.18 Wireless Telecommunications Towers and Facilities over one hundred ~~ninety~~ seventy-nine (~~190~~179)) feet in height [Permit criteria includes Article 21.46]

13.2.19 Unlisted property uses if authorized under Article 21.44

13.2.20 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]

ARTICLE 14 HX HIGHWAY INTERCHANGE COMMERCIAL DISTRICT

INTENT:
The Highway Interchange Commercial land use category includes areas designated for commercial development, which are primarily Interstate access dependent. This district primarily serves thru traffic and tourist needs. Uses that are consistent with these areas include, but are not limited to, gasoline stations, lodging facilities, entertainment facilities, restaurant facilities and similar tourist related developments, as well as warehouses, storage buildings, wholesale facilities and other similar uses. This district is intended to serve traffic entering or leaving the Interstate. These areas may require municipal water and sewer services and/or other comparable forms of water and sewer services with approval by the municipality and District Health Department.

SECTION 14.1 PRINCIPAL USES PERMITTED anywhere in the zoning district
No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

14.1.1Existing residences

14.1.2Banks and financial institutions, except those with drive-through service

14.1.3Office buildings for administrative, professional, governmental and sales offices

14.1.4Medical and dental offices, including clinics

14.1.5Public Schools under the jurisdiction of the Michigan superintendent of public instruction

14.1.6Indoor theaters, halls and similar places of assembly

14.1.7Bowling alleys, pool parlors or billiard parlors

14.1.8Indoor archery range

14.1.9Tavern/night clubs

14.1.10 Restaurants, except those with drive-through service

14.1.11 Bus stations and passenger terminals

PRINCIPAL USES PERMITTED in the zoning district only when access is from a service road. Access shall not be off Marlette Road in Otsego Lake Township and Mills Street in Corwith Township.

141.12 Any generally recognized retail business within an enclosed building under one hundred thousand (100,000) square feet

14.1.13Offices and showrooms of plumbers, electricians, decorators or similar trades, without outdoor storage

14.1.14 Rental shops without outdoor storage

14.1.15 Athletic or sports facilities and health clubs, indoor only

14.1.16 Places of worship

14.1.17 Lumber yards and building material suppliers within enclosed building(s)

14.1.18 Businesses including those with drive-through service

14.1.19 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ seventy-nine (~~190~~ 179) feet or less in height without lights [Permit criteria include Article 21.46.2]

14.1.20 Wholesale sales, storage and distribution facilities including accessory retail sales but excluding storage of flammable or hazardous materials - Outside storage shall be fenced and screened.

14.1.21 Truck and rail freight terminals, including warehousing

14.1.22 Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles - Outside storage shall be fenced and screened.

14.1.23 Lumber yards, building, construction material suppliers and home improvement centers without outside storage

14.1.24 Bottling works, food packaging and freezer plants

14.1.25 Equipment reconditioning indoors on an impervious surface

14.1.26 Nursery sales and garden supply centers within enclosed building and without outside clay area(s)

14.1.27 Construction and utility service contractors storing heavy equipment with inside storage only

14.1.28 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.

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

14.1.30 Utilities - All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded) shall be located underground, except where above ground equipment such as transformers, control panels, services connections and meters are required - All above ground equipment shall be located at the rear of the building. [Permitted criteria includes Article 21.10 regarding screening and fences]

ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT

Adopted 9.13.2016

MUZ MAIN STREET MULTIPLE USE ZONING

INTENT:

Main Street Multiple Use Zoning (MUZ) is established for the purpose of accommodating the highest concentration of retail and service establishments. It is designed with the intent to promote a pedestrian-oriented and accessible, central commercial service district where a variety of mutually supporting retail, office, commercial, civic and limited residential uses are permitted. Collectively, the uses permitted in this district are intended to provide a convenient and attractive retail and service center for the community, its rural trade area and tourist traffic. A prime characteristic of this district is the offering of a variety of goods and comparison shopping opportunities directed primarily at the pedestrian shopper.

Each use shall be complementary to the stated function and purpose of the district and shall not have adverse impact upon street capacity, safety and utilities. In an effort to encourage this type of character and provide for the health, welfare and safety of the pedestrian in the area, drive-in and drive-through operations are excluded from this district.

The Main Street MUZ is further designed and intended to:

A. Encourage innovative, traditional and neo-traditional commercial and mixed use developments

B. Encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented setting, with on-street customer parking

C. Extend greater opportunities for traditional community living, working, housing and recreation to all citizens, residents and visitors of the community

D. Encourage a more efficient use of land and public services and to reflect changes in technology of land development by directing new development in a traditional, compact and consolidated pattern of mixed use

E. Promote a walkable community and blend land uses to minimize traffic congestion

F. Prohibit the development of drive-in and drive-through facilities which contribute to traffic congestion and pose a threat to the pedestrian environment

G. Promote the creation of community places which are oriented to the pedestrian, thereby promoting citizen security and social interaction

H. Promote structures that are harmonious in overall design and development pattern

I. Encourage development of a community "Main Street" with mixed land uses, on-street customer parking and a continuous series of building façades and store fronts, which not only serves the needs of the immediate neighborhood but also the surrounding areas

SECTION 15.1 PRINCIPAL USES PERMITTED

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

15.1.1 Art galleries

15.1.2 Business establishments which perform services on premises such as, but not limited to, banks, savings and loans and credit unions, pedestrian oriented automated teller machine facilities

15.1.3 Dry cleaning establishments or pick-up stations dealing directly with the consumer, limited to two thousand (2,000) square feet of floor area; Central dry cleaning plants serving more than two (2) retail outlets shall be prohibited.

15.1.4 Hotels, bed and breakfast inns and bed and breakfast houses with more than four (4) rooms must meet off street parking requirements of Article 21.18.6.4.

15.1.5 Professional offices: Office for medical, dental, legal, engineering, architectural, accounting services, brokerage houses, insurance, real estate or travel agencies with a footprint of up to seven thousand (7,000) square feet

15.1.6 Mixed-use buildings with business, commercial or service uses on the ground floor and residential or office uses on upper floors - Where there is mixed business/office and residential use in a building, there shall be provided a separate, private pedestrian entranceway for the residential uses.

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

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

15.1.8.1 Outdoor eating areas may be on a public right-of-way, on a building roof top, as part of a patio or deck or within the boundaries of a parcel or lot.

15.1.8.2. A minimum of four (4) feet of public sidewalk along the entire eating area and leading to the entrance of the establishment shall be maintained free of tables and other encumbrances. The pedestrian area shall also be free from benches, waste receptacles, fire hydrants and similar structures. If the sidewalk is not wide enough to allow for a four (4) foot wide clearance for circulation, the outdoor eating area shall not be permitted on a public sidewalk.

15.1.8.3 The outdoor eating area shall be kept clean, litter-free within and immediately adjacent to the area of the tables and chairs. Additionally, all waste generated on site shall be contained by the owner, which may require outdoor waste receptacles. Owners are responsible for all wastes so generated. Written procedures for cleaning and waste containment and removal responsibilities must be included with all applications.

15.1.8.4 Tables, chairs, planters, waste receptacles and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors. All tables, chairs, umbrellas and other furniture and fixtures must be stored inside the building or in an alternate location other than a public sidewalk, except thirty (30) minutes prior to opening until sixty (60) minutes after closing.

15.1.8.5 Such areas are permitted seasonally between April 1st and October 31st; the hours of operation for the outdoor eating area shall be established and noted with the application.

15.1.8.6 The owner of an outdoor eating area may apply for two (2) event permits outside of the normal season of not more than ten (10) days combined; all other outdoor eating area requirements apply.

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

15.1.9 Personal service establishments within a completely enclosed building, provided each occupies a total usable floor area of not more than seven thousand (7,000) square feet, including but not limited to such uses as: repair shops (watches, radio, television, shoes, etc.), tailor and dressmaking shops, beauty parlors and styling salons, barber shops, photographic studios, film processing outlets, copy centers, interior decorators, postal centers and computer services

15.1.10 Public, quasi-public and institutional uses such as, but not limited to, municipal buildings and offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities, parks and playgrounds, post offices and civic centers and schools but excluding storage yards

15.1.11Retail businesses which supply commodities on the premise with a footprint of up to seven thousand (7,000) square feet, such as but not limited to: groceries, meats, fruits and produce, dairy

products, baked goods, candies, wine (specialty wine shops only) and other specialty food products (such products can be produced on the premises as an accessory use provided they are sold on the site at retail prices); and stores selling drugs, dry goods, flowers, clothing, notions, books and magazines, toys, sporting goods, shoes, tobacco products, musical instruments, recorded music, video rentals and sales, gifts and souvenirs, antiques, furniture and hardware

15.1.12 Retail sales with a footprint of up to seven thousand (7,000) square feet in which both a workshop and retail outlet or showroom are required, such as plumbing, electrical, interior decorating, upholstering, printing, photographic-reproducing, radio, and home appliance and similar establishments of similar character subject to the provision that not more than eighty percent (80%) of the total useable floor area of the establishment shall be used for servicing, repairing or processing activities and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located

15.1.13 Cocktail lounges, bars, taverns (pubs) and brewpubs (excluding drive-in restaurants and those with drive-through facilities), where the patrons are served within the building occupied by such establishment

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

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

15.1.15.1 Offices and home occupations when operated within the confines of a single family dwelling as an accessory to living quarters [Permit criteria for these uses include Article 4 R1 Residential District.]

15.1.16 Existing Residences

SECTION 15.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted subject to the conditions herein imposed for each use, the review standards of Article 4.2 and only after the review and approval of the site plan by the Otsego County Planning Commission. See Article 21 for applicable Specific Requirements for Certain Uses, if any, and Article 23 for site plan requirements.

15.2.1 Indoor recreational centers, including the following: bowling alleys, roller and ice skating rinks, pool or billiard halls, pinball and mechanical amusement device arcades and other general indoor recreation facilities, with a footprint of up to seven thousand (7,000) square feet

15.2.2 Hardware, equipment rental and building supplies where the size is limited to seven thousand (7,000) square feet total, of which less than two thousand (2,000) square feet is outdoor storage; The Otsego County Planning Commission may permit outdoor storage for such uses provided it determines the design, placement and screening of such outdoor storage complies with the requirements of this ordinance.

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

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

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

15.2.6 Accessory buildings with a footprint not greater than eight hundred (800) square feet

15.2.7 Utilities: All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded), shall be located underground except where above ground equipment such as transformers, control panels, service connections and meters are required. All above ground equipment shall be located at the rear of the building. [Permit criteria includes Article 21.10 regarding screening and fence]

15.2.8 Personal Wireless Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height [Permit criteria included in Article 21.46]

15.2.9 Unlisted property uses if authorized under Article 21.44

Christine Boyak-Wohlfeil

From: Christine Boyak-Wohlfeil
Sent: Wednesday, January 23, 2019 7:45 AM
To: Ken Arndt (karndt@arndtandassoc.com); Willard Brown (wishlb@outlook.com); Jan Norton (jnorton144@hotmail.com); Judith Jarecki (jjarecki36@gmail.com); Chuck Klee (chuckselectricofgaylord@yahoo.com); Paul Hartmann (paul.hartmann09@gmail.com); Jason Caverson (JCAVERSON@WadeTrim.com); Steven J Bauman (steve.bauman@hotmail.com); Nora Corfis (noraholly@sbcglobal.net); Ken Borton (kborton@otsegocountymi.gov); Jim Hilgendorf (hilgendorf_james@yahoo.com)
Cc: Christopher Churches; James Mouch; Rachel Frisch (rfrisch@otsegocountymi.gov)
Subject: RE: Text Amendments
Attachments: Revised Section 21.46 Wireless - ARTICLES 6, 8 - 15 Amendments.docx; ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING Edit 2.docx

Good morning everyone,

I have attached copies of the text amendments to Section 21.46 Wireless Communications and related sections and also Article 27 Township Participation discussed at Monday night's planning commission meeting. Please look them over and provide input for the pending public hearing in March. If you have any questions, please let us know.

Thank you,
Christine

Otsego COUNTY
ESTABLISHED 1875 M I C H I G A N

Christine Boyak-Wohlfeil
Otsego County Land Use Services
Phone: 989.731.7407
Fax: 989.731.7419
cboyak-wohlfeil@otsegocountymi.gov

CHARLTON TOWNSHIP

P.O. Box 367
Johannesburg Mi 49751

02/12/19

Otsego County Land Use Services:

At our February 11th meeting Charlton Township Voted to recommend that the proposed changed to the Otsego County Ordinance article 27 be adopted.

Charlton Township also voted to recommend that the proposed changes to section 21.46 of the Otsego County Ordinance be adopted.

Respectfully submitted

Matthew Nowak

Charlton Township Supervisor

Elmira Township Planning Commission
Draft of minutes for the
February 26, 2019 Meeting

Present: Vice Chairperson Syl Tomaszewski, Ann Vogel, Paul Hartmann
Excused: Jessica Henke, Duane Hoffman

Syl opened the meeting at 7:00 p.m.
Minutes of the October, 2018 meeting were approved as written.

Just before the meeting began, Diane Franckowiak stopped by to give us a copy of the letter that she received from the Dalton Tomich, a law firm hired by DCS Tower Sub, LLC, a wholly-owned subsidiary of American Tower Corp. The letter recommends that Elmira Twp. oppose the proposed 179 ft. (+ 20 ft.) tower to be built on Fr. Steve Recker's property. American Tower's lawyers have tried to stop their competitor from building the tower for AT&T previously. However, the proposed tower will serve an underserved area: Glen Meadows and the homes and subdivisions near the Gaylord Country Club. Our Elmira Twp. Planning Commission is on record having approved the proposed tower and encouraging its construction.

During this meeting, the Planning Commission has approved the following amendments recommended by the Otsego County Planning Commission:

Article 27, Township Participation in County Zoning
Improving communication between County and Twp. Planning Commissions by allowing for electronic mail and including the Chairpersons of the Twp. PC's as well as the Twp. clerks.

Article 21.1, Accessory Buildings
Allowing for smaller (less that 200 sq. ft.) accessory buildings to be built without a building permit; doing away with the 4000 sq. ft. maximum size of the accessory building(s); and limiting the height of RR District accessory buildings within 500 ft. of any waterfront to 14 ft.

The meeting was adjourned at 7:40.
Paul Hartmann, Secretary

March 12, 2019

Mr. Christopher Churches
Director Planning and Zoning
Otsego County Land Use Services
1322 Hayes Road
Gaylord, Michigan 49735

Dear Chris,

The Otsego Lake Township Planning Commission recommends the Otsego County Planning Commission send the proposed text amendments to Article 23 Township Participation in County Zoning and Section 21.46 Wireless Communications to the Otsego County Board of Commissioners for adoption. However the Otsego Lake Township Planning Commission would oppose any future increase in wireless tower heights for the R1, R2, and RR districts.

Sincerely,

Nora Corfis
Secretary

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
March 18, 2019

The Otsego County Planning Commission will hold three public hearings on Monday, March 18, 2019 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. MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township at 4855 West Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct additional storage units to the already existing. The property is located in a B2 / General Business Zoning District. Mini-storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in the B2 Zoning District.

Parcel identification number: **011-800-000-018-02**
4855 West Otsego Lake Dr
Gaylord, MI 49735

Legal Description:
LOTS 18-21 WEST OTSEGO LAKE SEC 29 T30N R3W

2. SECTION 21.46 WIRELESS COMMUNICATIONS
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to tower height

3. ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING
Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to Township notifications and timeframes

Proposed amendments can be viewed on the Otsego County website link below:
https://www.otsegocountymi.gov/county-government-2/land-use-services/planning-zoning/

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.

*****Amendment changes / additions are highlighted in yellow**

*****Amendment deletions are double struck**

Proposed Language:

ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING

It having been established that the Township units of government in Otsego County are desirous of actively participating in zoning amendment and zoning procedures; and Otsego County having determined that such participation is needed in the zoning process,

NOW, THEREFORE, IT IS HEREBY DECLARED to be the policy of Otsego County that no zoning decision (with respect to those matters hereinafter set forth) affecting any particular township shall be made without the direct participation of said township so affected in accordance with the following procedures:

27.1 When a Petition is filed with the Otsego County Planning Commission or Otsego County Zoning Board of Appeals with respect to any of the four (4) types of requests listed below, ~~and then~~ the procedure specified in 27.2 shall be followed prior to a decision being rendered by the County Planning Commission or the County Zoning Board of Appeals:

27.1.1 Changes in zoning district boundaries;

27.1.2 The approval of Uses Subject to Special Conditions, Special Approval Uses, and Special Land Uses;

27.1.3 The approval of Planned Unit Developments, all condominium projects, and all subsequent phases of an approved phased development;

27.1.4 Any appeal of an administrative decision, Ordinance interpretation, or variance.

27.2 Prior to a hearing by the County Planning Commission, the Otsego County Zoning Administrator shall forward by certified, ~~or~~ first class, or electronic mail, said written petition to the township clerk, supervisor, and Planning Commission Chair of the township within which the property associated with the petition is located and shall execute and file an Affidavit of Mailing such petition.

Upon the approval or disapproval of the petition by the affected township, said township's clerk shall notify, in writing, the petitioning party and the Otsego County Zoning Administrator of the Township's ~~Board's~~ approving government body's decision. The Petition shall then be acted upon, with due regard to the affected Township's decision, by the Otsego County Planning Commission in conformance with this Ordinance.

In like manner, and under the same conditions, authority, and rule of policy, the Otsego County Board of Appeals, shall make no rule, interpretation or determination on any matter pertaining to a zoning variance (Article 26.2) affecting any particular township, without the Otsego County Zoning Administrator first forwarding, by certified, ~~or~~ first class, or electronic mail, said written petition to the township clerk, supervisor, and Planning Commission Chair of the township to be affected by said petition; the Zoning Administrator shall execute and file an Affidavit of Mailing as to such petition.

Upon the approval or disapproval of the petition by the affected township, said township's clerk shall notify, in writing, the petitioning party and the Otsego County Zoning Administrator of the Township's ~~Board's~~ approving government body's decision. The petition shall then be acted upon with due regard to the affected Township's decision by the Otsego County Zoning Board of Appeals in conformance with this ordinance.

The affected township shall take some official action to notify the County Zoning Administrator of its decision within seven (7) days following the township's next approving government body's meeting (Planning Commission or Township Board), or within forty (40) days after having received the written petition, whichever is less. The township may take an additional thirty (30) days to study the matter and take action thereon; but it

shall file written notice with the Zoning Administrator within the original forty (40) days of its intention to take the additional time. **Exception:** Due to state law time frames for wireless communication towers, an extension beyond the original forty (40) days shall not be permitted. It shall be presumed that the township waives its right to act if no action is taken within the applicable time period(s).

Township participation in the zoning amendment and zoning decision procedures shall only apply to those townships which file notice with the Otsego County Zoning Administrator stating their desire to proceed under the provision of this article.

Christine Boyak-Wohlfeil

From: Christine Boyak-Wohlfeil
Sent: Wednesday, January 23, 2019 7:45 AM
To: Ken Arndt (karndt@arndtandassoc.com); Willard Brown (wishlb@outlook.com); Jan Norton (jnorton144@hotmail.com); Judith Jarecki (jjarecki36@gmail.com); Chuck Klee (chuckselectricofgaylord@yahoo.com); Paul Hartmann (paul.hartmann09@gmail.com); Jason Caverson (JCAVERSON@WadeTrim.com); Steven J Bauman (steve.bauman@hotmail.com); Nora Corfis (noraholly@sbcglobal.net); Ken Borton (kborton@otsegocountymi.gov); Jim Hilgendorf (hilgendorf_james@yahoo.com)
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Christine

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Christine Boyak-Wohlfeil
Otsego County Land Use Services
Phone: 989.731.7407
Fax: 989.731.7419
cboyak-wohlfeil@otsegocountymi.gov

CHARLTON TOWNSHIP

P.O. Box 367
Johannesburg Mi 49751

02/12/19

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Mr. Christopher Churches
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Otsego County Land Use Services
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