

**OTSEGO COUNTY  
PLANNING COMMISSION**

**September 16, 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 August 19, 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. ***Section 2, 21.12, Articles 4, 5, 7- 10 - Family and Group Child Care Homes  
Otsego County Zoning Ordinance – Text Amendments***  
*Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to care facilities*
    - a. *Land Use Summary*
    - b. *Open Public Hearing*
    - c. *Public Comment (3 minute limit)*
    - d. *Close Public Hearing*
    - e. *Planning Commission Discussion*
    - f. *Findings/Motion*
9. ADVERTISED CASES:
  1. ***Sections 2, 21.12, Articles 4, 5, 7- 10 - Family and Group Child Care Homes  
Otsego County Zoning Ordinance – Text Amendments***  
*Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to care facilities*
10. UNFINISHED COMMISSION BUSINESS
11. NEW BUSINESS:
  1. CIP Committee - *Volunteers*
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 August 19, 2019

**Call to Order:** 6:00pm by Chairperson Hartmann

Pledge of Allegiance

**Roll Call:**

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Maxwell, Mr. Brown, Mr. Scott, Ms. Corfis

Absent: Mr. Borton, Mr. Hilgendorf, Mrs. Norton, Mr. Caverson, Mr. Bauman

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

Public Present: Tim & Marsha Lash, owner/applicants, Robert Staudacher, neighboring property owner, Jack Marlette

Others Present: Michelle Noirot, Bagley Township Supervisor

Chairperson Hartmann welcomed Pete Maxwell to the Planning Commission as Ken Arndt's replacement for Bagley Township and thanked Michelle Noirot, Bagley Township Supervisor for the invite to Mr. Arndt's send off.

**Approval of minutes from:** July 15, 2019

Chairperson Hartmann requested discussion on the minutes.

Motion made by Mr. Brown to approve minutes as presented; Seconded by Mr. Scott.

Motion approved unanimously.

**Consent Agenda:** None

**Other:** None

**Public participation for items not on the agenda:** None

**Public Hearing:**

1. *Tim and Marsha Lash, owner/applicant, request a Rezone for properties located in Corwith Township:*

042-011-400-005-00  
1960 Alexander Rd  
Vanderbilt, MI 49795

042-012-300-010-00  
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*

Chairperson Hartmann stated the case before them, opened the public hearing and requested the applicant to speak.

*Public hearing opened: 6:04pm*

Marsha Lash, owner/applicant, thanked the Corwith Township and County Planning Commissions' consideration of their request along with the help from Land Use Services staff. She stated they had purchased the property five (5) years ago and would like to construct a home on the property. They looked forward to joining the Vanderbilt community.

# Otsego County Planning Commission

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Chairperson Hartmann disclosed Marsha and Tim Lash were current neighbors of his.

Robert Staudacher, a neighboring property owner, stated his grandfather had once owned all the property in the area and he had tried to have it rezoned forty (40) years ago to place a home on it but was denied. He was granted a variance for a residence for as long as it remained in his family but would have to remove it should the property be sold to anyone else. He questioned what had changed since then.

Chairperson Hartmann stated none of the current members were on the planning commission forty (40) years ago so they could not speak as to why the rezone was denied. He stated Mr. Staudacher was welcomed to request a rezoning of his property and to contact Land Use for help with the process.

Mr. Churches stated the properties may have been zoned industrial because of the existing landing strip and the vision for the area was for a more industrial use. The rezone request was being considered because the landing strip has not been used in many years and the property has not flourished with industrial use.

Mr. Staudacher stated he thought people back then were under the impression there would be a big boon in industry along Alexander Rd but it pretty much stopped with the Quigley factory and the landing strip.

Mr. Stults stated there was conflict with items in the Finding of Fact concerning the Future Land Use Map. He felt procedurally, the Future Land Use Map needed to be updated to reflect the zoning requested before moving forward with the rezone in order to comply with the Zoning Ordinance. He also stated this was a recommendation not an approval.

Mr. Churches stated the Future Land Use Map did not have to be consistent with the request in order to approve a rezone. It was taken into consideration but the Future Land Use Map was put in place over five (5) years ago and things changed over time. Consistency with the Future Land Use Map was not the only criteria for approval; referencing the Planning and Zoning Guidebook, he stated two (2) other factors for consideration were compatibility with surrounding areas and similar uses with other similarly zoned parcels. He felt compatibility played a large factor because the property was surrounded by FR Districts on three (3) sides and although the property was zoned Industrial it was dissimilar to any other Industrial zoned property in the County as far as traffic volume or density of commercial business. Industrial property typically had the heaviest of commercial use and this property was more or less an island in a sea of FR zoned property. He felt it was a good argument for approval of the rezone and the Future Land Use Map could be amended at any time.

Mr. Stults stated that should be done prior to the rezoning based on Exhibit thirteen (13) stating compliance with the Zoning Ordinance, Master Plan and Future Land Use Map.

Mr. Churches stated the Ordinance did not specifically state rezone criteria was based on consistency with the Future Land Use Map; the Zoning Ordinance requires the Michigan Zoning Enabling Act be followed for rezoning and the Michigan Zoning Enabling Act allows a rezone be approved based on the criteria discussed earlier. The Future Land Use Map could be amended with the Master Plan next year or could be amended after the rezone.

Chairperson Hartmann requested further comment, hearing none, closed the public hearing.

*Public hearing closed: 6:15pm*

## Advertised Case:

1. *Tim and Marsha Lash, owner/applicant, request a Rezone for properties located in Corwith Township:*

042-011-400-005-00  
1960 Alexander Rd  
Vanderbilt, MI 49795

042-012-300-010-00  
2230 Alexander Rd  
Vanderbilt, MI 49795

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

Chairperson Hartmann requested comment from Mrs. Jarecki as representative to Corwith Township.

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Vice-Chairperson Jarecki stated the Corwith Township Planning Commission had reviewed the case and had recommended it to the Township Board. The only concern people in the area had was the water quality due to the existing Quigley facility on Alexander Rd; it was recommended the water be tested by the Health Department. She was not aware of the history but wanted to make them aware of any possible issue.

Ms. Corfis stated she would feel more comfortable with either a legal procedural review or amendment of the Future Land Use Map prior to the rezone; she felt community input was important.

Chairperson Hartmann stated this was a public hearing for public input.

Mr. Churches stated the future land use plan for this area was based on Corwith Township's vision; the fact that they recommend the rezone added weight to the revised map depicting the area as FR. He stated procedure was not being disregarded; this was standard procedure as laid out in the Michigan Enabling Act.

Chairperson Hartmann requested further discussion; hearing none, requested a motion to accept the Finding of Fact. *SEE ATTACHMENT 1*

Vice Chairperson Jarecki questioned changes to number fourteen (14) of the Finding of Fact.

Chairperson Hartmann read number fourteen (14) aloud with changes:

*The Planning Commission has the authority to recommend a Rezone request after review and compliance with the Otsego County Zoning Ordinance.*

Motion made by Mrs. Jarecki to accept Exhibit 13 Finding of Fact for PZRZ19-002 with changes made to number fourteen (14); Seconded by Mr. Brown.

Motion approve unanimously.

Chairperson Hartmann requested a motion for the rezone recommendation to the Board of Commissioners.

Motion made by Mrs. Jarecki to recommend the rezone of PZRZ19-002 parcels 042-011-400-005-00 and 042-012-300-010-00 from an Industrial Zoning District (I) to a Forestry Recreation Zoning District (FR) to the Otsego County Board of Commissioners; Seconded by Mr. Brown.

Motion approved unanimously.

## **Unfinished Commission Business:**

### *1. Proposed Text Amendments – Discussion*

#### *a. Section 2, Articles 4,5, 7- 10, 21.12- Family and Group Child Care Homes*

Chairperson Hartmann requested comments from Land Use.

Mr. Churches stated the amendment presented was basically to bring the Ordinance into compliance with the Michigan Enabling Act concerning approval of care facilities in any residential district based on some very loose criteria. He read the following from that Act:

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.

Mr. Churches stated the current Ordinance has some of these uses requiring a special use permit. Changes included permitting the use in all residential districts (R1, R2, RR, FR, AR, along with B1) and also some minor verbiage changes to the definitions and home occupation section. The proposed amendments were sent to Townships and input had been received; a public hearing would be scheduled for September.

Chairperson Hartmann requested discussion; hearing none, moved on.

# Otsego County Planning Commission

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## New Business:

### 1. *Chester Township representative - Recommendation*

Chairperson Hartmann stated Mrs. Norton would be stepping down from the Planning Commission and an application had been received from Chester recommending Jack Marlette as representative. He reviewed the application; Mr. Marlette was present and was requested to comment.

Jack Marlette introduced himself with a short background.

Chairperson Hartmann made the following motion for recommendation to the Board of Commissioners:

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

Motion approved unanimously.

## Reports and Commission Member's Comments:

### 1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated the trail at Irontone Springs was underway; the gate had been installed at the new entrance to the Groen property and the trees would be planted soon – a ribbon cutting ceremony was tentatively scheduled for October 8<sup>th</sup> or 9<sup>th</sup> at the Groen – the Master Plan would also undergo a review; work would be done on the steps at Wah Wah Soo due to complaints received concerning the high water and wave action; grant money would be sought for playground equipment at the County Park – equipment would be barrier free and possibly include a splashpad; Libke Field would be fenced but they were having difficulty finding someone to do the work; the Capital Improvement Plan timeline was discussed and floor replacement at the Community Center was a possibility.

### 2. Land Use Services report

Mr. Churches stated a revised site plan for the approved storage units on M-32 and South Townline Rd in Hayes Township had been received; the revision involved the combination of four (4) smaller buildings into two (2) larger – the footprint would not be increased just the size of the individual rental units. He also stated J&N had posted their \$250,000 performance bond, and had their soil erosion and driveway permits in place for the mining operation on Martindale Rd; periodic inspections would be done.

Mr. Brown stated the ZBA had heard a case for a variance concerning the Dollar General store in Johannesburg; the variance request was to reduce the number of parking spaces from forty-eight (48) to thirty (30) – it was approved although not unanimously. The ZBA also requested the Planning Commission review the parking section to determine if the number of spaces required were absolutely necessary as there seemed to be a lot of unused blacktop throughout the County even on busy summer days.

Mr. Churches stated some proposed revisions were included in the Private Roads section for review at the next committee meeting.

Mrs. Jarecki stated the Trailhead project was moving forward – the kiosk for the Pigeon River had been painted and the mulching would soon be complete; property on Alexander Road was possibly being acquired by the State to be added to the Pigeon River.

With nothing further, Chairperson Hartmann adjourned the meeting.

**Adjournment:** 6:51pm by Chairperson Hartmann

Pete Maxwell; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

# Otsego County Planning Commission

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Proposed Minutes for August 19, 2019

*ATTACHMENT 1:*

## 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 Planning Commission

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## OTSEGO COUNTY PLANNING COMMISSION

PZRZ19-002

REZONE

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

### **Revised:**

### **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 recommend a *Rezone* request after review and compliance with the Otsego County Zoning Ordinance. (Section 25.7) *Exhibit #3, Exhibit #14*
15. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*

# Otsego County Planning Commission

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## 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**

# Otsego County Planning Commission

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## 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 OTSEGO COUNTY ZONING ORDINANCE**

**OTSEGO COUNTY  
Planning Commission**



**EXECUTIVE SUMMARY**

AGENDA ITEM: 10	AGENDA DATE: 9/16/2019
AGENDA PLACEMENT:  Advertised Cases Item 1	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:**

1. Motion to recommend adoption of the proposed language to Sections 2, 21.12 and Articles 4, 5, and 7-10 to the Otsego County Board of Commissioners.



OTSEGO COUNTY LAND USE SERVICES, PLANNING AND ZONING DEPARTMENT

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MEMORANDUM

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**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 statues 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

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

\*\*\* 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 it's 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
- 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**
- 7.1.8 **Bed and Breakfast/Tourist Homes**
- 7.1.9 **Travel trailers** [Permit criteria include [Article 21.33](#)]
- 7.1.10 **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](#).
- 7.1.11 **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](#)
- 8.1.~~9~~ Duplex dwellings
- 8.1.~~10~~ Fraternal lodges
- 8.1.~~11~~ Landing strips
- 8.1.~~12~~ Wildlife, plant, and habitat preservation areas
- 8.1.~~13~~ Cemeteries [Permit criteria include [Article 21.4](#)]
- 8.1.~~14~~ Riding academies or stables [Permit criteria include [Article 21.35](#)]
- 8.1.~~15~~ Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]
- 8.1.~~16~~ Home occupation
- 8.1.~~17~~ Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height, without lights [Permit criteria include [Article 21.46](#)]
- 8.1.~~18~~ 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.~~19~~ WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use
- 8.1.~~20~~ WTG Small: Permitted as an accessory use to an allowed Principal Use
- 8.1.~~21~~ WTG Medium: Permitted as an accessory use to an allowed Principal Use

## SECTION 8.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

- 8.2.1 All permitted uses subject to special conditions, as permitted and regulated in the R1 District.
- 8.2.2 Sportsmen associations or clubs, including shooting ranges
- 8.2.3 Active recreation areas, stadiums and race tracks
- 8.2.4 Veterinary hospitals, clinics with indoor kennels [Permit criteria include [Article 21.45](#)]
- 8.2.5 Driving ranges
- 8.2.6 Game preserves
- 8.2.7 Gasoline stations with or without store
- 8.2.8 Detention facilities
- 8.2.9 Recreation farms (dude ranches)
- 8.2.10 Restaurants and/or taverns (without drive-through service)
- 8.2.11 Campgrounds (commercial)
- 8.2.12 Dog grooming and kennel facilities [Permit criteria include [Article 21.45](#)]
- 8.2.13 Golf courses and country clubs [Refer to [Articles 4.2.5](#) and [21.11](#)]
- 8.2.14 Hunt clubs (commercial)
- 8.2.15 Recreation camps or resorts
- 8.2.16 Surface mining of gravel, sand, clay, topsoil or marl [See [Article 21.25](#) for criteria]
- 8.2.17 Travel trailer courts
- 8.2.18 Wireless Telecommunications Towers and Facilities over one hundred ninety (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 AR AGRICULTURAL RESOURCE DISTRICT

### INTENT

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

### SECTION 9.1 PRINCIPAL USES PERMITTED

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

- 9.1.1 One (1) family dwelling unit
- 9.1.2 Two (2) family (duplex) dwellings subject to the one (1) family density requirements with a minimum lot width of three hundred (300) feet
- 9.1.3 Two (2) detached single-family dwelling units may be permitted, subject to the following conditions:
  - 9.1.3.1 There is a separation between the two (2) dwellings so the lot may be divided into two (2) legal lots with each lot having a lawful minimum width and area, with each dwelling still maintaining the front, side and rear setback as regulated in the District.
  - 9.1.3.2 The County Health Department approves the sanitary system.
- 9.1.4 Growing, raising, and harvesting of agricultural products and farm livestock
- 9.1.5 Woodlots, tree farms, nursery field stock, and harvesting activities
- 9.1.6 Buildings for storing or housing machinery, equipment and/or livestock, including repair operations when accessory to agricultural and farm operations
- 9.1.7 Experimental agricultural activities and uses related to farm research
- 9.1.8 Wildlife habitat and plant species preservation areas
- 9.1.9 Farm industries may include saw mills of a permanent or temporary nature, with assembly of green or untreated wood to a usable item for marketing, provided the operation is conducted as an accessory to a farm and that the use is two hundred (200) feet from property lines
- 9.1.10 Bed and breakfast/tourist homes
- 9.1.11 Family and group care facilities meeting applicable state licensing requirements
- 9.1.12 Family child care homes and group child care homes
- 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.

**OTSEGO COUNTY  
PLANNING COMMISSION**

**PUBLIC HEARING NOTICE**

September 16, 2019

The Otsego County Planning Commission will hold a public hearing on Monday, September 16, 2019 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

**1. SECTIONS 2 and 21.12 / ARTICLES 4, 5, 7- 10 - Family and Group Child Care Homes**

*Proposed amendments to the above section of the Otsego County Zoning Ordinance pertaining to care facilities*

Proposed amendments can be viewed on the Otsego County website link below:

<https://www.otsegocountymi.gov/county-government-2/land-use-services/planning-zoning/>

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

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

## Christine Boyak-Wohlfeil

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**From:** msanders@freeway.net  
**Sent:** Thursday, April 25, 2019 8:06 AM  
**To:** Christine Boyak-Wohlfeil  
**Subject:** RE: Care Facilities

>I have reviewed the proposed changes for the care facilities and have  
>no  
objection to the updates provided. Mary Sanders, Hayes Twp.

Good afternoon all,

>  
> Attached are the proposed changes to the Otsego County Zoning  
> Ordinance pertaining to Care Facilities. Please review and send  
> township input pursuant to Article 27 Township Participation in County Zoning.

>  
>  
> Thank you,  
> Christine

>  
>  
> [logo%20header]  
> Christine Boyak-Wohlfeil  
> Otsego County Land Use Services  
> Phone: 989.731.7407  
> Fax: 989.731.7419  
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CHARLTON TOWNSHIP  
OTSEGO COUNTY

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To: Christopher Churches  
Otsego Co. Planning & Zoning

16 May 2019

From: Ivan H. Maschke, Clerk

Dear Chris,

At the regular May meeting of the Charlton Township Board held on May 13, 2019, there was discussion regards to proposed changes to the Zoning Ordinance in reference to Article 2, 4, 5, 7, 8, 9, 10, 21 (Care Facilities) and Article 21 text amendments (reference nonconforming structures).

The board approved the recommendations of the township Planning Commission for the proposed changes.

Thanks for your time and consideration.

Sincerely,



Ivan H. Maschke, Clerk

CC: Township Planning  
File

June 12, 2019

Mr. Christopher Churches  
Otsego County  
Director of Planning and Zoning  
1322 Hayes Road  
Gaylord, Mi 49735

Dear Chris:

The Otsego Lake Township Planning Commission appreciates your response to our concerns regarding the proposed text amendments to family and group care facilities, and family and group child care homes. The Commission agrees with the proposed changes to the ordinance in regards to family child care home and group child care home facilities. However the Otsego Lake Planning Commission would like clarification on how the proposed ordinance interprets Michigan Zoning Enabling Act 110 of 2006, MLC 125.3206 subsection 2 in the proposed ordinance changes to family care and group care facilities.

Thank you for working with us on these proposed ordinance changes.

Sincerely,

Nora Corfis  
Secretary  
Otsego Lake Township Planning Commission