

**OTSEGO COUNTY
PLANNING COMMISSION**

**August 19, 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 July 15, 2019 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. *Tim and Marsha Lash, owner/applicant, request a Rezone for properties located in Corwith Township:*

<u>042-011-400-005-00</u> 1960 Alexander Rd Vanderbilt, MI 49795	<u>042-012-300-010-00</u> 2230 Alexander Rd Vanderbilt, MI 49795
--	--

PZRZ19-002 - Request properties be rezoned from I Industrial to FR Forestry Recreation

 - a. *Open Public Hearing*
 - b. *Applicant Summary*
 - c. *Public Comment (3 minute limit)*
 - d. *Close Public Hearing*
 - e. *Planning Commission Discussion*
 - f. *Findings/Motion*
9. ADVERTISED CASES:
 1. *Tim and Marsha Lash, owner/applicant, request a Rezone for properties located in Corwith Township:*

<u>042-011-400-005-00</u> 1960 Alexander Rd Vanderbilt, MI 49795	<u>042-012-300-010-00</u> 2230 Alexander Rd Vanderbilt, MI 49795
--	--

PZRZ19-002 - Request properties be rezoned from I Industrial to FR Forestry Recreation
10. UNFINISHED COMMISSION BUSINESS:
 1. *Proposed Text Amendments – Discussion*
 - a. *Section 2, Articles 4,5, 7- 10, 21.12- Family and Group Child Care Homes*
11. NEW BUSINESS
 1. *Chester Township representative - Recommendation*
12. REPORTS AND COMMISSION MEMBER’S COMMENTS:
 1. Otsego County Parks & Recreation report / Judy Jarecki
 2. Land Use Services
Chris Churches
Jim Mouch
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for July 15, 2019

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Hilgendorf, Mr. Scott, Mr. Caverson, Mr. Bauman, Ms. Corfis

Absent: Mr. Arndt, Mr. Borton, Mr. Brown, Mrs. Norton

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

Public Present: None

Approval of minutes from: May 20, 2019

Chairperson Hartmann requested discussion on the minutes.

Motion made by Mr. Bauman to approve minutes as presented; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda: None

Public Hearing:

1. Section 21.1 - Accessory Buildings –Otsego County Zoning Ordinance –Text amendments

Proposed language pertaining to building size

- a. Open Public Hearing*
- b. Applicant Summary*
- c. Public Comment (3 minute limit)*
- d. Close Public Hearing*
- e. Planning Commission Discussion – Motion*

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

Public hearing opened: 6:02pm

With no public in attendance, Chairperson Hartmann closed the public hearing.

Public hearing closed: 6:03pm

Advertised Case:

Section 21.1 - Accessory Buildings –Otsego County Zoning Ordinance –Text amendments

Proposed language pertaining to building size

Chairperson Hartmann stated the text amendments had been discussed at length at June's meeting and requested further comment on the differences.

Mr. Churches stated the amendments to Section 21.1 remained the same as discussed previously except the proposed amendment to limit the height of the sidewall for accessory buildings within five hundred feet (500') of a body of water was tabled and sent back to committee for further discussion.

Chairperson Hartmann requested further explanation from Mr. Mouch.

Otsego County Planning Commission

Proposed Minutes for July 15, 2019

Mr. Mouch stated complaints had been received concerning the height of accessory structures inhibiting the view of the lake for neighboring properties; with the added wall height, truss requirements were different and this afforded the ability to allow living space above the accessory building. There were numerous cases where living space was added after the fact without any of the proper permits.

Mr. Scott stated the maximum building height in the County was thirty-five feet (35') for a residence; a two (2) story home could be built and would also block the view but would be allowed on the lake.

Mr. Mouch stated that was correct but an accessory building with a taller wall height would enable a second residence on a single parcel and that was not allowed. A single family residence is a permitted use, a secondary residence is not.

Ms. Corfis questioned the addition of a mother-in-law suite if it lacked either a kitchen or a bathroom.

It was stated that would be considered a guest house and would require a special use permit.

Mr. Mouch stated this was becoming very prevalent; without building, zoning or health department approval, the safety aspect was brought into the picture. These additional living quarters were being discovered after the fact and it becomes a problem stopping it at that point. Preventing two story accessory buildings would eliminate the problem at the source.

Ms. Corfis stated this should possibly be applied County wide as opposed to lakefront properties only.

Mr. Mouch stated the fourteen foot (14') side wall height was chosen because an architectural blueprint would be required on anything taller. An architect, by law has to print out the 'use code' on their drawing. Any use other than what was stated could be upheld in court; the architect's license would be on the line.

Mr. Churches stated second residences were more prevalent in the RR Zoning District; that is why lakefront properties were suggested but applying it elsewhere could definitely be considered at the next committee meeting.

Mr. Mouch also pointed out the proposed amendment included the elimination of a zoning permit for a one story accessory building less than two hundred (200) sq ft. This was based on the Michigan Building Code for consistency; a building permit was not required either.

Chairperson Hartmann requested a committee meeting be set up for further discussion on the subject of accessory building wall height and all Commission members would be invited to attend.

Chairperson Hartmann requested further discussion on the proposed amendment presented; hearing none, requested a motion to recommend. *SEE ATTACHMENT 1*

Motion made by Mr. Scott to recommend the text amendments to Article 21, Section 21.1 Accessory Buildings as presented to the Otsego County Board of Commissioners for their approval; Seconded by Mr. Bauman.

Motion approved unanimously.

Public Hearing:

2. Section 21.26 – Nonconformities – Otsego County Zoning Ordinance – Text amendments

Proposed language pertaining to replacement of existing nonconforming structures

- a. Open Public Hearing*
- b. Applicant Summary*
- c. Public Comment (3 minute limit)*
- d. Close Public Hearing*
- e. Planning Commission Discussion – Motion*

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

Public hearing opened: 6:15pm

Chairperson Hartmann requested comment from Land Use.

Mr. Churches stated the proposed amendment basically allowed a nonconforming structure to be rebuilt within the original footprint, whether it had burned down or was demolished for reconstruction. The current language allowed

Otsego County Planning Commission

Proposed Minutes for July 15, 2019

reconstruction but only in percentages. He felt the change allowed more transparency as to what was actually being done.

Chairperson Hartmann pointed out the sketch included in the proposed amendment depicting nonconformity, stating he felt it was very well done.

Mr. Churches stated it was included to clarify the existing language for collective interpretation.

Ms. Corfis questioned the sketch and the continuation of the nonconformity stating that on a small lot, continuing the nonconformity could become a hardship on a neighbor.

Mr. Churches read a paragraph from the Michigan Township Association (MTA) Guide to Planning & Zoning relating to nonconformity. *SEE ATTACHMENT 2*

Ms. Corfis stated she understood it was up to interpretation but felt it would still be a burden on a neighboring property owner to allow an addition to a structure at the same nonconformity. If the setback could be met for the addition, it should be required.

Mr. Scott questioned if a structure was destroyed and the foundation removed, could it be rebuilt on the same footprint.

Mr. Churches stated yes.

Mrs. Jarecki questioned if everything had to be completed within eighteen (18) months referring to Section 21.26.5.5.

Mr. Churches stated as long as a zoning permit was submitted and approved, the project could move forward with building.

Mr. Mouch stated after a year, a building permit renewal could be requested and granted for continued work.

Ms. Boyak-Wohlfeil stated an approved zoning permit was valid for a year from the date of issuance.

Mr. Hilgendorf stated the language was reviewed by the County Attorney and he did not voice objections to it.

Ms. Corfis stated Mr. Kazim had indicated they had a choice to allow nonconformity to continue or be eliminated. She wasn't sure this coincided with the Master Plan in regards to lake views and the greenbelt area put in place to protect the lake. She stated that it was Otsego Lake Township's opinion that if the room existed and the structure could be moved to meet the setbacks, it should. If there was a valid reason why a setback could not be met, then it should be brought before the Zoning Board of Appeals (ZBA) for a variance; that was the purpose of the ZBA.

Mr. Caverson stated nonconformities were included in the Ordinance to protect structures and uses that existed prior to zoning. Zoning laws can't just be enacted with total disregard to what was already in place; there were legal reasons why these were allowed to continue.

Ms. Corfis stated Mr. Kazim said they had the option; they could continue with the nonconformity or become more conforming.

Mr. Bauman stated the option meant you could make it more conforming but you did not have to. Not allowing the nonconformity to continue meant more dilapidated structures in the County.

Mr. Scott stated most of these original lakefront structures were setback approximately the same distance from the water so demanding one person set his back further because it happened to be destroyed was unfair. He would lose his view and this could possibly cause hardship with the location of the well and septic. On a smaller lot, they may have to be relocated and there may not be room to do so not to mention the added costs.

Ms. Corfis stated there were extremes on both sides; she also pointed out that one of the supporting reasons included in the summary was the potential to increase taxable value; zoning should be based on health, safety and welfare and not on potential receipts to the government.

Chairperson Hartmann stated that was included as research to show the percentage of properties that were nonconforming and the percentage of tax base involved.

Otsego County Planning Commission

Proposed Minutes for July 15, 2019

Mr. Churches stated it was included to show the percentage of constituents that lived on these properties and what a high impact this proposal would have on them whether it passed or not. It would allow them to update their properties instead of having them continue living in a dilapidated structure because they had no choice.

Ms. Corfis stated zoning should focus on the health, safety and welfare of the County.

Chairperson Hartmann closed the public hearing.

Public hearing closed: 6:35pm

Advertised Case:

*2. Section 21.26 – Nonconformities – Otsego County Zoning Ordinance – Text amendments
Proposed language pertaining to replacement of existing nonconforming structures*

Chairperson Hartmann requested further discussion; hearing none, requested a motion to recommend. *SEE ATTACHMENT 3*

Motion made by Mr. Hilgendorf to recommend the text amendments to Article 21, Section 21.26 Nonconformities as presented to the Otsego County Board of Commissioners for their approval; Seconded by Mr. Scott.

Motion approved unanimously.

Unfinished Commission Business: None

New Business:

Chairperson Hartmann stated Mr. Arndt would be stepping down from the Planning Commission and an application had been received for Bagley's recommended member, Peter Maxwell. He reviewed the application and made the following motion for recommendation to the Board of Commissioners:

Motion made by Mr. Hartmann to recommend the appointment of Peter Maxwell to the Otsego County Planning Commission as Bagley Township's representative for approval by the Otsego County Board of Commissioners; Seconded by Mr. Caverson.

Motion approved unanimously.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated the Fourth of July holiday was a success, the County Park was full –the agreement between Otsego Lake Association and Johannesburg was up for discussion, it was in place to avoid firework displays on the same night – Chuck's Electric was awarded the bid for the electrical upgrade at the Park; a new employee was hired at the Groen – the Ranger Station is complete and came in under bid – the new entrance to the Groen is still under construction awaiting the gate installation; the baseball diamond at Libke Field had been resurfaced with the help of grant money but now the fencing and backstop needed upgrades – grant money would be sought.

2. Land Use Services report

Chris Churches: Pines 45 Gaylord Apartment Project

Mr. Churches stated the County had met with the City of Gaylord and was asked to brief the Planning Commission on an apartment complex planned for construction on the south side of the Otsego Club along M-32. The property is destined to be annexed into the City after the completion of two hundred twenty-eight (228) apartments within seven (7) buildings; a playground area is planned along with a dog park, pool and community building. Once Bagley Township signs the annexation agreement, the property will be outside of County Zoning. This complex will be the largest taxpayer in the City.

Master Plan

Chairperson Hartmann stated it was required the Master Plan be reviewed every five (5) years; the adopted date of the current Master Plan was 2015. After meeting with Mr. Churches and Mrs. Frisch, Otsego County Administrator, it was decided that any major revisions would be postponed until the 2020 census data was received since much of the

Otsego County Planning Commission

Proposed Minutes for July 15, 2019

data was statistics. The Plan would be updated now for any possible clerical errors as well as some of the maps for clarity. The Plan could be revised anytime within the five years.

Mr. Hilgendorf questioned the Big Lot signage around the County.

Mr. Churches stated it would be looked into.

Ms. Corfis stated she would be contacting Land Use to discuss the cemetery in Otsego Lake Township and how it could be made more conforming with the Zoning Ordinance

With nothing further, Chairperson Hartmann adjourned the meeting.

Adjournment: 6:55pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

Otsego County Planning Commission

Proposed Minutes for July 15, 2019

ATTACHMENT 1:

Proposed Language:

SECTION 21.1 ACCESSORY BUILDINGS

- 21.1.1 Accessory buildings in the R1, R2, R3 & RR Districts shall be subject to the side and front yard setback requirements as regulated in Article 17 SCHEDULE OF DIMENSIONS, but need not be farther than ten (10) feet from the rear property line.
- 21.1.2 In residential districts all accessory buildings and uses shall be in the rear yard except in the case of one detached private garage which may be allowed in the side or front yard, provided it maintains the setback requirements as regulated in Article 17 SCHEDULE OF DIMENSIONS.
- 21.1.3 Accessory buildings two hundred (200) square feet or less do not require a zoning permit. Such buildings must maintain the setback requirements defined in Article 17 SCHEDULE OF DIMENSIONS. ~~Detached accessory buildings for residential use in any district shall not exceed a total ground floor area of: twelve hundred (1,200) square feet in R1, R2 and RR, and two thousand (2,000) square feet in R3, FR and AR, except:~~
- ~~21.1.3.1 Where the lot is larger than the minimum size for that zoning district, the total accessory building square footage may be increased proportionally to the lot size in the following manner: twenty five (25) square feet increase in allowable accessory buildings for every one thousand (1,000) square feet that the lot exceeds minimum lot size, up to a maximum of four thousand (4,000) square feet.~~
- 21.1.4 Agricultural buildings and structures incident to use for agricultural purposes are exempt from accessory building requirements.
- 21.1.5 Accessory buildings shall not be used for residences.
- 21.1.6 Accessory buildings may not be used for commercial storage. Accessory structures incident to a permitted or special use in the zoning district which it is located are permitted (for example, an accessory building for the storage of golf carts would be allowed on an approved golf course in a RR District).

Otsego County Planning Commission

Proposed Minutes for July 15, 2019

ATTACHMENT 2:

MICHIGAN TOWNSHIP ASSOCIATION GUIDE TO PLANNING & ZONING

(Excerpt)

Zoning ordinance provisions for nonconformities

...

- *Enlarging/expanding nonconforming buildings or uses* – Most ordinances will not permit a nonconforming building to increase its nonconformity. For example, a building that has a nonconforming side yard would not be permitted to build an addition that would bring the building even closer to the side lot line (unless a variance was granted by the zoning board of appeals, in which case nonconforming regulations would no longer apply).

However, the township may allow nonconforming buildings to expand, as long as the nonconformity is not increased. Approval is normally granted by the ZBA, based on certain requirements and standards....

Otsego County Planning Commission

Proposed Minutes for July 15, 2019

ATTACHMENT 3:

Proposed Language:

SECTION 21.26 NONCONFORMITIES

21.26.1 INTENT

It is recognized that there exists within the districts established by this Ordinance and/or by subsequent amendments, lots, buildings, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

It is the intent of this Ordinance to permit these legal nonconforming lots, buildings, structures, or uses to continue until they are removed but not to ~~encourage their survival~~ **allow new nonconformities**. ~~Minimum front, side and rear setbacks, minimum lot width and maximum lot coverage modifications up to twenty-five percent (25%) may be approved by the Zoning Administrator upon a written finding that such a modification will have no adverse impact on the use or development of adjoining lots or threaten the public health or safety in any way.~~

21.26.2 NONCONFORMING LOT

A nonconforming lot is a lot that the boundaries of which are recorded in a plat, deed or land contract executed and delivered prior to the effective date of this Ordinance and the width, depth, and/or area of which does not meet the minimum dimensional requirements of the District in which it is located.

A single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the District in which such lot is located. Minimum front, side and rear setbacks, and maximum lot coverage modifications up to twenty-five percent (25%) may be approved by the Zoning Administrator. Modifications greater than twenty-five percent (25%) may be obtained only by approval of the Board of Appeals.

Where two (2) or more adjoining nonconforming lots are in existence under single ownership, such lots shall be used only in combinations which most closely satisfy the minimum lot size standards prescribed for the District in which said lots are located.

For definition purposes, "most closely" shall apply in situations where, for example, two (2) lots combined do not meet the minimum, but a third (3) lot would exceed the minimum by a greater amount than two (2) lots would fall short; hence, only two (2) lots need to be combined in this case.

21.26.3 NONCONFORMING USE OF LAND

Nonconforming uses of land may be continued, so long as they remain otherwise lawful, subject to the following provisions:

21.26.3.1 No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

21.26.4 NONCONFORMING STRUCTURE

Nonconforming structures may be continued so long as they remain otherwise lawful, subject to the following provisions:

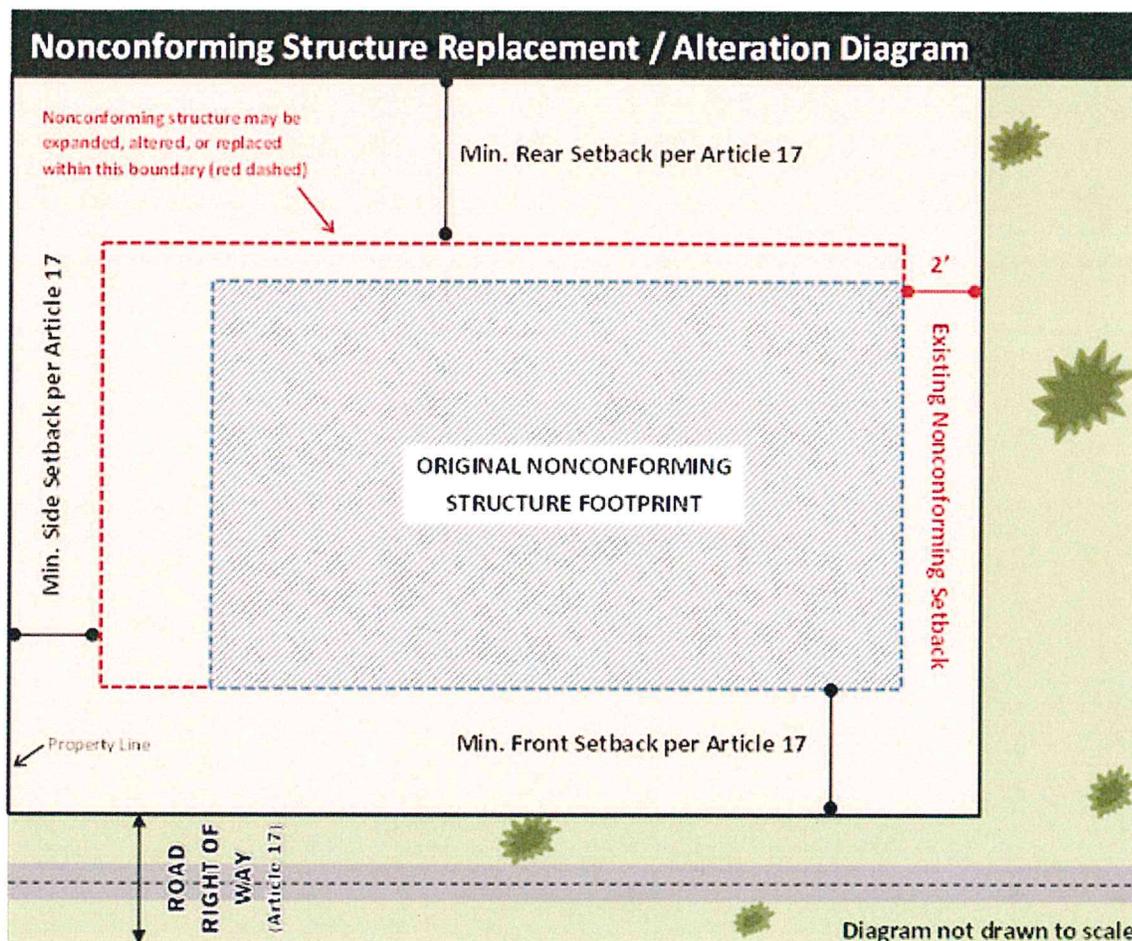
21.26.4.1 No nonconforming structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.

21.26.4.2 ~~Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its volume or floor area, exclusive of the foundation, or basement, it shall be reconstructed only in conformity with the provisions of this Ordinance.~~
A nonconforming structure may be restored, rebuilt, repaired, or replaced provided it utilizes the footprint of the original structure. Enlargements or alterations to the original structure's footprint may be made pursuant to section 21.26.4.1.

21.26.4.3 Should such structure be moved for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

Otsego County Planning Commission

Proposed Minutes for July 15, 2019



21.26.5 NONCONFORMING USES OF STRUCTURES AND LAND

Nonconforming uses of structures and land may be continued so long as they remain otherwise lawful, subject to the following provisions:

- 21.26.5.1 No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied, other than to remove or lessen nonconforming conditions.
- 21.26.5.2 Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.
- 21.26.5.3 Any nonconforming use of a structure, land, or structure and land, may be changed to another nonconforming use provided that the other use is equally or more appropriate to the district than the existing nonconforming use.
- 21.26.5.4 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed. A change in tenancy and ownership of nonconforming premises is permissible.
- 21.26.5.5 When a nonconforming use of structure, land, or structure and land in combination, is discontinued or ceases to exist for eighteen (18) consecutive months, the use, structure, or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- 21.26.5.6 Removal or destruction of the use and/or structure shall eliminate the nonconforming status.

21.26.6 REPAIR AND MAINTENANCE

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

21.26.7 SPECIAL LAND USE IS NOT A NONCONFORMING USE

Any use for which a special use permit is issued as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

**OTSEGO COUNTY
Planning Commission**



ADVERTISED CASE EXECUTIVE SUMMARY

AGENDA ITEM: 9	AGENDA DATE: 8/19/2019
AGENDA PLACEMENT: Advertised Cases, Item 1	ACTION REQUESTED: Motion to Recommend
STAFF CONTACT(S): Chris Churches, Planning & Zoning, Capital Projects Director Christine Boyak-Wohlfeil, Zoning Officer	ATTORNEY REVIEW: No

BACKGROUND/DISCUSSION:

This case involves the re-zone of two parcels in Corwith Township from the Industrial Zoning District (I) to the Forestry Recreation District (FR). The applicants are requesting a re-zone to allow for the construction of a single-family dwelling on the property.

RECOMMENDED MOTION:

1. Motion to approve the findings of fact as presented in Exhibit 13.
2. Motion to recommend the re-zone of parcel numbers 042-011-400-005-00, and 042-012-300-010-00 from the Industrial Zoning District (I) to the Forestry Recreation District (FR) to the Otsego County Board of Commissioners.

**OTSEGO COUNTY
PLANNING COMMISSION**

PZRZ19-002

REZONE

042-011-400-005-00, 042-012-300-010-00

Exhibit List

- Exhibit #1:* Application for case PZRZ19-002 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended June 25, 2019
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended July 30, 2019
- Exhibit #4:* Copy of Otsego County Equalization Department record cards/Land Contract 1377/22
- Exhibit #5:* Site Plan
- Exhibit #6:* Survey
- Exhibit #7:* Letter of Authority dated June 25, 2019
- Exhibit #8:* Public Hearing Notice
- Exhibit #9:* Letter to Corwith Township Planning Commission dated July 17, 2019
- Exhibit #10:* Response from Corwith Township Planning Commission dated August 12, 2019
- Exhibit #11:* Map and list of parties notified
- Exhibit #12:* Receipt #01318134
- Exhibit #13:* Finding of Fact/PZRZ19-002
- Exhibit #14:* Future Land Use Map

OTSEGO COUNTY LAND USE SERVICES

1322 HAYES ROAD
GAYLORD MI 49735

PHONE: 989.731.7400 * FAX: 989.731.7419

www.otsegocountymi.gov

REQUEST TO REZONE APPLICATION

APPLICANT INFORMATION:

Name: <u>TIM + MARSHA LASH</u>		Owner/Agent/Other <small>(Circle One)</small>
Address: <u>2439 SOARING DRIVE - ELMIRA, MI</u>		
Phone: <u>419-651-0426</u>	Fax:	

PROPERTY OWNER INFORMATION: (If Different from Applicant)

Name: <u>//</u>	
Address: <u>//</u>	
Phone: <u>//</u>	Fax:

PROPERTY INFORMATION:

Address: <u>1960 + 2230 ALEXANDER ROAD - VANDERBILT, MI</u>		
Parcel Number: <u>042 - 012 - 300 - 010 - 00 + 011 - 400 - 005 - 00</u>		
Acres: <u>155.57</u>	Current Zoning District: <u>I</u>	Current Use: <u>VACANT LAND</u>
Requested Zoning: <u>FR</u>	Future Land Use Designation: <u>NEW HOUSE / GARAGE</u>	

ATTACHMENTS: *Please submit the following items with the application*

- A Site Plan drawn to scale showing the following:
 - the entire parcel to be rezoned
 - adjacent roads and/or easements
 - existing and proposed curb cuts
 - existing improvements
 - existing and proposed utilities
 - adjacent uses and zoning districts
 - any unique natural features such as lakes, rivers, streams, wetlands, steep slopes...
- A copy of the deed(s) and an accurate legal description(s) of the parcel(s) to be rezoned.
- A statement of the consistency of the proposed rezone with the existing and future surrounding land uses and the anticipated impacts to the surrounding area with specific regard to traffic, infrastructure, environment, noise, public safety and visual considerations.

Signature of Applicant:	Date: <u>7-2-2019</u>
Signature of Owner: <i>(If Different from Applicant)</i>	Date:

***Optional: I hereby grant permission for members of the Township Planning Commission, Township Board, Otsego County Planning Commission and Zoning Administrator to enter the above described property for the purposes of gathering information related to the application.

***Note to Applicant: This permission is optional and failure to grant permission will not affect any decision on the applicant.

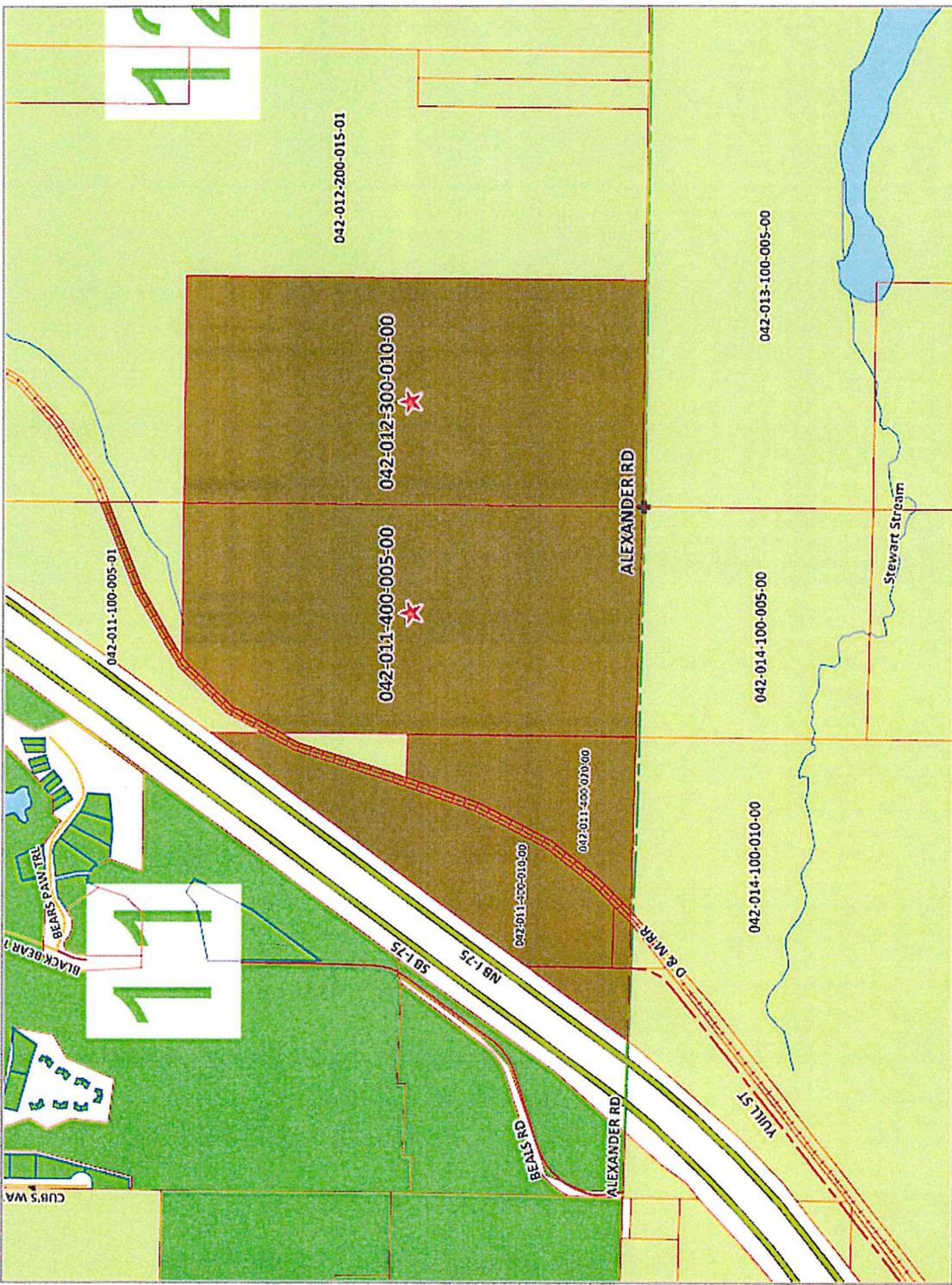
Signature of Property Owner:	Date: <u>7-2-2019</u>
------------------------------	-----------------------

OFFICE USE ONLY

Exhibit 1

Date Application Received: <u>7.3.19</u>	Permit No: <u>PZR19.</u>	Fee: <u>\$100</u>	Receipt Number: <u>01518139</u>
--	--------------------------	-------------------	---------------------------------

PZRZ19-002 ALEXANDER RD LASH
 042-011-400-005-00, 042-012-300-010-00



OTSEGO COUNTY ZONING MAP

Legend

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

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
QUIGLEY MANUFACTURING INC	LASH, MARSHA & TIM	150,000	06/01/2015	LC	Good	1377/22	DEED	0.0		
Property Address	Class: 402 RES VACANT Zoning: I									
2230 ALEXANDER RD	School: Vanderbilt Area School									
Owner's Name/Address	P.R.E. 0%									
LASH, MARSHA & TIM	2020 Est TCV 113,400 (Value Overridden)									
557 TOWNSHIP RD 1275	Improved <input checked="" type="checkbox"/> Vacant									
ASHLAND OH 44805	Land Value Estimates for Land Table .									
Taxpayer's Name/Address	* Factors *									
QUIGLEY MANUFACTURING INC	Description Frontage Depth Front Depth Rate %Adj. Reason Value									
38880 GRAND RIVER AVE	Flat Value: 80.00 Total Acres 80.000 Acres 0 100 113,365									
FARMINGTON HILLS MI 48335	Total Est. Land Value = 113,365									
Tax Description	Public Improvements									
W 1/2 OF SW 1/4 SEC 12 T32N R3W.	Dirt Road									
Comments/Influences	Gravel Road									
	Paved Road									
	Storm Sewer									
	Sidewalk									
	Water									
	Sewer									
	Electric									
	Gas									
	Curb									
	Street Lights									
	Standard Utilities									
	Underground Utils.									
	Topography of Site									
	Level									
	Rolling									
	Low									
	High									
	Landscaped									
	Swamp									
	Wooded									
	Pond									
	Waterfront									
	Ravine									
	Wetland									
	Flood Plain									
	Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
				2020	56,700	0	56,700			52,692C
				2019	56,700	0	56,700			52,692C
				2018	55,300	0	55,300			51,458C
				2017	50,400	0	50,400			50,400S

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

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

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
QUTIGLEY MANUFACTURING INC	LASH, MARSHA & TIM	150,000	06/01/2015	LC	Good	1377/22	DEED	100.0		
Property Address	Class: 402 RES VACANT Zoning: I		Building Permit(s)		Date	Number	Status			
1960 ALEXANDER RD	School: Vanderbilt Area School									
Owner's Name/Address	P.R.E. 0%									
LASH, MARSHA & TIM	2020 Est TCV 109,000 (Value Overridden)									
557 TOWNSHIP RD 1275	Improved <input checked="" type="checkbox"/> Vacant									
ASHLAND OH 44805	Public Improvements									
Taxpayer's Name/Address	Dirt Road									
QUTIGLEY MANUFACTURING INC	Gravel Road									
38880 GRAND RIVER AVE	Paved Road									
FARMINGTON HILLS MI 48335	Storm Sewer									
	Sidewalk									
	Water									
	Sewer									
	Electric									
	Gas									
	Curb									
	Street Lights									
	Standard Utilities									
	Underground Utils.									
	Topography of Site									
	Level									
	Rolling									
	Low									
	High									
	Landscaped									
	Swamp									
	Wooded									
	Pond									
	Waterfront									
	Ravine									
	Wetland									
	Flood Plain									
	Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
				2020	54,500	0	54,500			50,706C
				2019	54,500	0	54,500			50,706C
				2018	53,200	0	53,200			49,518C
				2017	48,500	0	48,500			48,500S

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

6/15/15



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.

Ronald Wright E COUNTY TREASURER



OTSEGO COUNTY MICHIGAN
RECEIVED FOR RECORD
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
06/15/2015 3:34:40 PM

LAND CONTRACT Title One, Inc. File # 7-636024

Parties This Contract, Made on June 01, 2015, between Quigley Manufacturing, Inc., formerly known as Quigley Land Company, A Michigan Corporation, Carol C. Quigley, President, hereinafter referred to as the Seller, whose address is 38880 Grand River, Farmington Hills, MI 48335 and Marsha Lash and Tim Lash, wife and husband hereinafter referred to as the Purchaser, whose address 557 Township Road 1275, Ashland, OH 44805.

Witnesseth:

RCUD JUN15'15*3:30

Description of Premises I. THE SELLER AGREES AS FOLLOWS:

a) To sell and convey to the Purchaser:
The land situated in Township of Corwith, County of Otsego, State of Michigan

That part of the Southeast 1/4 of Section 11, Town 32 North, Range 3 West, which lies Easterly of the right of way of the railroad and Easterly of Highway U.S. I-75

also

The West 1/2 of the Southwest 1/4 of Section 12, Town 32, Range 3 West. Together with an easement for ingress and egress 16 feet wide East and West, the Easterly line of which is the East line of the West 1/2 of the Southwest 1/4 of said Section 12 and extending North from Alexander Road to the premises herein conveyed.

Commonly known as:

Tax Parcel # Vacant Alexander Road, Vanderbilt, Michigan 49795
04212300041000 and 0420114000500

together with all tenements, hereditaments, improvements and appurtenances, including all lighting fixtures, plumbing fixtures, shades, Venetian blinds, curtain rods, storm windows, storm doors, screens, awnings, if any, and now on the premises, and subject to all applicable building and use restrictions, and easements, if any, affecting the premises.

Terms of Payment b) That the consideration for the sale of the above described premises to the Purchaser is: \$150,000.00 (Sales Price), of which the sum of \$30,000.00 (Amount Down) has heretofore been paid to the Seller, the receipt of which is hereby acknowledged, and the balance of \$120,000.00 is to be paid to the Seller, with interest on any part thereof at any time unpaid at the rate of 5% (Interest Rate) per cent per annum. This balance of purchase money and interest shall be paid in monthly installments of \$792.00 (Monthly PI) each, or more at Purchaser's option, on the 1st day of each month, beginning July 1, 2015, said payments to be applied first upon interest and the balance on principal; PROVIDED, the entire purchase money and interest shall be fully paid within 5 years from the date hereof, anything herein to the contrary notwithstanding.

Seller's Duty to Convey c) Upon receiving payment in full of all sums owing herein, less the amount then due on any existing mortgage or mortgages, and the surrender of the duplicate of this contract to execute and deliver to the Purchaser or the Purchaser's assigns, a good and sufficient Warranty Deed conveying title to said land, subject to aforesaid restrictions and easements and subject to any then existing mortgage or mortgages, and free from all other encumbrances, except such as may be herein set forth, and except such encumbrances as shall have accrued or attached since the date hereof through the acts or omissions of persons other than the Seller or his/her assigns.

To Furnish Title Evidence d) To deliver to the Purchaser as evidence of title a Policy of Title Insurance insuring Purchaser, the effective date of the policy to be approximately the date of this contract, and issued by Title One, Inc..

Purchaser's Duties 2. THE PURCHASER AGREES AS FOLLOWS:
a) To purchase said land and pay the Seller the sum aforesaid, with the interest thereon as above provided.
b) To use, maintain and occupy said premises in accordance with any and all restrictions thereon.
c) To keep the premises in accordance with all police, sanitary and other regulations imposed by any governmental authority.

Title one # 7-636024 1-23, 48154 23/4
33300 Five Mile Rd Ste 201 Livonia MI E



Taxes and Insurance

d) To pay all taxes and assessments hereafter levied on said premises before any penalty for non-payment attaches thereto, and submit receipts to Seller upon request, as evidence of payment thereof; also at all times to keep the buildings now or hereafter on the premises insured against loss and damage, in manner and to an amount approved by the Seller, but not less than the purchase price, and to deliver the policies as issued to the Seller with the premiums fully paid.

Alternate Payment Method

If the amount of the estimated monthly cost of Taxes, Assessments and Insurance is inserted in the following Paragraph 2(e), then the method of the payment of these items as therein indicated shall be adopted. If this amount is not inserted, then Paragraph 2(e) shall be of no effect and the method of payment provided in the preceding Paragraph 2(d) shall be effective.

Insert amount if advance monthly installment method of taxes and insurance is to be adopted

e) To pay monthly in addition to the monthly payments herein before stipulated, the sum of \$, which is an estimate of the monthly cost of the taxes, assessments and insurance premiums for said premises, which shall be credited by the Seller on the unpaid principal balance due on the contract. If the Purchaser is not in default under the terms of this contract the Seller shall pay for the Purchaser's account, the taxes, assessments and insurance premiums mentioned in Paragraph 2(d) above when due and before any penalty attaches, and submit receipts therefore to the Purchaser upon demand. The amounts so paid shall be added to the principal balance of this contract. The amount of the estimated monthly payment, under this paragraph, may be adjusted from time to time so that the amount received shall approximate the total sum required annually for taxes, assessments and insurance. This adjustment shall be made on demand of either of the parties and any deficiencies shall be paid by the Purchaser upon the Seller's demand, which if unpaid for 30 days after demand shall be a default in this contract.

Acceptance of Title and Premises

f) That he has examined a Title Insurance Commitment from Title One, Inc. dated: May 21, 2015, on Commitment #7-636024, covering the above described premises and is satisfied with the marketability of the title shown thereby, and has examined the above described premises and is satisfied with the physical condition of any structures thereon.

Maintenance of Premises

g) To keep and maintain the premises and the buildings thereon in as good condition as they are at the date hereof reasonable wear and tear excepted, and not to commit waste, remove or demolish any improvements thereon, or otherwise diminish the value of the Seller's security, without the written consent of the Seller.

Mortgage by Seller

3. THE SELLER AND PURCHASER MUTUALLY AGREE AS FOLLOWS:

a) That the Seller may, at any time during the continuance of this contract encumber said land by mortgage or mortgages to secure not more than the unpaid balance of this contract at the time such mortgage or mortgages are executed. Such mortgage or mortgages shall provide for payment of principal and interest in monthly installments which do not exceed such installments provided for in this contract; shall provide for a rate of interest on the unpaid balance of the mortgage debt which does not exceed the rate of interest provided in Paragraph 1 (b); or on such other terms as may be agreed upon by the Seller and Purchaser, and shall be a first lien upon the land superior to the rights of the Purchaser herein, subject however to the terms of this land contract; provided notice of the execution of said mortgage or mortgages containing the name and address of the mortgagee or his agent, the amount of such mortgage or mortgages, the rate of interest and maturity of the principal and interest shall be sent to the Purchaser by registered mail promptly after execution thereof. Purchaser will, on demand, execute any instruments demanded by the Seller, necessary or requisite to subordinate the rights of the Purchaser hereunder to the lien of any such mortgage or mortgages. In event said Purchaser shall refuse to execute any instruments demanded by said Seller and shall refuse to accept such registered mail hereinbefore provided or said registered mail shall be returned unclaimed, then the Seller may post such notice in two conspicuous places on said premises, and upon making affidavit duly sworn to of such posting, this proceeding shall operate the same as if said Purchaser had consented to the execution of said mortgage or mortgages, and Purchaser's rights shall be subordinate to said mortgage or mortgages as hereinbefore provided. The consent obtained, or subordination as otherwise herein provided, under or by virtue of the foregoing power, shall extend to any and all renewals or extensions or amendments of said mortgage or mortgages, after Seller has given notice to the Purchaser as above provided for giving notice of the execution of said mortgage or mortgages.

Encumbrances on Seller's Title

b) That if the Seller's interest be that of land contract, or now or hereafter be encumbered by mortgage, the Seller shall meet the payments of principal and interest thereon as they mature and produce evidence thereof to the Purchaser on demand, and in default of the Seller said Purchaser may pay the same. Such payments by Purchaser shall be credited on the sums first maturing hereon, with interest at the rate provided in Paragraph 1 (b) on payments so made. If proceedings are commenced to recover possession or to enforce the payment of such contract or mortgage because of the Seller's default, the Purchaser may at any time thereafter, while such proceedings are pending, encumber said land by mortgage, securing such sum as can be obtained, upon such terms as may be required, and with the proceeds pay and discharge such mortgage, or purchase money lien. Any mortgage so given shall be a first lien upon the land superior to the rights of the Seller therein, and thereafter the Purchaser shall pay the principal and interest on such mortgage so given as they mature, which payments shall be credited on the sums matured or first maturing hereon. When the sum owing hereon is reduced to the amount owing upon such contract or mortgage or owing on any mortgage executed under either of the powers in this contract contained, a conveyance shall be made in the form above provided containing a covenant by the grantee to assume and agree to pay the same.

Non-payment of Taxes or Insurance

c) That if default is made by the Purchaser in the payment of any taxes, assessments or insurance premiums, or in the payment of the sums provided for in Paragraph 2 (e), or in the delivery of any policy as hereinbefore provided, the Seller may pay such taxes or premiums or procure such insurance and pay

the premium or premiums thereon, and any sum or sums so paid shall be a further lien on the land and premises, payable by the Purchaser to the Seller forthwith with interest at the rate as set forth in Paragraph 1 (b) hereof. Notwithstanding any such payment Seller shall retain those rights as set forth in 3(f) and 3(g) below.

Assignment by Purchaser

d) No assignment or conveyance by the Purchaser shall create any liability whatsoever against the Seller until a duplicate thereof, duly witnessed and acknowledged, together with the residence address of such assignee, shall be delivered to the Seller. Purchaser's liability hereunder shall not be released or affected in any way by delivery of such assignment, or by Seller's endorsement of receipt and/or acceptance thereon.

Possession

e) The Purchaser shall have the right to possession of the premises from and after the date hereof, unless otherwise herein provided, and be entitled to retain possession thereof only so long as there is no default on his/her part in carrying out the terms and conditions hereof. In the event the premises hereinabove described are vacant or unimproved, the Purchaser shall be deemed to be in constructive possession only, which possessory right shall cease and terminate after service of a notice of forfeiture of this contract. Erection of signs by Purchaser on vacant or unimproved property shall not constitute actual possession by him.

Right to Forfeit

f) If the Purchaser shall fail to perform this contract or any part thereof, the Seller immediately after such default shall have the right to declare the same forfeited and void, and retain whatever may have been paid hereon, and all improvements that may have been made upon the premises, together with additions and accretions thereto, and consider and treat the Purchaser as his tenant holding over without permission and may take immediate possession of the premises, and the Purchaser and each and every other occupant removed and put out. In all cases where a notice of forfeiture is relied upon by the Seller to terminate rights hereunder, such notice shall specify all unpaid moneys and other breaches of this contract and shall declare forfeiture of this contract effective in fifteen days after service unless such money is paid and any other breaches of this contract are cured within that time.

Acceleration Clause

g) If default is made by the Purchaser and such default continues for a period of forty-five days or more, and the Seller desires to foreclose this contract in equity, then the Seller shall have at his option the right to declare the entire unpaid balance hereunder to be due and payable forthwith, notwithstanding anything herein contained to the contrary.
h) The wife of the Seller, for a valuable consideration, joins herein and agrees to join in the execution of the Deed to be made in fulfillment hereof.
i) Time shall be deemed to be of the essence of this contract.
j) The individual parties hereto represent themselves to be of full age, and the corporate parties hereto represent themselves to be valid corporations with their charters in full force and effect.

Notice to Purchaser

k) Any declarations, notices or papers necessary or proper to terminate, accelerate or enforce this contract shall be presumed conclusively to have been served upon the Purchaser if such instrument is enclosed in an envelope with first class postage fully prepaid, if said envelope is addressed to the Purchaser at the address set forth in the heading of this contract or at the latest other address which may have been specified by the Purchaser and receipted for in writing by the Seller, and if said envelope is deposited in a United States Post Office Box.
l) No modification, revision, rescission or amendment to this contract shall be binding or effective unless reduced to writing and signed by all parties to be bound thereby.
m) If the payment called for in 1(b) should not be sufficient to amortize this contract during its limited term, then in that event, a lump sum payment shall be due at the conclusion of this contract. Seller makes no guaranty of financing being available at that time. The acceptance of partial payments thereafter by the Seller shall not be deemed to be an extension of the contract nor a waiver of the provision calling for full payment.

Additional Clauses

n) 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.
o) The Grantor grants to the Grantee the right to make all permitted divisions(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.
The pronouns and relative words herein used are written in the masculine and singular only. If more than one join in the execution hereof as Seller or Purchaser, or either be of the feminine sex or a corporation, such words shall be read as if written in plural feminine or neuter, respectively. The covenants herein shall bind the heirs, personal representatives, devisees, legatees, assigns and successors of the respective parties.
p) In the event payments are not received within 10 days from due date, a late payment charge of \$35.00 per payment shall be added to the payment. This is a late payment and not interest. Purchaser further agrees and understands that enforcement of the late payment charge does not constitute an election under the contract and that the seller may pursue any other remedies available in law or equity.



In Witness Whereof, the parties hereto have executed this contract in duplicate the day and year first above written.

Quigley Manufacturing, Inc., formerly known as Quigley Land Company, a Michigan Corporation

Carol C. Quigley
By Carol C. Quigley, President



LIBER 1377 PAGE 25

STATE OF MICHIGAN)
)SS.
COUNTY OF Wayne)

The foregoing instrument was acknowledged before me on June 1, 2015, by Quigley Manufacturing, Inc., formerly known as Quigley Land Company, A Michigan Corporation, Carol C. Quigley, President.

Mary Reed

Notary Public County, Michigan
Acting in County
My commission expires: 10-14-18



Marsha Lash
Marsha Lash

Tim Lash
Tim Lash

STATE OF Ohio)
)SS.
COUNTY OF Ashland)

The foregoing instrument was acknowledged before me on May 29, 2015 by Marsha Lash and Tim Lash, wife and husband.

Megan E. Laughlin

Notary Public County, Ashland
Acting in County
My commission expires: Jan 25, 2016



Megan E. Laughlin
Notary Public, State of Ohio
My Commission Expires 1/25/2016

Drafted by:
Carol C. Quigley
38880 Grand River
Farmington Hills, MI. 48335

Return to:
Carol C. Quigley
38880 Grand River
Farmington Hills, MI. 48335



Otsego County GIS
Tim & Marsha Lash


Map Publication:
07/01/2019 9:24 PM

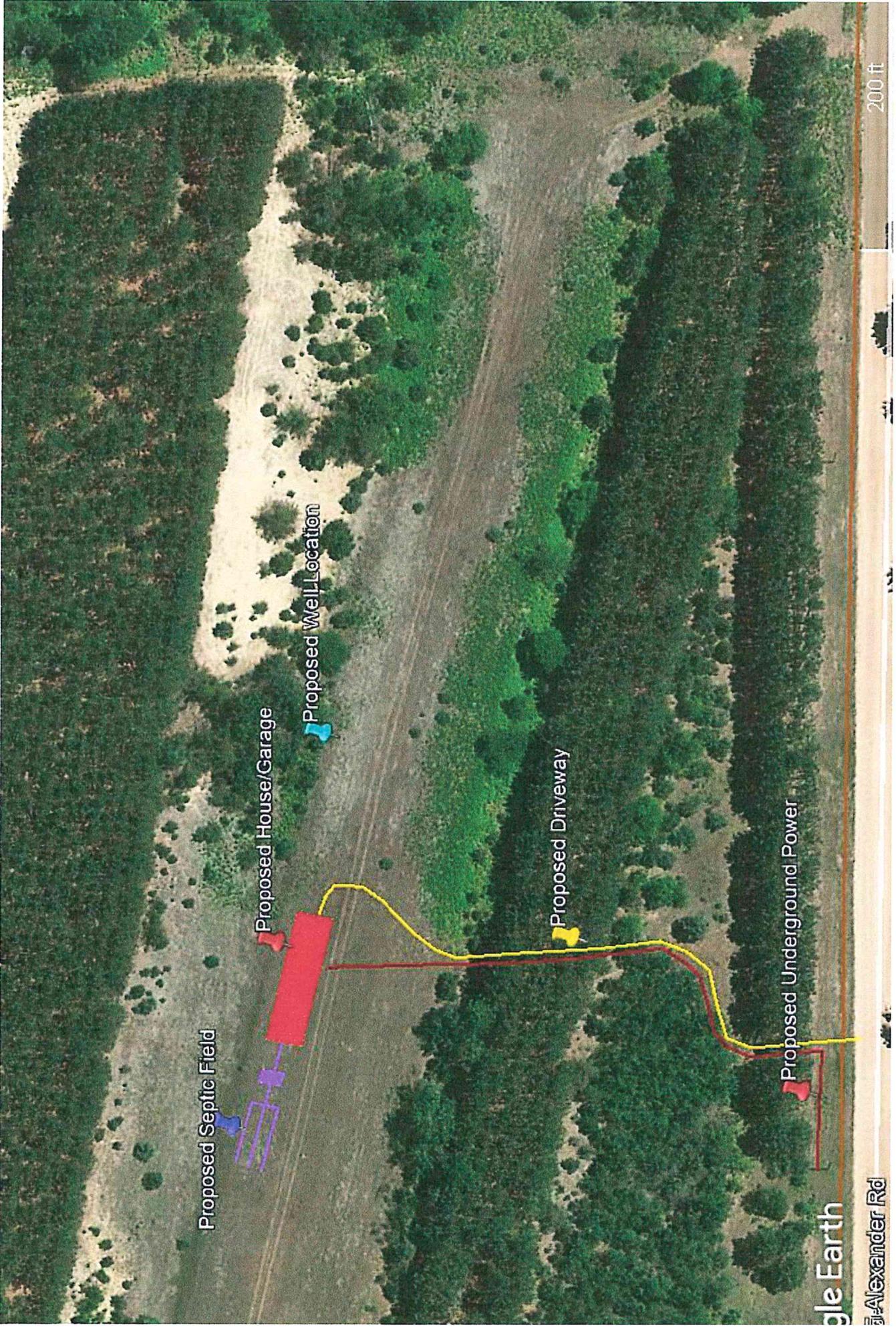


Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Otsego County expresses no warranty for the information displayed on this map document.

Exhibit 5







Proposed Septic Field

Proposed House/Garage

Proposed Well Location

Proposed Driveway

Proposed Underground Power

gle Earth
Alexander Rd

200 ft

CERTIFICATE OF SURVEY



LIBER 1490

PAGE 338

CURRENT DESCRIPTION:

A parcel of land situated in the Township of Corwith, County of Otsego, State of Michigan, and described as:

That part of the Southeast 1/4 of Section 11, Town 32 North, Range 3 West, which lies Easterly of the right of way of the railroad and Easterly of Highway U.S. 1-75.

also

The West 1/2 of the Southwest 1/4 of Section 12, Town 32 North, Range 3 West. Together with an easement for ingress and egress 16 feet wide East and West, the Easterly line of which is the East line of the West 1/2 of the Southwest 1/4 of said Section 12 and extending North from Alexander Road to the premises herein conveyed.

SUBJECT TO All valid agreements, covenants, easements and restrictions, if any.

THE ABOVE PARCELS MAY BE DESCRIBED TOGETHER AS:

A parcel of land situated in the Township of Corwith, County of Otsego, State of Michigan, being part of the Southeast 1/4 of Section 11 and the West 1/2 of the Southwest 1/4 of Section 12, Town 32 North, Range 3 West, described as: Beginning at the 1/4 corner common to said Sections 11 and 12; thence North 89°56'49" East, along the East-West 1/4 line of said Section 12, 1320.03 feet to the West 1/8 line of said Section 12; thence South 00°40'22" West, along said West 1/8 line, 2640.76 feet to the South line of said Section 12; thence North 89°25'49" West, along said South line, 1322.13 feet to the corner common to Sections 11, 12, 13 & 14, T32N, R3W; thence North 88°29'03" West, along the South line of said Section 11, 1307.10 feet to the East 1/8 line of said Section 11; thence North 00°40'08" East, along said East 1/8 line, 1823.54 feet to the easterly line of the former Railroad right of way; thence North 15°41'19" East, along said right of way line, 100.08 feet; thence 845.68 feet along said right of way line and the arc of a curve to the right, said curve having radius of 1405.15 feet, delta angle of 34°28'59", and chord of North 32°55'49" East 832.98 feet to the East-West 1/4 line of said Section 11; thence South 88°08'11" East, along said East-West 1/4 line, 838.96 feet to the point of beginning. Said parcel contains 155.57 acres of land, more or less, and is subject to the right of way of Alexander Road over the southerly 33 feet thereof.

SUBJECT TO All valid agreements, covenants, easements and restrictions, if any.

042-011-400-005-00 E/SE
012-300-010-00 W/SW



Brand Land Surveying LLC
Ronald C. Brand
Professional Surveyor No. 43046



Brand Land Surveying LLC
533 Greenfield Drive
Gaylord, Michigan 49735
989-732-8077
www.brandlandsurveying.com

MEASURED BEARINGS ARE BASED ON THE
NAD83(2011) MICHIGAN CENTRAL STATE PLANE GRID.

MEASURED DISTANCES SHOWN ARE NAD 83 MICHIGAN
CENTRAL ZONE STATE PLANE GRID IN INTERNATIONAL
FEET. CONVERSION TO GROUND DISTANCE IS
PERFORMED BY DIVIDING THE GRID DISTANCE BY THE
COMBINED GRID FACTOR WHICH IS 0.999878852

CLIENT: Tim Lash
LOCATION:
Sections 11 & 12, T32N,
R3W, Corwith Township,
Otsego County
FLD. BK. 5268 PG. 38
DATE: 3/12/2019
SHEET 2 OF 2 FILE NO. 155117

Permission to Re-Zone

PROPERTY OWNER INFORMATION:

Applicant Names: Tim & Marsha Lash

Applicant Address: 2839 Soaring Drive - Elmira, Michigan

Phone #: 419-651-0426

Optional Phone #: 419-685-4541

PROPERTY PARCEL INFORMATION:

Parcel Address/Addresses: 1960 & 2230 Alexander Road - Vanderbilt, Michigan

Parcel Number: 042-011-400-005-00

Parcel Number: 042-012-300-010-00

Current Zoning: I - Industrial

Current use: Vacant Land

Requested Zoning: FR - Forest Recreation

Future Use: Build a new Home

PERMISSION FROM LAND CONTRACT HOLDER:

I, Carol Quigley, Land contract holder, allow owners Tim & Marsha Lash, to re-zone both above listed properties to FR (Forest Recreation).

Printed Name

CAROL C. QUIGLEY

Date: 6-25-19

Signature

Carol Quigley
(PLEASE PRINT)

**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE

August 19, 2019

The Otsego County Planning Commission will hold a public hearing on Monday, August 19, 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. Tim & Marsha Lash, property owners/applicants, have requested a Rezone for properties located in Corwith Township on Alexander Rd Vanderbilt, MI 49795. The proposed purpose of the rezone is for the construction of a residence. The properties are currently zoned I/Industrial with a request to be rezoned FR/Forestry Recreation.

Parcel identification number: **042-011-400-005-00**
1960 Alexander Rd
Vanderbilt, MI 49795

Legal Description:

E 1/2 OF SE 1/4 E OF RR R/W SEC 11 T32N R3W

Parcel identification number: **042-012-300-010-00**
2230 Alexander Rd
Vanderbilt, MI 49795

Legal Description:

W 1/2 OF SW 1/4 SEC 12 T32N R3W

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.



Otsego
COUNTY
M I C H I G A N

**Department of
Land Use Services**

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

July 17, 2019

Corwith Township
PO Box
Vanderbilt, MI 49795

RE: Parcel Rezone

Pursuant to Article 27 of the Otsego County Zoning Ordinance/Township Participation in County Zoning, the application for the Rezone of two (2) parcels is being forwarded.

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

Applicants:

Tim & Marsha Lash
2839 Soaring Eagle Dr
Elmira, MI 49733

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

Sincerely,

Chris Churches
Planning & Zoning Director

cbw

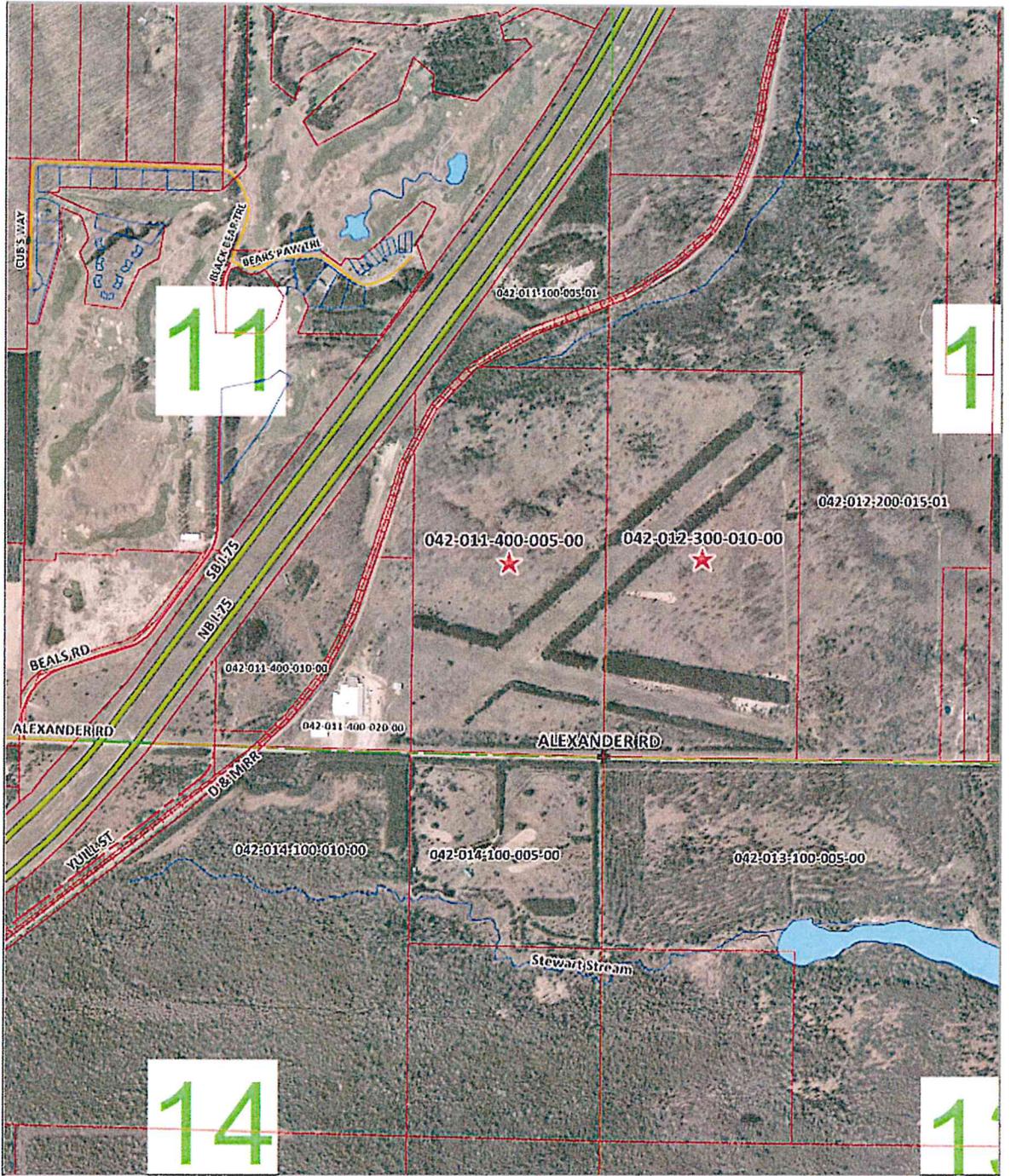
encl

Christine Boyak-Wohlfeil

From: Debbie Whitman <dawhitman@hotmail.com>
Sent: Monday, August 12, 2019 7:27 PM
To: Christine Boyak-Wohlfeil
Subject: Re: Rezone - Corwith

The Corwith Township Planning Commission and Corwith Township Board has reviewed the request for rezoning on Alexander Road from Industrial to Forest Recreational. A motion passed unanimously at the August 7, 2019 Corwith Township Board meeting to recommend approval of the rezone from Industrial to Forest Recreational.

Debbie Whitman
Corwith Township Clerk



- 042-011-400-005-00
- 042-012-300-010-00
- 042-011-100-005-01
- 042-011-400-010-00
- 042-011-400-020-00
- 042-012-200-015-01
- 042-013-100-005-00
- 042-014-100-005-00
- 042-014-100-010-00

PZRZ19-002 042-011-400-005-00, 042-012-300-010-00 LASH - CORWITH TOWNSHIP

OWNERS WITHIN THREE HUNDRED FEET (300')							
Parcel Number	Property Address	Owner	Mailing Address		Record Acres	Property Class	Zoning Code
042-011-400-005-00	1960 ALEXANDER RD	LASH, MARSHA & TIM	557 TOWNSHIP RD 1275	ASHLAND	44805	402	I
042-012-300-010-00	2230 ALEXANDER RD	LASH, MARSHA & TIM	557 TOWNSHIP RD 1275	ASHLAND	44805	402	I
042-011-100-005-01		QUIGLEY MANUFACTURING INC	3880GRAND RIVER AVE	FARMINGTON HILLS	48335		
042-011-400-010-00	1358 ALEXANDER RD	MURRAY, STEPHEN P	PO BOX 2399	PETOSKEY	49770	402	FR
042-011-400-020-00	1444 ALEXANDER RD	STAUDACHER, ROBERT	301 24TH ST	BAY CITY	48708	401	I
042-012-200-015-01	2288 ALEXANDER RD	CENTER MANUFACTURING INC	715 SOUTH ST	MAYVILLE	53050	301	I
042-013-100-005-00	2999 ALEXANDER RD	BEEBE, DEETTA	19854 LAKE ST	CHARLEVOIX	49720	401	FR
042-014-100-005-00	1773 ALEXANDER RD	NORTH STURGEON VALLEY LLC	17152 KERCHEVAL AVE	GROSSE POINTE	48230	401	FR
042-014-100-010-00	1719 ALEXANDER RD	WALTER, ROBERT A & LAURA J	1773 ALEXANDER RD	VANDERBILT	49795	401	FR
		MYERS, SHARON	2509 WOODVIEW DR	LANSING	48911	401	FR

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



Paid By:

LASH, MARSHA & TIM
 557 TOWNSHIP RD 1275
 ASHLAND, OH 44805

RECEIPT NUMBER

01318134

07/16/2019

Type	Record	Category	Description	Amount
Permit	PZRZ19-002	ADMIN ZONING	REZONE	\$ 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**

PZRZ19-002

REZONE

042-011-400-005-00, 042-012-300-010-00

FINDING OF FACT

1. This is a proposal for a rezone of a two (2) parcels located in Corwith Township on Alexander Rd Vanderbilt, MI 49751. *Exhibit #1, Exhibit #5*
2. The properties are located in a I/Industrial Zoning District. *Exhibit #1, Exhibit #2*
3. The proposed rezone is to a FR/Forestry Recreation Zoning District. *Exhibit #1*
4. Adjoining properties are zoned FR/Forestry Recreation and I/Industrial. *Exhibit #2*
5. The purpose of the rezone is to allow construction of a residence. *Exhibit #1*
6. The proposed properties total 157 acres. *Exhibit #4*
7. The proposed properties are currently under the ownership of Tim & Marsh Lash, applicants by Land Contract. *Exhibit #4*
8. The applicants have a statement granting permission to rezone from the Land Contract holders. *Exhibit #7*
9. The Future Land Use Map depicts this area as an I/Industrial Zoning District. *Exhibit #14*
10. Approval of the proposed rezone would be consistent with the adjoining properties but not consistent with the Otsego County Future Land Use Map. *Exhibit #2, Exhibit #14*
11. The Public Hearing Notice was published in the Herald Times on August 2, 2019. *Exhibit #8*
12. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
13. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
14. The Planning Commission has the authority to approve a *Rezone* request after review and compliance with the Otsego County Zoning Ordinance, Future Land Use Map and Master Plan. (Section 25.7) *Exhibit #3, Exhibit #14*
15. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*

FINDINGS UNDER ARTICLE 8/FR FORESTRY RECREATION DISTRICT

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 (190) feet 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

*****A RESIDENCE IS A PERMITTED USE IN A FR ZONING DISTRICT**

FINDINGS UNDER ARTICLE 25

ARTICLE 25 ADMINISTRATION AND ENFORCEMENT

SECTION 25.7 CHANGES AND AMENDMENTS

The County may from time to time, on recommendation from the Planning Commission, or on petition, amend, supplement or change the District boundaries or the regulations, herein, or subsequently established herein, pursuant to the authority and procedure established in Public Act 110 of 2006 as amended. The notices for all public hearings before the planning commission or County Board of Commissioners concerning proposed zoning ordinance amendments (zoning text or map amendments) shall comply with all of the following applicable provisions:

A. For a proposed amendment to the text of the zoning ordinance, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information
 - a. A description of the nature of the proposed zoning ordinance amendment.
 - b. The time, date, and place the proposed zoning ordinance will be considered.
 - c. The places and times at which the proposed zoning ordinance amendment may be examined.
 - d. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.

B. For a proposed zoning ordinance amendment rezoning an individual property or ten (10) or fewer adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the proposed zoning ordinance amendment.
 - b. A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
 - c. The time, date, and place the proposed zoning ordinance will be considered.
 - d. The places and times at which the proposed zoning ordinance amendment may be examined.
 - e. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than fifteen (15) days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing.
4. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the property or properties proposed for rezoning and to the occupants of all structures within three hundred (300) feet of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
5. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility Company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

*****THE PLANNING COMMISSION HAS THE AUTHORITY TO APPROVE A REZONE IF COMPLIANCE IS FOUND WITH THE FUTURE LAND USE MAP AND MASTER PLAN**

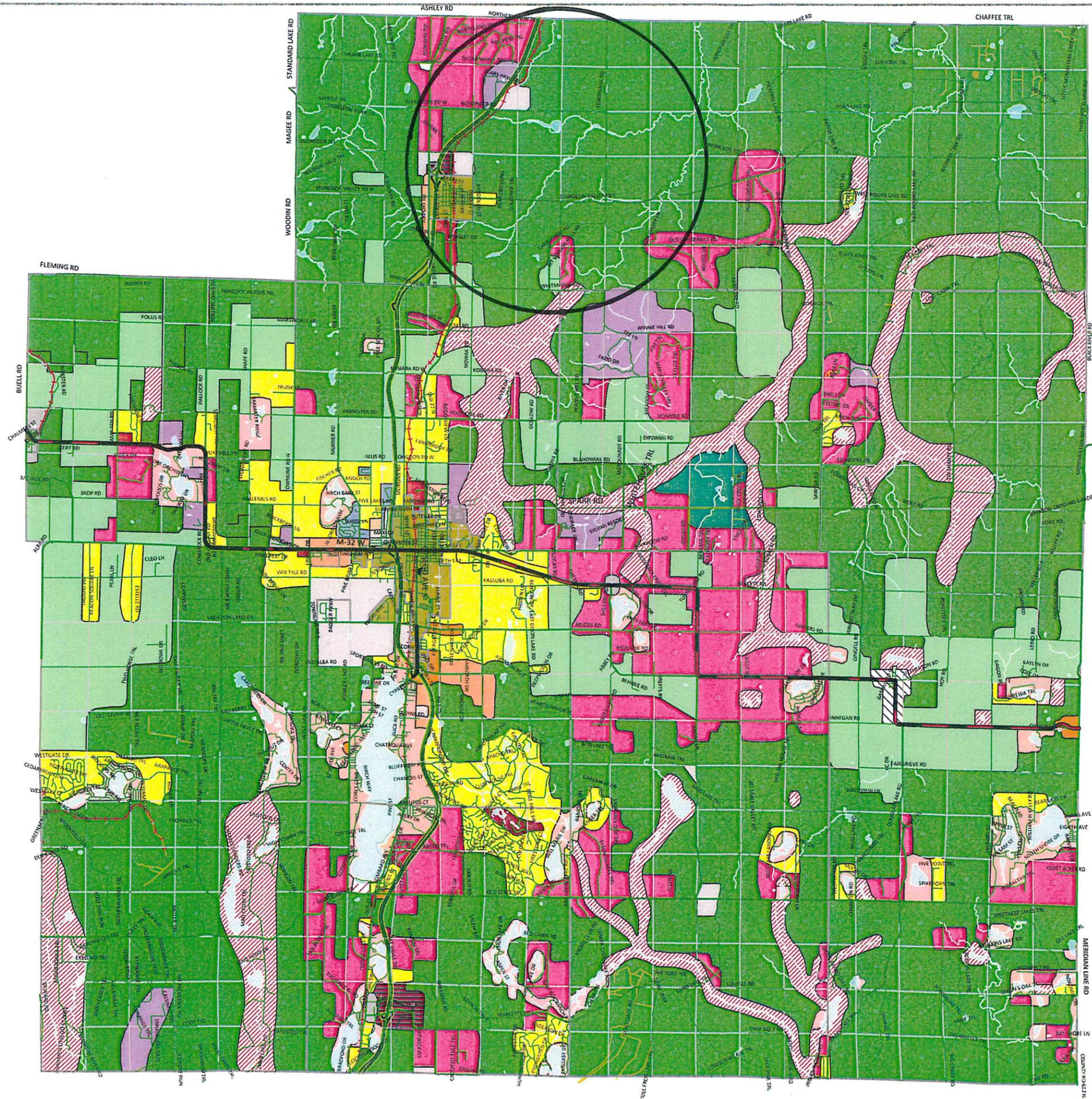
OTSEGO COUNTY FUTURE LAND USE

LEGEND

-  Interstate
-  State
-  County/ City
-  Trails
-  Railroads
-  Rivers
-  Lakes
-  Municipal Boundaries
-  Section

FUTURE LAND USE

-  Agriculture
-  Forest
-  Environmental Protection
-  Government and Institution
-  Industrial
-  Large Commercial
-  Highway Interchange Commercial
-  Retail / Business / Office (Mixed Uses)
-  Town Centers (Mixed Use)
-  Recreation
-  Residential Recreational
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential (Mixed Residential)



**OTSEGO COUNTY
Planning Commission**



EXECUTIVE SUMMARY

AGENDA ITEM: 10	AGENDA DATE: 8/19/2019
AGENDA PLACEMENT: Unfinished Common Business, Item 1a	ACTION REQUESTED: Commission Review
STAFF CONTACT(S): Chris Churches, Planning & Zoning, Capital Projects Director Christine Boyak-Wohlfeil, Zoning Officer	ATTORNEY REVIEW: Yes

BACKGROUND/DISCUSSION:

The proposed text amendment to the Otsego County Zoning Ordinance changes the provisions listed in Section 2, Articles 4, 5, 7- 10, 21.12 involving Family and Group Child Care Homes.

RECOMMENDED MOTION:

No motion is desired. Staff requests approval of a final version of the proposed text amendment (incorporating Township / Planning Commission input) in order to move forward with a public hearing and final adoption.



OTSEGO COUNTY LAND USE SERVICES, PLANNING AND ZONING DEPARTMENT

MEMORANDUM

TO: OTSEGO COUNTY PLANNING COMMISSION

FROM: CHRIS CHURCHES, OTSEGO COUNTY DIRECTOR OF PLANNING & ZONING,
CAPITAL PROJECTS & GRANTS

SUBJECT: CARE FACILITIES TEXT AMENDMENTS

DATE: 7/22/2019

The care facilities set of amendments adds language involving family care facilities, group care facilities, family child care homes, and group child care homes to various Articles of the Ordinance. This is in an attempt to clarify the difference between care facilities and child care homes, and bring the Ordinance into compliance with State of Michigan statutes governing such facilities (Michigan Zoning Enabling Act 2006 PA 110, MCL 125.3206 and Child Care Organizations 1973 PA 116, MCL 722.111 to 722.128). Under the current version of the Otsego County Zoning Ordinance, group child care homes are included under the group care facilities definition. Group care facilities are a special-use in certain districts (for example, R-1). In grouping group child care homes and group care facilities together, the Ordinance violates Section 125.3206 of the Michigan Zoning Enabling Act (MZEA). This section of the MZEA states, "Except as otherwise provided in subsection (2), a state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone." The Ordinance changes proposed would clarify the difference between family child care homes and family care facilities, and group child care homes and group care facilities. The proposed language for each of the new definitions were adapted from relevant State Statutes (either the MZEA or Child Care Organizations Act) and have been reviewed by our legal counsel. Changes to the existing language involving care facilities were adapted from the ICC International Zoning Ordinance as well as changes suggested by our legal counsel.

Sincerely,

Christopher Churches
Director of Planning & Zoning, Capital Projects & Grants

***Original amendment changes / additions are highlighted in yellow

***Added amendment changes / additions are highlighted in green

***Amendment deletions are double struck

Proposed Language:

ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Amended 3.29.2018

SECTION 2.1 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

- 2.1.1 The particular shall control the general.
- 2.1.2 In case of a difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- 2.1.3 Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 2.1.4 A "building" or "structure" includes any part thereof.
- 2.1.5 The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- 2.1.6 The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- 2.1.7 Terms not herein defined shall have the meaning customarily assigned to them.
- 2.1.8 The term "including" means "including but not limited to." It is a term which introduces examples but does not limit the provision to only those examples.
- 2.1.9 Terms referring to the Michigan Department of Natural Resources (DNR) shall be understood to refer to the Michigan Department of Environmental Quality (DEQ) where appropriate.
- 2.1.10 Reference to Soil Erosion and Sedimentation Control as Part 91 of PA 451 shall be understood to mean MCLA Sections 324.9101 through 324.9123 of the Natural Resources and Environmental Protection Act of 1994.

SECTION 2.2 DEFINITIONS

ACCESSORY STRUCTURE: A building, the use of which is incidental to that of the main building, or main use, and which is located on the same lot.

ACCESSORY USE: A use incidental to the principal use of a building or property as defined or limited by the provisions of this Ordinance.

ADULT ENTERTAINMENT USE: Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "specified sexual activities: or "specified anatomical areas."

Adult entertainment uses shall include:

Adult book or video establishment: An establishment having a substantial or significant portion of its stock in trade books, magazines or other publications, video recordings and films which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale, rent or display of such material.

Adult cabaret: A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, or similar entertainers, where a significant portion of such performances show, depict

Adult motel: A motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult motion picture arcade: Any place where the public is invited or permitted wherein coin - or slug/token-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images and where a significant portion of images so displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."

Adult motion picture theater: An enclosed building or open air site with any size seating capacity used for presenting motion pictures distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult sexual encounter center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "specified sexual activities" or conduct involving "specified anatomical areas."

Adult entertainment use is further defined by these terms:

Specified anatomical areas: Less than completely covered human genitals, pubic regions, buttocks, and the areola or nipple of female breasts. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.

AGRICULTURE OR AGRICULTURAL USE: Cultivating or using land for the production of crops for the use of animals or humans including, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. An agricultural building does not include a building used for retail trade.

ALTERATIONS: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

ANTENNA: An exterior transmitting or receiving device mounted on a tower, building or 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.

ANEMOMETER: An instrument for measuring and recording the speed of the wind.

ANEMOMETER TOWER: A structure, including all accessory facilities, temporarily erected, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

APARTMENTS: [See [DWELLING, MULTIPLE FAMILY](#)]

AUTO REPAIR GARAGE: A place where the following auto services may be carried out: general repair, engine rebuilding, collision service, painting, undercoating, and rust proofing. The sale of engine fuels and lubricants may be included.

BASEMENT: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

BED AND BREAKFAST: Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family and occupied as a dwelling unit, are rented to the transient public for compensation; this includes establishments that are in compliance with Public or State Statutes. Such a use shall have the appearance of a single family residence and be consistent with surrounding neighborhood character.

BILLBOARDS: A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any sign which does not pertain to the premises, or to the use of premises on which the billboard is located, or to goods sold or services rendered, or activities conducted on such premises.

BUILDING: A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and the average height between the eaves and ridge for gable, hip, and gambrel roofs. "A" frame structures shall be measured to the highest point of the building. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING LINE: A line formed by the face of the building, a building line is not to be used when determining setbacks.

BUILDING LENGTH: The greatest overall linear dimension of a building measured at the building footprint.

BUILDING WIDTH: The greatest distance between two (2) sides of a building which extend half or more of its length as measured at the building footprint

BUILD-TO-AREA: The space within the Build-to-Line and the Lot Line Sides. The Build-to-Area may vary a distance on either side of the Build-to-Line. The distance is determined by measuring the number of feet between the Build-to-Line and the public right-of-way and multiplying the number of feet by ten percent (10%).

BUILD-TO-LINE: The line of vertical plane formed by the planned building façade that is parallel to the road right-of-way and extends to and coincides with the plane of the front façade of existing or planned buildings along the same right-of-way.

CARE FACILITY, COMMERCIAL DAY: A facility receiving more than twelve (12) minor children or adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meeting, or by a fitness center or similar operation, shall not be considered Commercial Day Care.

CARE FACILITY, CONVALESCENT OR NURSING HOME: A facility with sleeping accommodations where persons are housed twenty-four (24) hours a day and furnished with meals, nursing and medical care.

CARE FACILITY, FAMILY: A facility ~~A single family residence in which care or supervision is provided for,~~ required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol, for more than one (1) but less than seven (7) ~~minor children or~~ adults. Care for persons related by blood, marriage, or adoption to a member of the family occupying the ~~dwelling~~ facility is excluded from this definition. This does not include commercial day care facilities, family child care homes, group child care homes, foster homes, schools, hospitals, jails or prisons.

CARE FACILITY, GROUP: A facility ~~in which care or supervision is provided for,~~ required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol, for at least seven (7) but not more than twelve (12) ~~minor children or~~ adults. Care for persons related by blood, marriage, or adoption to a member of the family occupying the facility are excluded from

this definition. This does not include commercial day care facilities, family child care homes, group child care homes, foster homes, schools, hospitals, jails or prisons.

CHILD CARE HOME, FAMILY: A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. This definition is intended to be pursuant to the Child Care Organizations Act, MCL 722.111

CHILD CARE HOME, GROUP: A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. This definition is intended to be pursuant to the Child Care Organizations Act, MCL 722.111

CLIMBING BARRIER: Material attached to the lowest eight feet (8') of a lattice tower for the prevention of using structural cross members as a ladder; a safety feature to discourage climbing by unauthorized individuals

CLUB: An organization of persons for the promulgation of sports, arts, sciences, literature, politics, or the like.

CO-LOCATION: The location of 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 with the County.

COMMERCIAL MOTOR VEHICLE: Any self-propelled or towed vehicle designed or used on public highways to transport passengers or property, if the vehicle meets one or more of the following:

Has either a gross vehicle weight rating or actual gross weight or gross combination weight rating or an actual gross combination weight of ten thousand and one (10,001) or more pounds

Is designed for carrying sixteen (16) or more passengers, including the driver

Is used in the transportation of hazardous materials in a quantity that requires the vehicle to be marked or placarded

CONDOMINIUM PROJECT: Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59, 1978).

CONDOMINIUM SUBDIVISION: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of a condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

CONDOMINIUM SUBDIVISION PLAN: The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

CONDOMINIUM UNIT: Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure.

COUNTY: Where used in this Ordinance, shall mean the County of Otsego, State of Michigan.

COURTYARD: An unroofed area that is completely or mostly enclosed by the walls of a large building.

DEVELOPMENT: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT: A portion of the county lying outside the limits of incorporated cities and villages of the county within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (also a zone.)

DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking area for vehicles, so customers may receive goods or services for use or consumption on the premises while remaining in their vehicles.

DRIVE-THROUGH: A business establishment so developed that its retail or service character is dependent on providing a driveway approach and vehicle service window for vehicle access so customers may receive goods or services for use or consumption off the premises.

DRIP LINE: An imaginary line drawn around the base of a tree to connect the points where drips would fall straight down from the outermost tips of the tree's branches. The drip line generally delineates the ground area containing the root system near the surface which is most sensitive to disturbance

DWELLING UNIT: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation

DWELLING, ONE-FAMILY: A building containing not more than one (1) dwelling unit designed for residential use

DWELLING, TWO-FAMILY (DUPLEX): Dwelling, Two-Family - A building containing two (2) separate dwelling units designed for residential use.

DWELLING, MULTIPLE-FAMILY: A building containing three or more dwelling units designed for residential use and including a rooming house, bed and breakfast, tourist home, apartment house, group quarters, or extended care facility for seven or more persons, such as adult foster care or alternative institutional setting home. State-licensed residential facilities shall be considered as single-family dwellings when questions of overcrowding and safety are addressed by the state agency issuing the license.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance of underground, surface, or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety, and general welfare. Provided, however, that wireless telecommunication towers and facilities, alternative tower structures, antennas, wind turbine generators and anemometer towers shall not be considered essential services.

EXCAVATION: Any breaking of ground, except common household gardening and ground care.

FAMILY: One (1) or two (2) related persons or parents with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than three (3) persons not so related, living together as a single housekeeping unit.

FARM: Structures, facilities and lands of twenty (20) acres or more for carrying on of any agricultural use or the raising of livestock or small animals as a source of income. [See also [AGRICULTURE](#)]

FENCE: Any permanent or temporary, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure and not part of a structure requiring a building permit.

FENESTRATION: The arrangement of windows and doors on the elevations of a building.

FLOOR AREA, USABLE (FOR COMPUTING PARKING): That area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area used, or intended to be used, for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded for the computation of "Usable Floor Area" All floor levels shall be counted.

FLOWAGE: Body of water impounded by a dam, used interchangeably with reservoir, impoundment, and flood water.

GARAGE, PRIVATE: A building used for the non-commercial storage of property owned by the owners of the parcel on which the building is located.

GARBAGE: The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food. A self-contained compost pile is not considered garbage.

GASOLINE SERVICE STATION: A place primarily operated and designed for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories.

GLAZING: Furnishing or fitting with glass all surfaces on a fenestration.

GOLF COURSE POLICY GUIDELINES: Policy Guidelines for Minimizing Environmental Impacts from Golf Course Development in Otsego County, published by the Otsego County Water Quality Committee and the Northeast Michigan Council of Governments, as adopted by resolution of the Otsego County Planning Commission.

GRADE: For the purpose of regulating the number of stories and the height of buildings, the building grade shall be the level of the ground adjacent to the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GUEST HOUSE: A building accessory to the main dwelling, lacking at least one (1) facility for independent living, such as kitchen or bathroom; used for housing guests. A shared septic system does not by itself qualify the building as a guest house.

HAZARDOUS SUBSTANCES: Substances which are toxic, corrosive, flammable, combustible, radioactive, or capable of producing substantial injury through handling, use, or ingestion.

HOME OCCUPATION: The partial use of a home for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes. Family or group child care homes shall not be considered a home occupation and shall be regulated under 2006 PA 110, MCL 125.3206 and 1973 PA 116, MCL 722.111 to 722.128

IMPERVIOUS SURFACE: A material incapable of being penetrated by water and other liquids. Under conditions where spills are to be retained, retention capability must be sufficient to contain one hundred twenty-five percent (125%) of any reasonably foreseeable spill for any reasonably foreseeable period necessary and have sufficient strength and durability to remain intact under reasonably foreseeable conditions. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives and parking lots.

JUNK: Junk includes, but is not limited to, broken and/or inoperable machinery or vehicles, or parts relating to machinery or vehicles, or broken and unusable furniture, stove, refrigerators, or other appliances.

JUNK YARD: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including scrap iron and other metals, paper, rags, rubber tires, and bottles. Junkyard also includes any area of more than two hundred (200) square feet used for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

JUNK YARD - AUTOMOTIVE: An area or facility for the storage, wrecking, or salvage of parts from inoperable motorized vehicles including cars, trucks, tractors, buses, etc., containing more than four (4) vehicles, or occupying an area of two hundred (200) or more square feet.

KENNEL: A kennel is a use that includes indoor or outdoor facilities for the boarding, for profit, of dogs or other household pets which are owned by others as a commercial business.

LIGHTS: Flashing, intermittent or moving – a light that blinking, flashing, or fluttering lighting, including changes in light intensity, brightness or color except as provided for in [21.38.03.01](#).

LOADING SPACE: An off-street space on the same lot with a building for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage, open spaces and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the County.

LOT AREA: The total horizontal area within the lot lines of the lot, excluding public or private streets, roads, right of ways or easements dedicated for the purpose of vehicle access or transit.

LOT - CORNER: A lot which occupies the interior angle at the intersection of two (2) streets, which make an angle of less than one hundred thirty-five degrees (135°).

LOT - INTERIOR: Any lot other than a corner lot.

LOT - THROUGH: Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required (also a double frontage lot).

LOT COVERAGE: That portion of the lot occupied by main and accessory buildings

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES: The lines bounding a lot as defined herein:

LOT LINE - FRONT: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated.

LOT LINE - REAR: That lot line opposite the front lot line. In the case of a lot pointed at the rear (pie-shaped), the rear lot line shall be an imaginary line at least ten (10) feet long, parallel to the front lot line, but inside the side lot lines.

LOT LINE - SIDE: Any lot line other than the front lot line or rear lot line.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

LOT WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.

LOT - ZONING: A contiguous tract of land which at the time of filing for a Zoning Permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A Zoning Lot may or may not coincide with a lot of record as filed with the County Register of Deeds, and may include one (1) or more lots of record.

MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

MANUFACTURED HOME: [See [MOBILE HOME](#)]

MANUFACTURED HOUSING PARK: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home.

MARINA: A facility which is owned or operated by a person, extends into or over an inland lake or stream and offers service to the public or members of the marina for docking, loading or other servicing of recreational watercraft.

MASTER PLAN: The County Comprehensive Plan as may be amended or updated, including graphic and written proposals indicating general locations for roads, streets, parking, schools, public buildings, and other physical development features, including resource conservation objectives.

MOBILE HOME: Means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

MUNICIPAL CIVIL INFRACTION: The words “municipal civil infraction” means an act or omission that is prohibited by the Otsego County Zoning Ordinance or the Otsego County Municipal Civil Infractions Ordinance, and for which civil sanctions, including fines, damages, expenses and costs, may be ordered. A municipal civil infraction is not a lesser included offense of a violation of the Otsego County Zoning Ordinance that is a criminal offense.

NEO-TRADITIONAL: Reviving traditional methods; combining tradition with newer elements.

NONCONFORMING BUILDING: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of the Ordinance in the district in which it is located.

NONCONFORMING USE: A use which has lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located. (Commonly referred to as “grandfathered”)

NURSERY, PLANT MATERIALS: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.

NUISANCE FACTORS: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: noise, dust, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, and passenger traffic.

OFF-STREET PARKING LOT: A parking area off the street, which may require drives and aisles for maneuvering, for the parking of four (4) or more vehicles.

ORDINARY HIGH WATER LINE: On an inland lake which has a level established by law, it means the high established level. Otsego Lake has a High Water Line established by law which is 1273.5 elevation. The elevation is maintained by the County Road Commission. For other lakes in the County it means the line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

PARKING SPACE: An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the storage or parking of permitted vehicles

PERSONAL WIRELESS SERVICES TELECOMMUNICATIONS TOWERS AND FACILITIES:

Self-supporting or guyed towers of one hundred fifty feet (150') or less that provide data and internet access within a three to five (3-5) mile radius. These low wattage towers are a Permitted Use Subject to Special Conditions. ([Section 21.46](#))

Section 322(c)(7) of the Federal Communications Act uses the following definitions:

(i) the term “personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term “personal wireless service facilities” means facilities for the provision of personal wireless services; and

(iii) the term “unlicensed wireless service” means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

PLANNING COMMISSION: Shall mean the Otsego County Planning Commission

PLAZA: A public square in a city or town; an open area usually located near urban buildings and often featuring walkways, trees and shrubs, places to sit and sometimes shops.

POLLUTING MATERIALS: Materials which are capable of adversely affecting air or water resources by altering odor, taste, color, or physical or chemical composition to a degree that public health or biological communities are threatened - Examples of Polluting Materials include fertilizers and pesticides.

PRACTICAL DIFFICULTY: A situation whereby a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, while meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the property owner’s desire to establish a use greater than the “minimum practical” use or created by an owner subsequent to the adoption date of this Ordinance is not a practical difficulty.

PUBLIC UTILITY: A firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

RACE TRACK: A way improved, designed, constructed, excavated or ordinarily used for traffic in racing, or training or testing for racing. It includes all racing by motorized vehicles and all racing activities accompanied by spectators but does not include walking or hiking trails used exclusively by humans. Racing means a competitive event in which time is a determining factor.

RESORT: A recreational camp or facility operated for gain, and which provides overnight lodging and one or more of the following activities: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, non-motorized bicycle trails, boating, swimming and related or similar uses normally associated with recreational resorts.

ROADSIDE STAND: An accessory and temporary farm structure operated for the purpose of selling local agricultural products.

SERVICE ROADS: Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street.

SETBACK: The distance required to meet the front, side and rear yard open space requirements of this ordinance as measured from the lot lines or Road Right of Way to the fascia of the roof overhang or to the closest point of a deck or porch, not including steps, whichever is less.

SHOOTING RANGE: An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting at targets.

SHORELAND: Land paralleling the lake shoreline, fifty (50) feet wide as measured from the ordinary high water level. And the land paralleling the banks of all rivers, streams and flowages of water in the County that appear on the most recent U.S. Geological Survey Quadrangle maps, one hundred fifty (150) feet wide, measured from the ordinary high water level, landward, at right angles or radial to the shoreline or bank, on a horizontal plane.

SIGN: The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to uses, activities or services conducted on the premises where located.

SIGN FACE: The part of a sign structure which is used to graphically communicate a message or announcement including a border space of not less than three (3) inches outside of any lettering or other graphic symbols or depictions.

STORY: That part of a building, except a mezzanine and/or basement, between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STREET OR ROAD: A right-of-way, affording the principal means of access to abutting property. Alleys differ in that they offer a secondary means of access to abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

TEMPORARY BUILDING OR USE: A use of a building or premises permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

TOURIST HOME: [See [BED & BREAKFAST](#).]

TRAVEL TRAILER AND/OR CAMPER: Any trailer, trailer coach, motor home, tent camper, truck-mountable camper, or other unit designed as a vacation or traveling unit for short term occupancy, and which unit is legally licensed or licensable for towing or travel over public highways by ordinary domestic vehicle.

UNNECESSARY HARDSHIP: A situation whereby a property owner, due to the unique or unusual conditions of a lot or parcel, cannot meet specific standards set by the Ordinance within the subject zoning district. Situations created by an owner subsequent to the enactment of this Ordinance shall not be deemed an unnecessary hardship.

USE: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied. An accessory use is subordinate and clearly incidental to the principal use.

USES SUBJECT TO SPECIAL CONDITIONS: Refers to special land uses pursuant to PA 110 of 2006, as amended and also pursuant to uses referred to in this Ordinance as special approvals, special uses, special land uses, or conditional uses authorized by special permit.

VARIANCE: A modification of the literal provisions of the Zoning Ordinance which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause practical difficulties or unnecessary hardship for the property owner.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks and excepting a mobile home as defined in Section 2 of Act No. 419 of the Public Acts of 1976, being section 125.1102 of the Michigan Compiled Laws.

VEHICLE REPAIR: Any major activity involving the general repair, rebuilding or reconditioning of vehicles, engines or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

VEHICLE SERVICE STATION: A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for vehicles, and including customary space and facilities for the installation of such commodities on or in such vehicles and including space for vehicle storage, minor repair and servicing

WETLANDS: Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, marsh, or other areas such as flood plains or environmental areas designated as such in the County Comprehensive Plan or other county, state, or federal documents.

WIND TURBINE GENERATOR (WTG): A tower, pylon, or other structure and any, all or some combination of the following:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

WIND TURBINE GENERATOR HEIGHT: The distance between the ground and the highest point of the wind turbine generator, regardless whether that point is on a fixed or mobile part of the wind turbine generator.

WIND TURBINE GENERATOR- BUILDING-MOUNTED: An on-site Wind Turbine Generator (WTG) used to generate electricity or produce mechanical energy for use on the property where it is located and attached to the building's roof, walls, or other elevated surface.

WIND TURBINE GENERATOR - LARGE: A commercial Wind Turbine Generator (WTG) used to generate and provide electricity to the electric utility grid. It may include nearby accessory facilities necessary to supply and transfer the electricity to the utility grid. These WTGs are greater than one hundred twenty (120) feet in height and shall not exceed four hundred (400) feet.

WIND TURBINE GENERATOR - MEDIUM: An on-site Wind Turbine Generator (WTG) used to generate electricity or produce mechanical energy for use on the property where it is located having a height of greater than sixty (60) feet but less than or equal to one hundred twenty (120) feet.

WIND TURBINE GENERATOR - SMALL: An on-site Wind Turbine Generator (WTG) used to generate electricity or produce mechanical energy for use on the property where it is located having a height of sixty (60) feet or less.

YARDS: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

YARD - FRONT: An open space extending the full width of the lot the depth of which meets the setback requirements of the zoning district. [See [SETBACK](#).]

Corner Lots: Shall provide front yard setbacks on all streets, frontages, or future road easements that have or may potentially have adjacent lots fronting on the same street (or across there from).

YARD - REAR: An open space extending the full width of the lot, the depth of which meets the setback requirements of the zoning district. In the case of a corner lot, the rear yard may be opposite either street frontage. [See [SETBACK](#).]

YARD - SIDE: An open space which meets the setback requirements of the zoning district, extending from the front yard to the rear yard. [See [SETBACK](#).]

ZONING ADMINISTRATOR: The official designated by the County Board of Commissioners to administer and enforce the provisions of the Ordinance. The Zoning Administrator may be the Building Official, Building Inspector or other person charged with the responsibility of administering building, land use and/or other codes in Otsego County.

ARTICLE 4 R1 RESIDENTIAL DISTRICT

INTENT

These districts are designed to provide for one (1) and two (2) family (duplex) dwelling sites and residential related uses. The uses permitted are intended to promote a compatible arrangement of land uses for homes, keeping housing areas free of unrelated traffic, nuisance land uses, and other negative influences on the residential environment.

SECTION 4.1 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:

- 4.1.1 One (1) family dwellings
- 4.1.2 Two (2) family dwellings (duplex) subject to the density standards for one (1) family dwellings and a minimum lot width of one hundred fifty (150) feet
- 4.1.3 Publicly owned and operated parks, parkways, and outdoor recreational facilities
- 4.1.4 Existing farms and agricultural uses
- 4.1.5 Family care facilities, meeting applicable state licensing requirements
- 4.1.6 Family child care homes and group child care homes pursuant to 2006 PA 110, MCL 125.3206 and 1973 PA 116, MCL 722.111 to 722.128
- 4.1.7 Cemeteries when developed on sites of ten (10) acres or more. Permit criteria include Article 21.4
- 4.1.8 The raising of nursery field stock, on sites of two (2) acres or more, but excluding storage buildings, greenhouses, offices or other structural facilities, and excluding any outdoor storage of materials; the intent being to limit the use of land to raising plant materials
- 4.1.9 The following in-home uses provided no more than fifteen percent (15%) of floor area may be used for such a purpose:
 - 4.1.8.1 Offices and home occupations when operated within the confines of a one (1) family dwelling as an accessory to living quarters [Permit criteria for these uses include Article 21.12]
- 4.1.10 Structure for storage of the owner's personal possessions and non-commercial activities. These structures shall not be used as residences. Structures shall meet the size requirements of Article 21.1.3
- 4.1.11 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

SECTION 4.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

- 4.2.1 Churches, public libraries, public buildings (excluding public works garages and storage yards) and uses normally incidental thereto
- 4.2.2 Public, parochial, and other private elementary, middle, and/or secondary schools; and all accessory school bus parking lots
- 4.2.3 Colleges, and other institutions of higher learning, public or private, offering courses in general, technical, or religious education, all are subject to the following conditions:
 - 4.2.3.1 Any use permitted herein shall be developed only on sites of at least five (5) acres in area

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

4.2.4 Private, Non-commercial recreational areas and recreational facilities

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

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

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

4.2.5.3 Refer to [Article 21.11](#) for additional conditions pertaining to golf courses

4.2.6 Group care facilities meeting applicable state licensing requirements

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

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

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

4.2.10 Unlisted property uses if authorized under [Article 21.44](#)

ARTICLE 5 R2 GENERAL RESIDENTIAL DISTRICT

INTENT

The R2 General Residential District is designed to provide for multiple-family structures. This district is further intended to be a transitional use district, such as a location between residential districts and non-residential districts.

SECTION 5.1 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:

- 5.1.1 All principal uses permitted in the [R1 District](#) [See [Article 4.1](#)]
- 5.1.2 Multiple family dwellings including rooming houses, bed and breakfast homes, tourist homes, apartment houses, group quarters, housing for the elderly, subject to the requirements of [Article 17 SCHEDULE OF DIMENSIONS](#), and approval of the County Health Department
- 5.1.3 Group care facilities; meeting applicable state licensing requirements
- 5.1.4 The following uses provided there is direct access to a county primary or state trunk line highway, as defined by the County Road Commission:
 - 5.1.4.1 Retail specialty stores when operated by the property owner within a completely enclosed building with no outdoor storage or display; to include: apparel, antiques, ceramics, florists, food stores, fruit markets, gifts hobby shops [Permit criteria include [Article 21.12.02](#), [21.12.03](#)]
- 5.1.5 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

SECTION 5.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

- 5.2.1 All uses subject to special conditions in the [R1 District](#)
- 5.2.2 The following uses provided there is direct access to a County primary or State trunkline highway, as defined by the County Road Commission:
 - 5.2.2.1 Motels and hotels provided there is a minimum lot width of one hundred fifty (150) feet
 - 5.2.2.2 Fraternal halls, sportsmen associations, and athletic clubs within completely enclosed buildings with a minimum lot of five (5) acres with a road frontage of two hundred (200) feet
 - 5.2.2.3 Professional offices for medical, dental, legal, engineering, architectural, or accounting services
 - 5.2.2.4 Convenience retail establishments
- 5.2.3 Churches
- 5.2.4 Manufactured Housing Parks
- 5.2.5 Hospitals Convalescent or Nursing Home Care Facilities

5.2.6 Commercial day care facilities

5.2.7 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](#)]

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

5.2.9 Unlisted property uses if authorized under [Article 21.44](#)

ARTICLE 7 RR RECREATION RESIDENTIAL DISTRICT

INTENT

The Recreation Residential District is designed to accommodate cottage and vacation home developments. It is intended that the vacation home areas be reasonably homogeneous by discouraging the mixing of recreation home areas with commercial resorts, business services and major institutional or community services.

SECTION 7.1 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:

- 7.1.1 One (1) family dwellings
- 7.1.2 Accessory boat launching ramps, minor docks and accessory facilities provided they are developed as part of a residential lot. Permit criteria include [Article 18 LOTS NEAR WATER](#)
- 7.1.3 Public parks, parkways, scenic trails, playgrounds, recreation lands and forests, including accessory shelters and apparatus, and historical structures or display areas
- 7.1.4 Existing farms and agricultural uses
- 7.1.5 Home businesses or occupations and personal services as permitted in [Article 4.1.8](#) and [5.1.4](#)
- 7.1.6 Family care facilities meeting applicable state licensing requirements
- 7.1.7 Family child care homes and group child care homes pursuant to 2006 PA 110, MCL 125.3206 and 1973 PA 116, MCL 722.111 to 722.128
- 7.1.78 Bed and Breakfast/Tourist Homes
- 7.1.89 Travel trailers [Permit criteria include [Article 21.33](#)]
- 7.1.910 Structure for storage of the owner's possessions and non-commercial activities. These structures shall not be used as residences. Structures shall meet the size requirements of [21.1.3](#).
- 7.1.4011 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

SECTION 7.2 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.]

- 7.2.1 Community boat launching ramps, docks and accessory facilities.
- 7.2.2 Golf courses as regulated in the R1 District [See [Articles 4.2.5](#) and [21.11](#)]
- 7.2.3 Private recreational areas and facilities.
- 7.2.4 Marinas
- 7.2.5 Restaurants without drive-through service, which are of an appearance and character consistent with permitted uses
- 7.2.6 Recreation camps or resorts

- 7.2.7 One detached guest house may be permitted, provided the use is accessory to the main dwelling, there is double the minimum required land area for the district and the Health Department approves the sanitary system.
- 7.2.8 Utility and essential service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded). [Permit criteria include [Article 21.10](#) regarding screening fences]
- 7.2.9 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](#)]
- 7.2.10 Churches
- 7.2.11 WTG Small: Permitted as an accessory use to an allowed Principal Use
- 7.2.12 Unlisted property uses if authorized under [Article 21.44](#)

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 meeting applicable state licensing requirements
- 8.1.8 Family child care homes and group child care homes pursuant to 2006 PA 110, MCL 125.3206 and 1973 PA 116, MCL 722.111 to 722.128
- 8.1.89 Duplex dwellings
- 8.1.910 Fraternal lodges
- 8.1.1011 Landing strips
- 8.1.1112 Wildlife, plant, and habitat preservation areas
- 8.1.1213 Cemeteries [Permit criteria include [Article 21.4](#)]
- 8.1.1314 Riding academies or stables [Permit criteria include [Article 21.35](#)]
- 8.1.1415 Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]
- 8.1.1516 Home occupation
- 8.1.1617 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height, without lights [Permit criteria include [Article 21.46](#)]
- 8.1.1718 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](#).
- 8.1.1819 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use
- 8.1.1920 WTG Small: Permitted as an accessory use to an allowed Principal Use
- 8.1.2021 WTG Medium: Permitted as an accessory use to an allowed Principal

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 (190) 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 AN 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 meeting applicable state licensing requirements
- 9.1.12 Family child care homes and group child care homes pursuant to 2006 PA 110, MCL 125.3206 and 1973 PA 116, MCL 722.111 to 722.128
- 9.1.13 Forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities
- 9.1.14 Fraternal lodges
- 9.1.15 Aircraft Landing Strips
- 9.1.16 Churches
- 9.1.17 Cemeteries [Permit criteria include [Article 21.4](#)]
- 9.1.18 Dwellings less than sixteen (16) feet wide [Permit criteria include [Article 21.22](#)]
- 9.1.19 Riding academies or stables [Permit criteria include [Article 21.35](#)]

- 9.1.19~~20~~ 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~~1~~ Veterinary hospitals, clinics with indoor kennel [Permit criteria include [Article 21.45](#)]
- 9.1.21~~2~~ Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]
- 9.1.22~~3~~ Home occupation
- 9.1.23~~4~~ 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~~4~~.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~~4~~.2 All applicable sections of the zoning Ordinance apply
- 9.1.23~~4~~.3 The Zoning Administrator may opt to refer the application to the Planning Commission if there are unusual circumstances
- 9.1.24~~5~~ Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height without lights [Permit criteria include [Article 21.46](#)]
- 9.1.25~~6~~ 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~~7~~ WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use
- 9.1.27~~8~~ WTG Small: Permitted as an accessory use to an allowed Principal Use
- 9.1.28~~9~~ 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 (190) 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 and group care facilities meeting applicable state licensing requirements
- 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 (190) 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](#)]

Section 21.12
Home Occupation
Amended 3.29.2018

Definitions:

Home Occupation: The partial use of a home for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes. Family or group child care homes shall not be considered a home occupation and shall be regulated under 2006 PA 110, MCL 125.3206 and 1973 PA 116, MCL 722.111 to 722.128

Section 21.12.01

Home Occupation

A Home occupation shall be permitted in all zones, provided the home occupation is clearly and obviously subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises.

Section 21.12.02

Permit Required

A Home Occupation Permit is required before any activity is initiated. A Home Occupation Application shall be submitted to the Zoning Administrator who may issue such permit when all applicable provisions of this Ordinance have been met and following approval by the proper body or official.

Section 21.12.03

Home Occupation Regulations:

- Section 21.12.03.01 A Home Occupation shall not employ more than one (1) person other than those related by blood, marriage or adoption.
- Section 21.12.03.02 A Home Occupation shall not exceed fifteen (15) percent of the floor area of the primary residential structure, which can include the attached garage.
- Section 21.12.03.03 A Home Occupation Inventory and supplies shall not occupy more than fifty (50) percent of the area permitted to be used as a home occupation.
- Section 21.12.03.04 A Home Occupation operational nuisances such as noise, vibration, fumes, smoke, odors, lighting, and related shall be strictly confined to the premises and no activity shall be visible or discernible from any adjoining street or property line.
- Section 21.12.03.05 A Home Occupation major activity shall be carried on indoors.
- Section 21.12.03.06 A Home Occupation shall have no exterior display or storage of goods on said premises.
- Section 21.12.03.07 A Home Occupation sales and services to patrons shall be arranged by appointment and scheduled so that not more than two (2) patron vehicles are on the premises at the same time.
- Section 21.12.03.08 A Home Occupation shall be limited to the hours (8 a.m. to 8 p.m.) to its patrons.
- Section 21.12.03.09 A Home Occupation shall provide three (3) additional parking spaces on the premises, except only two (2) need be provided if the home occupation does not have an employee.
- Section 21.12.03.10 A Home Occupation shall not generate greater traffic volumes than normally expected in a residential neighborhood. No additional on street parking demand shall be generated.
- Section 21.12.03.11 A Home Occupation may have One (1) non illuminated sign not to exceed 2 sq. ft. if it is attached to, and is parallel with the wall of the dwelling unit.
- Section 21.12.03.12 A Home Occupation use shall not take on the operational character of a business, industrial, industrial transit or institutional use in terms of parking, truck or commercial traffic, loading and unloading, and related activities.
- Section 21.12.03.13 A Home Occupation shall not make structural alterations which are architecturally at variance with the residential dwelling or which cannot be readily and simply returned to residential use. Exterior alterations shall not be of a design to indicate or characterize the presence of a home occupation.