

May 12, 2020

The regular meeting of the Otsego County Board of Commissioners was held remotely by Zoom in compliance with Governor Whitmer's Executive Order 2020-21. The meeting was called to order at 9:30 a.m. by Chairman Ken Borton. Invocation by Commissioner Julie Powers, followed by the Pledge of Allegiance led by Mary Sanders.

Roll Call:

Present: Julie Powers, Henry Mason, Paul Liss, Duane Switalski, Rob Pallarito, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Commissioner Henry Mason requested the Regular minutes of April 28, 2020 with attachments and the Preparedness and Response Plan BE removed from the consent agenda and placed under new business as item C & D.

Committee Reports:

Motion by Commissioner Rob Pallarito, seconded by Commissioner Henry Mason, to adopt the proposed text amendments to Article 4 Residential, Article 7 Recreational Residential, Article 8 Forestry Recreation, Article 17 Schedule of Dimensions, Section 2.2 Definitions, Section 21.1 Accessory Buildings, of the Otsego County Zoning Ordinance.

Ayes: Julie Powers, Henry Mason, Paul Liss, Duane Switalski, Rob Pallarito, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Nays: None. Motion carried. (see attached)

Motion by Commissioner Rob Pallarito, seconded by Commissioner Julie Powers, to adopt the proposed text amendments to Article 20 Access Management Requirements, Section 2.2 Definitions, Section 21.18 Landscaping and Section 21.27 Parking, of the Otsego County Zoning Ordinance.

Ayes: Julie Powers, Henry Mason, Paul Liss, Duane Switalski, Rob Pallarito, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Nays: None. Motion carried. (see attached)

Motion by Commissioner Doug Johnson, seconded by Commissioner Ken Glasser, to rescind OCR 20-11, which was the Resolution to add the Otsego County Justice Complex to the August 4, 2020 election, and engage in further discussions to potentially place it on the ballot in 2021.

Ayes: Julie Powers, Henry Mason, Paul Liss, Duane Switalski, Rob Pallarito, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Nays: None. Motion carried.

Administrator's Report:

Rachel Frisch reported the Airport participated in MDOTS first virtual inspection, passed; 2019 audit remotely; household hazardous waste 5-30-20 still scheduled at the Road Commission.

Department Head Report: None.

Special Presentations: None.

City Liaison, Township & Village Representative:

Julie Powers reported on the City Council meeting, chickens in the City are on hold, want to go back to face to face meetings in June.

Correspondence: Commissioner Ken Glasser received a letter from the DNR, AuSable river soil erosion.

New Business:

Motion by Commissioner Paul Liss, seconded by Commissioner Rob Pallarito, to approve the May 5, 2020 Warrant in the amount of \$39,502.76 and 33 voided checks.

Roll Call Vote:

Ayes: Julie Powers, Henry Mason, Paul Liss, Duane Switalski, Rob Pallarito, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Nays: None. Motion carried.

Motion by Commissioner Bruce Brown, seconded by Commissioner Duane Switalski, to approve the May 12, 2020 Warrant in the amount of \$128,750.63 and two voided checks.

Roll Call Vote:

Ayes: Julie Powers, Henry Mason, Paul Liss, Duane Switalski, Rob Pallarito, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Nays: None. Motion carried.

Motion by Commissioner Doug Johnson, seconded by Commissioner Ken Glasser to approve the Regular minutes of April 28, 2020 with attachments. Ayes: Julie Powers, Paul Liss, Duane Switalski, Rob Pallarito, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Nays: Henry Mason. Motion carried.

Motion by Commissioner Rob Pallarito, seconded by Commissioner Paul Liss, to approve the Preparedness and Response Plan.

Ayes: Julie Powers, Paul Liss, Duane Switalski, Rob Pallarito, Ken Glasser, Doug Johnson, Ken Borton, Bruce Brown.

Nays: Henry Mason. Motion carried. (see attached)

Chairman Ken Borton opened up the meeting for public comment.

Board Remarks:

Commissioner Rob Pallarito had no report.

Commissioner Duane Switalski thanked the County Administrator and the Parks and Recreation for opening up the parks; Aircraft flying over Grayling Hospital today thanking the hospital staff.

Commissioner Ken Glasser reported on NEMSCA, cares act.

Commissioner Henry Mason commented on the devastation with the Corona virus.

Commissioner Paul Liss reported Corwith Township meeting was held face to face in the hallway of the Township hall.

Commissioner Julie Powers had no report.

Commissioner Bruce Brown reported Jon Deming is person of the week for his hard work with EMS and Emergency Management.

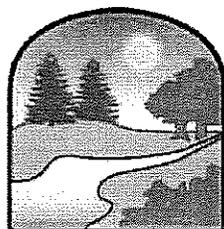
Commissioner Doug Johnson had no report.

Commissioner Ken Borton reminded everyone to support our local businesses.

Meeting adjourned at 10:11 a.m.

Kenneth C. Borton, Chairman

Susan I. DeFeyter, Otsego County Clerk



ESTABLISHED 1875

Otsego
COUNTY

M I C H I G A N

**OTSEGO COUNTY
GOVERNMENT
COVID-19 PREPAREDNESS
AND RESPONSE PLAN**

Date Implemented: April, 27 2020

Otsego County Government COVID-19 Preparedness and Response Plan

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Otsego County Government

COVID-19 Preparedness and Response Plan

In order to respond to the current state of emergency related to the novel coronavirus ("COVID-19") and to comply with relevant state and local orders related to COVID-19, Otsego County Administration has prepared the following COVID-19 Preparedness and Response Plan ("Plan"). This Plan may be updated as this situation evolves or as state or local orders related to COVID-19 are issued or amended.

Essential Workers Necessary to Perform Critical Infrastructure Functions or Conduct Minimum Basic Operations

Executive Order 2020-59 prohibits businesses or operations to operate a business or conduct operations that requires workers to leave their homes except to the extent those workers are necessary to sustain or protect life (*i.e.*, critical infrastructure workers) or to conduct minimum basic operations. County programs and departments have been analyzed and defined as essential services as provided in a separate document published on March 31, 2020, which is included at Appendix A and available on the county website at: <https://www.otsegocountymi.gov/wp-content/uploads/2020/03/Essential-Functions-and-Critical-Sves-FULL-DOCUMENT.pdf> The document contains a list of critical infrastructure workers as described by the U.S. Cybersecurity and Infrastructure Security Agency in its March 19, 2020 guidance as well as additional categories of such workers identified by Governor Whitmer in Executive Order 2020-59.

Under Executive Order 2020-59, workers who are necessary to conduct minimum basic operations are "those workers whose in-person presence is strictly necessary to allow the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely."

Only "critical infrastructure workers" or those required to conduct minimum basic operations may be permitted to perform in-person activities so long as any in-person work is performed consistently with the social distancing and mitigation measures required under any relevant executive order or public health order. All Otsego County staff have been identified as critical infrastructure workers.

Protective Safety Measures

Sick Leave

Employees are permitted to take paid leave consistent with the Families First Coronavirus Response Act and Otsego County's applicable policies which are included at Appendix B. Any onsite employee who appears to have a respiratory illness will be separated from other employees and sent home. See the employee screening section below.

Remote Work

Otsego County Government is committed to the safety and well-being of its staff and the community as a whole. We are also committed to providing continuity of governmental services. The county has implemented a comprehensive remote work plan: we have deployed over 30 laptops, developed a rotation of employees reporting into the office to minimize contact with co-workers, and utilized online technology to the extent possible while working from home.

Employee Screening Before Entering the Workplace and Return to Work Plan for Employees Who Experienced Symptoms or Tested Positive for COVID-19

A screening questionnaire shall be completed by all employees before being permitted to enter the workplace and should comply with any required screening process required by the state or local jurisdiction in which the business is located. The Northwest Michigan Health Department has issued Public Health Emergency Orders (PHOs), providing additional requirements for Otsego County. The current PHO is included in Appendix C. A sample Employee Entry Screening Questionnaire provided by the Health Department is also included in Appendix C. Any individual taking employee temperatures will be required to wear appropriate personal protective equipment.

If an employee fails the screening process, he or she will be prevented from entering the premises until allowed to return to work under the relevant executive orders and PHOs explained in detail in the Return to Work Plan, attached in Appendix C.

Personal Protective Equipment

Otsego County shall provide and make available to all Critical Infrastructure Workers (CIW) and any worker performing in-person work, personal protective equipment (PPE) such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed by the CIW. Any in-person worker able to medically tolerate a face covering, must wear a covering over his or her nose and mouth when in any enclosed public space. Mask protocol: if you are in your own office by yourself you can remove your mask. If your work station is in a central office and you are able to abide by the physical distancing requirements while stationary at work, you may remove your mask. Once someone comes into your office, or stands by your work station, you must wear your mask. If you leave your work station area to see another employee, run errands, go to the restrooms, etc. you must have your mask on. Otsego County will supply masks for all employees that need them.

Enhanced Social Distancing

Supervisors will direct employees to perform their work in such a way so as to reasonably avoid coming within six feet of other individuals. Where possible, employees may be relocated or provided additional resources in order to avoid shared use of offices, desks, telephones, and tools/equipment. The number of employees permitted in any break room or lunch room shall be limited to ensure social distancing restrictions can be followed. Employees should remain in their assigned work areas as much as possible. Employees whose job duties regularly require them to be within six feet of members of the public will be provided with appropriate personal protective equipment or physical barriers commensurate with their level of risk of exposure to COVID-19.

Enhanced Hygiene

Employees are instructed to wash their hands frequently, to cover their coughs and sneezes with tissue, and to avoid touching their faces. Employees will be provided with access to places to frequently wash hands or to access hand sanitizer. Employees will also be provided with access to tissues and places to properly dispose of them. Signs regarding proper hand washing methods will be posted in all restrooms. Hand shaking is also prohibited to ensure good hand hygiene.

Enhanced Cleaning and Disinfecting

Increased cleaning and disinfecting of surfaces, equipment, and other elements of the work environment will be performed several times each day using products containing EPA-approved disinfectants. To the extent possible and available, employees will be provided with access to disposable disinfectant wipes so that any commonly used surfaces can be wiped down before each use. In the event that an employee that

has been in the workplace in the past 14 days tests positive for COVID-19, the applicable area(s) will be closed down for 24 hours so a thorough disinfecting can take place during that time.

Tools and Equipment

Otsego County Government limits the sharing of tools and equipment among in-person employees. Should any sharing of tools be required, employees must disinfect and clean each tool or piece of equipment following their use of same and before any other employee uses the tool or piece of equipment. The county will provide employees with disinfectant wipes and other disinfecting products for this purpose.

Public Entry into County Buildings

All county buildings are closed to the public. No visitors are allowed into the workplace unless they are deemed essential to address an issue related to critical infrastructure functions (limited to IT professionals, mail service, deliveries, and repair professionals). All visitors entering the building shall be approved by the Administrator, and either screened prior to entering the building, or required to follow the screening procedures implemented by their employer (i.e. the U.S. Postal Service, FedEx) and shall wear PPE as required. A screening questionnaire shall be utilized to decide if the visitor can enter the building. If a visitor presents with symptoms of COVID-19 or answers yes to any of the screening questions, they shall not be allowed to enter the building. The county requires that any member of the public able to medically tolerate a face covering must wear a covering over his or her nose and mouth, such as a homemade mask, scarf, bandana or handkerchief, while in any enclosed public space.

Travel

Any conferences, conventions or off-site training shall be in keeping with any current Executive Orders issued by the Governor. Travel is allowed only as permitted under any current Executive Orders issued by the Governor.

Employees with Suspected or Confirmed COVID-19 Cases

Suspected Cases

An employee will be considered to have a Suspected Case of COVID-19 if:

- They are experiencing any of the following COVID-19 symptoms:
 - Fever; Shortness of breath; and/or Continuous cough.

OR

- They are experiencing at least two of the following symptoms:
 - Fever, Chills, Repeated shaking with chills, Muscle pain, Headache, Sore throat, and/or New loss of taste or smell.
- They have been exposed to a COVID-19 positive person, meaning:
 - An immediate family member has tested positive for or exhibited symptoms of COVID-19; or
 - In the last 14 days, the employee came in close contact for a prolonged period of time with someone who has tested positive for COVID-19.

If an employee believes that he or she qualifies as a **Suspected Case** (as described above), he or she must:

- Immediately notify supervisor and/or Human Resources contact;
- Self-quarantine for 14 days; and
- Seek immediate medical care or advice.

If an employee qualifies as a **Suspected Case**, then Otsego County will:

- Notify all employees who may have come into close contact (being within approximately six feet for a prolonged period of time without PPE) with the employee in the past 14 days (while not disclosing the identity of the employee to ensure the individual's privacy); and

- Ensure that the employee's work area is thoroughly cleaned.

Confirmed Cases

An employee will be considered a Confirmed Case of COVID-19 if that person tested positive for COVID-19.

If an employee believes that he or she qualifies as a **Confirmed Case** (as described above), he or she must:

- Immediately notify supervisor and/or Human Resources contact of his or her diagnosis; and
- Remain out of the workplace until cleared to return to work.

If an employee qualifies as a **Confirmed Case**, then Otsego County Government will:

- Notify all employees who may have come into close contact with the employee (being within approximately six feet for a prolonged period of time without PPE) in the past 14 days (while not disclosing the identity of the employee to ensure the individual's privacy);
- Ensure that the entire workplace, or affected parts thereof (depending on employee's presence in the workplace), is thoroughly cleaned and disinfected;
- If necessary, close the work area or workplace, until all necessary cleaning and disinfecting is completed; and
- Communicate with employees about the presence of a confirmed case, the cleaning/disinfecting plans, and when the workplace will reopen.

Business Continuity Plans

The County Administrator shall function as the overall COVID-19 Workplace Coordinator for Otsego County Government and will work with the Otsego County Management Team and the Otsego County Emergency Manager when applicable. Otsego County Managers/Elected Officials shall function as the COVID-19 Workplace Coordinator for their department and shall (1) cross-train employees to perform essential functions so the workplace can operate even if key employees are absent; (2) identify alternate supply chains for critical goods and services in the event of disruption; and (3) develop an emergency communication plan to communicate important messages to employees and constituents.

**~APPENDIX A~
OTSEGO COUNTY
ESSENTIAL SERVICES/CRITICAL INFRASTRUCTURE WORKERS**

The information in Appendix A has been established in a separate document published on March 31, 2020 which is included here and is available on the county website at:

<https://www.otsegocountymi.gov/wp-content/uploads/2020/03/Essential-Functions-and-Critical-Svcs-FULL-DOCUMENT.pdf>



Board of Commissioners
225 West Main Street • Gaylord, Michigan 49735
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Whereas, Order 2020-21 requires that the employer (Otsego County) shall designate, no later than March 31st, workers that are defined as Critical Infrastructure Workers; and

Whereas, businesses and operations must determine which of their workers are necessary to conduct minimum basic operations, and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Such designations, however, may be made orally until March 31, 2020 at 11:59 p.m.

Whereas, with full intent to comply with the spirit and intent of the Order, the County examined the positions, classifications and functions of the workers in its employ, and

Whereas, following such review, a meeting was held with the Administrator, and the Chairman and Vice Chairman of the Board of Commissioners of the County to verify all efforts and plans to provide continuity of government services, therefore;

For purposes of this designation, necessary government activities include activities performed by critical infrastructure workers, as detailed in the attached document titled "Essential Functions and Critical Infrastructure Workers of Otsego County Government".

All in-person government activities must be performed consistently with the social distancing practices, and other mitigation measures, to protect workers and patrons described in section 5(c) of the Executive Order as follows:

- Restricting the number of workers present on premises to no more than is strictly necessary to perform the business's or operation's critical infrastructure functions.
- Promoting remote work to the fullest extent possible.
- Keeping workers and patrons who are on premises, at least six feet away from one another, to the maximum extent possible, including customers who are standing in line.
- Increasing standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
- Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have COVID-19.

"The mission of Otsego County Government is to provide effective services to our citizens in the most efficient manner to enhance the quality of life for all."

- Any other social distancing practices, and mitigation measures recommended by the Center for Disease Control (CDC).

With this Directive, the County of Otsego has complied with the full spirit and intent of the Executive Order and where disagreement regarding interpretation may present itself, there is no willful intent of the County to violate the Executive Order.

Ken Borton, Chairman Otsego County Board of Commissioners Date



ESSENTIAL FUNCTIONS AND CRITICAL INFRASTRUCTURE WORKERS OF OTSEGO COUNTY GOVERNMENT

March 26, 2020

Virtually all Otsego County Governmental functions and programs are considered to be essential functions as defined by Executive Order 2020-21 dated March 24, 2020.

This document provides a description of each essential service and identifies the County's critical infrastructure workers, as required by Executive Order 2020-21. It does not include the County's related agencies and component units, as those entities are separate employers and they have implemented COVID-19 protocols and requirements separately.

Otsego County Government is committed to the safety and well-being of its staff and the community as a whole. We are also committed to providing continuity of governmental services during this difficult time.

To achieve these goals, the County has implemented the following broad, overall practices for all employees:

When practical and available, staff are encouraged to work remotely. However, each building and/or department is to have one person (on a rotating basis) report into the office to ensure high quality continuity of governmental services to the community. Any exceptions to this must be approved in advance by the County Administrator.

Extraordinary steps have been taken to mitigate the spread of disease for those physically reporting into their place of work, including:

- Heightened cleaning and disinfecting efforts by the janitorial/maintenance staff.
- County buildings remain closed to the public.
- With only one person at a time physically in each department, person-to-person contact is eliminated or drastically reduced. In rare instances when more than one person is present in a department, employees have been instructed to strictly adhere to social distancing recommendations.
- All employees have been informed not to report to work if they experience symptoms of COVID-19 illness.

Otsego County has required all employees who are not physically reporting into their place of work to be classified as an "on-call, working from home" status, meaning they are to perform all duties possible remotely as directed by their supervisor, and also be available to come into the office on an as-needed and/or rotating basis.

Otsego County may reevaluate and make changes to this information to continually evolve with this fluid situation.

CRITICAL INFRASTRUCTURE WORKERS

A. OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS

Board of Commissioners

Description of Essential Services:

The chief legislative and policy-making body of Otsego County Government is the 9-member Board of Commissioners.

Number of Employees:

9

Plan of Action:

The Board of Commissioners has suspended meetings for a 30-day period from April 1 – 30, 2020 for the Commissioners and for Select Committees (Budget & Finance, Criminal Justice Coordinating, and Personnel Committees). Within this 30-day period, the Board has directed the Administrator to look into virtual meetings within the parameters of the new Open Meetings Act.

The Board has authorized the County Administrator to approve all disbursements for a 30-day period from April 1 – 30, 2020.

The Board has authorized the Board Chair, Vice Chair, and Administrator to make changes to employee policies and procedures as they agree upon and are needed in response to this very fluid public health emergency. All changes to these policies will be ratified after the fact by the full Board of Commissioners meeting at their next available board meeting. This authorization will be reviewed in 90 days.

This allows Commissioners to work from home without interruption to government services.

Administration

Description of Essential Services:

The County Administrator is appointed by the Board of Commissioners to implement Board policies, to oversee the daily activities of the County, to serve as the Chief Executive Officer, and to supervise non-elected County departments/functions. The County Administration offices include the offices of Human Resources and Finance, providing full administrative, financial and personnel support to the Board of Commissioners, elected officials and employees, and assisting the public with FOIA inquiries and general information dissemination. The Administrator's office is responsible for assisting the Board in meeting identified goals; developing agenda items for the Board of Commissioners; developing procedures to accompany board approved policies; management of county personnel, including negotiation of union and employment contracts; conducting program, departmental, and management analysis; and providing general administrative support.

Number of Employees:

2

Plan of Action:

All staff reporting to the office for normal business hours.

Building and Grounds/Maintenance

Description of Essential Services:

The Building and Grounds Department is responsible for maintenance and upkeep of County owned facilities. The County contracts these services.

Number of Employees:

0

Plan of Action:

The 3 contracted individuals are reporting to work as normal. Janitorial efforts in particular have been extensively increased during this time.

Clerk

Description of Essential Services:

The Office of County Clerk is a four-year, partisan office, established by the State Constitution, and is therefore charged with many statutory duties. The County Clerk, as Clerk of the Circuit Court, has the responsibility for the care, custody and maintenance of all Circuit Court records, and is the keeper of the Seal of the 46th Circuit Court. In addition, the County Clerk is the Clerk to the Board of Commissioners; the Jury Commission; the Board of Canvassers; the Concealed Weapons Licensing Board; and is a member of the Special Election Scheduling Committee; the County Election Commission; and the County Plat Board; is the Chief Election Official for the County; and the keeper of all vital records for the County. The Clerk also oversees the Register of Deeds (ROD) department.

Number of Employees:

Clerk – 4; ROD – 1

Plan of Action:

Limited staff reporting to the office for normal business hours; other staff are on an "at home, on call" status.

One person, on a rotating basis, is reporting into the office each day. One day a week, the ROD employee is reporting into the office.

Courts

Description of Essential Services:

The courts' function is to adjudicate legal disputes between parties and carry out the administration of justice in accordance with the rule of law. The courts' role is to determine disputes in the form of cases which are brought before them. Court policies, procedures and rules are governed by the following authorities: Federal and Michigan Constitutions, Federal or Michigan Statutes, Michigan Court Rules, Michigan Supreme Court Administrative Orders, directives from the State Court Administrator's Office, directives from state regulatory agencies, or local directives from the Chief Judges.

Number of Employees:

17

Plan of Action:

Limited staff reporting to the office for normal business hours; other staff are on an "at home, on call" status. Each employee that reports is confined to their own office to prevent the spread of germs. The spread of employees is well beyond the 6' guideline for social distancing.

Judge reports to the office daily to handle all required hearings, review ex-parte relief motions/petitions and sign any necessary orders to ensure litigant constitutional and statutory rights.

Judicial Assistant reports to the office daily to assist the Judge with all necessary matters, including preparation of orders and facilitation of hearings.

District Court Clerk/Magistrate reports to the office to answer phones, process mail, payments, search warrants and facilitate hearings for any in-custody arraignments, pleas and/or sentencings, and processing of criminal extradition matters for in-custody defendants.

Juvenile Register reports to the office to answer phones, process mail and to facilitate hearings required within 24 hours of taking a child into protective custody, abuse/neglect petitions, safe delivery of newborn child, hearings required within 24 hours of a juvenile's apprehension, arraignments for in-custody designated and adult court waiver proceedings as well as emergency removals and permanency planning hearings.

Probate Register reports to the office to answer phones, process mail and to facilitate emergency hearings for involuntary mental health treatment, petitions for immediate funeral/burial arrangements, emergency petitions filed by Adult Protective Services, emergency petitions for guardianship and/or conservatorship, estates where immediate access to residence is necessary and any ex-parte requests for temporary restraining orders, Do Not Resuscitate orders, and Waiver for parental consent.

Juvenile Officer/Caseworker reports to the office to answer phones, monitor youth on probation and to facilitate any removals from the home.

FOC

Description of Essential Services:

The Friend of the Court is the investigative and enforcement arm of the Circuit Court. It assists the court by providing recommendations regarding custody, parenting time, child support and medical support issues, while protecting the rights and interests of children. The Friend of the Court also provides recommendations regarding spousal support when necessary, as well as enforcing written orders regarding custody, parenting time, and child support while assisting parents in settling disputes during the pendency of their case.

Number of Employees:

7

Plan of Action:

The Friend of the Court Supervisor reports to the office for normal business hours every day to answer phones, process mail/support payments, record support orders in MICSES, implement income withholding notices so payments can be deducted and paid automatically and implement national medical support notices to allow health care coverage to be implemented as quickly as possible. Also facilitates any arraignments on bench warrants and ex-parte emergency motions that are filed.

Equalization**Description of Essential Services:**

The Equalization Department advises and assists the County Board of Commissioners in equalizing real and personal property assessments on a County-wide basis. To comply with State directives, the Department conducts annual sales or appraisal studies for all classes of real property. Audits and record verifications are conducted for personal property. These studies are used to equalize assessed values for each class of real and personal property in the ten local units of government within Otsego County. The Department assists local assessing officers in the discovery, listing and valuation of properties for tax purposes, and the development and use of valuation standards and techniques for the assessment of property.

Number of Employees:

3

Plan of Action:

One person, on a rotating basis, is reporting into the office each day.

The department is working diligently to complete the following essential reports:

County Equalization Report, L-4626s, L-4022s, L-4024, L-4023's

1. Local assessors must turn in their Taxable Value L-4626 reports to the county by 4/8/2020 and equalization reviews and sends them to the State Tax Commission (STC) by 4/20/2020.
2. Assessors must turn in to Equalization Sign Copies of their L-4022 and Equalization submits it to STC after review.
3. Equalization must prepare the "County Equalization Report" compiling data from all the local units (Townships & City) that is reviewed by the BOC on or about the first Tuesday following the 2nd Monday in April.
4. On same day, the L-4024 Personal and Real Property is scheduled to be adopted by BOC and submitted to the STC.
5. No later than the third Monday in April the County's L-4023 Analysis for Equalized Valuation (4/20/2020) is due to the STC.
6. All materials relating to the above list must be submitted no later than 5/4/2020.
7. Preliminary State Equalization is 5/11/2020. All County Equalization must be completed and submitted well prior to that date.

Finance

Description of Essential Services:

The Otsego County Finance Department is an integral part of County Administration. The Finance Department is responsible for payroll administration, accounts payable and receivable processing, general ledger administration, financial reporting, financial audit coordination, annual budget development and long-term financial projections and planning.

Number of Employees:

2

Plan of Action:

All staff reporting to the office for normal business hours.

Each employee is confined to their own office to prevent the spread of germs. Employees are distanced well beyond the 6' guideline for social distancing.

Human Resources

Description of Essential Services:

The Human Resources Department is an integral part of County Administration and provides personnel support, develops employee guidance and policies, and takes part in the negotiation of union and employment contracts. The HR Director also functions as the Assistant County Administrator.

Number of Employees:

2

Plan of Action:

One person, on a rotating basis, is reporting into the office each day.

IT

Description of Essential Services:

Provide network and computer services that are necessary to the function of the County. The County contracts IT services.

Number of Employees:

0

Plan of Action:

The company the County contracts with has several individuals working to provide Otsego County's IT services. All work from a remote location except for one individual who has his own office in the County building and physically reports in during normal business hours.

Treasurer

Description of Essential Services:

The Office of County Treasurer is a four-year, partisan office, established by the State Constitution, and is therefore charged with many statutory duties. This office is responsible for sending tax bills, receiving

the funds and collecting overdue payments. Once received, the Treasurer will disburse that money among the various agencies that need it. The Treasurer by statute has custody over county cash and investment accounts.

Number of Employees:

4

Plan of Action:

One person, on a rotating basis, is reporting into the office each day.

Online and credit card payments are strongly encouraged, and no cash payments are accepted at this time.

Bank deposits are handled through the drive through or dropbox only.

B. LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

Prosecutor

Description of Essential Services:

The Otsego County Prosecuting Attorney, by statute, serves as the chief law enforcement official in the county, charged with the following duties:

- Reviews, authorizes, and prosecutes violations of felony and misdemeanor criminal laws of the State of Michigan and county ordinances committed in the county
- Reviews, authorizes and prosecutes felony and misdemeanor juvenile delinquency offenses
- Reviews, authorizes and prosecutes child protective proceedings in the Family Court where there are allegations of child neglect and/or abuse, including termination of parental rights
- Represents the "People of the State of Michigan" in criminal matters in the District, Circuit and Family Courts as well as appeals of cases to the Michigan Court of Appeals and Supreme Court
- Prosecutes contempt proceedings when there has been a violation of a Personal Protection Order (PPO)
- Participates on behalf of the petitioner in mental health commitment hearings
- Provides assistance and input to the victims of serious criminal offenses
- Represents and gives advice to the county board of commissioners and other county departments on legal matters
- Reviews, authorizes and prosecutes civil actions to obtain financial support for children

Number of Employees:

8

Plan of Action:

One Prosecutor and one Support Staff is in office during regular office hours every day.

Two Prosecutors and Victim Advocate have laptops in which they use to work from home.

All staff is to remain available via phone, text or email to answer questions or come in office if necessary.

Sheriff

Description of Essential Services:

The Otsego County Sheriff's Office is a county police agency which serves and protects a county of 540 square miles from Waters north to Vanderbilt, Johannesburg west to Elmira. By law, the Sheriff is the chief conservator of the peace within the county and is responsible for the county jail. The Sheriff is also charged with aiding the criminal courts, serving civil process, executing judgments, marine and snowmobiles laws, among other duties.

Number of Employees:

29

Plan of Action:

• ***Jail***

The Office of the Sheriff is mandated to provide a county jail. In an effort to eliminate exposure risk to the Otsego County Jail inmates the following protocol is mandatory and temporarily suspended.

- 1.) Suspend Inmate Church services.
- 2.) Suspend inmate visitation.
- 3.) Suspend all substance abuse counseling sessions.
- 4.) Suspend inmate AA/NA services., to include Celebrate Recovery.

There shall not be any civilian entry into the secure area of the jail.

The only authorized personnel are specific attorneys; they are to see their inmate clients utilizing the visit booth.

These restrictions will remain in effect until further notice.

• ***Civil Division***

The Office of the Sheriff, by statute, must maintain a civil division. The division is responsible for service of:

- o Summons and Complaints
- o Orders to Seize Property
- o Small Claims -Order of Evictions (Tenant Removal)
- o Notice of Hearings
- o Personal Protection Orders
- o Child Support Petitions
- o Summary Proceedings
- o Foreclosure Sales
- o Order to Show Causes

These services have been minimized or suspended to the extent possible.

• ***Work Camp***

The Sheriff's Work Camp operates for the purpose of reducing the number of jail beds needed to house inmates. Reducing the inmate population when possible is critical to prevent the spread of COVID-19 disease.

• ***Sheriff Administration***

All staff reporting to the office for normal business hours.

Additional suspensions of functions include:

- 1.) Daily preliminary breath testing (PBT's).
- 2.) Inmate visits with the public (professional visits allowed).
- 3.) All fingerprinting services.
- 4.) Sex Offender registrations.

Emergency Management

Description of Essential Services:

Otsego County's emergency manager is a contracted position whose main duties include: plan, direct and coordinate a comprehensive management program to include E-911 Dispatch Communications and Emergency Management Services for the County to minimize the effects of major events or disasters. Coordinates emergency service programs with area agencies, state and federal agencies and area citizens. Serves as a key advisor to the County Board of Commissioners and County Administration regarding emergency incidents and activation of the Emergency Operations Center. With the staff assistance, the position is also responsible for the 911 emergency telephone system and centralized emergency dispatch center responsible for dispatching all police, fire and ambulance services within the County. Responsible for the maintenance of all communications and other equipment and the coordination and integration of systems including telephone, computer and radio interfaces. Responsible for all administrative functions of the department including financial and personnel management, including the supervision of dispatch personnel and preparation and administration of the budget.

Number of Employees:

0

Plan of Action:

This position is providing high level, round the clock emergency management services for the County government and the community.

9-1-1 Dispatch

Description of Essential Services:

Otsego County contracts with the Michigan State Police to provide 9-1-1 Dispatch services.

Number of Employees:

0

Plan of Action:

9-1-1 Dispatch is providing high level, round the clock dispatch services for the County government and the community.

C. HEALTHCARE/PUBLIC HEALTH

Veterans

Description of Essential Services:

The Otsego County Veterans' Affairs provides services to Veterans and their families with veterans' benefits advocacy and assistance. Staff that is dedicated to ensure that the sacrifices of our nation's Veterans are recognized, and that they and their families receive all veterans' benefits to which they are entitled. Our goals are to obtain the maximum Veterans' benefits available for our clients through our professionalism and advocacy while making the process as simple and understandable as possible. As a division of Otsego County government we are able to provide our services free of charge.

Number of Employees:

3

Plan of Action:

Two employees report into the office each day.

Housing

Description of Essential Services:

The Housing Committee provides low-interest or deferred loans for rehabilitation and emergency repair programs to low and very low-income owner-occupied single-family residential and rental dwellings in Otsego County.

Number of Employees:

2

Plan of Action:

Two employees report into the office each day.

Medical Examiner

Description of Essential Services:

The Medical Examiner's Office is charged with the following duties. Otsego County contracts this service.

- Conducting on-scene investigations in all cases of persons who have come to their death by violence, or whose death is unexpected, or without medical attendance during forty-eight (48) hour prior to the hour of death unless the attending physician, if any, is able to determine accurately the cause of death, whether the result of an abortion, whether self-induced or otherwise, or the death of any prisoner in a County or City Jail.
- Be available to respond and assist prosecuting attorneys, defense attorneys, funeral directors, law enforcement professionals, healthcare institutions, organ procurement organizations and families regarding the unexpected and unexplained deaths of the county.
- Issue death certificates, cremation permits, and fulfill records requests.

- Lead and direct investigations of all reported deaths pursuant to the requirements of the laws of the State of Michigan.
- Provide in-service training to Medical Examiner Investigators.
- Arrange with other physicians for providing of autopsies, toxicology, anthropology, and DNA services when the need arises. Negotiate and execute contracts for those support services.
- Respond to requests for reports with descriptive & statistical data (i.e. Opioid data).
- Maintain departmental budget.
- Conduct internal quality assurance reviews on case investigations and records.

Number of Employees:

0

Plan of Action:

All individuals providing contractual Medical Examiner services are following strict PPE and social distancing protocols in the office and in the field.

MSU Extension

Description of Essential Services:

Michigan State University Extension helps people improve their lives by bringing the vast knowledge resources of MSU directly to individuals, communities and businesses. Otsego County's MSU Extension Office is integral in providing essential communications, educational, and health and welfare programs to individuals and families in Otsego County.

Number of Employees:

1

Plan of Action:

This employee is working remotely.

D. PUBLIC WORKS

Land Use Services/Building Department

Description of Essential Services:

The Otsego County Land Use Services/Building Department provides building, electrical, plumbing and HVAC inspections, utility activations utility disconnections inspections requirements for repairs, maintenance, and alterations to enable habitable occupation to a structure and the Enforcement of Life and Safety Items.

Number of Employees:

3 Employees; 5 Subcontractor Inspectors

Plan of Action:

The Land Use Office will be staffed on a rotating basis with at least one employee in the office during normal department business hours to answer phones, answer emails, process/issue permits, schedule essential inspections and to receive payments.

Exterior Inspections will continue with the established protocols as detailed on the departmental applications.

Occupied Residences, where an inspection is requested and essential; the department will make a determination on a case by case basis.

The department is open at this time for photo, video or video conferencing inspections where plausible.

Planning/Zoning

Description of Essential Services:

Maintains, administers, and enforces the Otsego County Zoning Ordinance. Works with the Planning Commission, Zoning Board of Appeals, and the general public to ensure that land development is appropriately implemented. Prepares amendments to the Master Plan, prepares zoning amendments, and conducts planning studies.

Number of Employees:

2

Plan of Action:

- Employees are working entirely remotely
 - Phone lines have been updated informing callers that department is operating remotely and listing relevant contact information.
 - Because building is closed to public, information is available in Land Use lobby informing public that department is operating remotely, listing staff contact information, and instructions on how to submit zoning permit applications via email.
 - Staff are monitoring email from home and are remotely checking voicemails every 2 hours (8, 10, 12, 2, 4).
 - Daily phone conference calls are being held to discuss any important information and adjust plan of action if needed.

- Staff have been assigned work that can be performed using departmental laptops from home. Director has home access to network and all relevant BSA modules.
- Suspension of all active zoning enforcement inspections and postings through April.
 - No zoning violations reflect an immediate threat to health and human safety.
- Planning Commission meetings are suspended until May.

Recycling

Description of Essential Services:

Otsego County has a single-stream drop-off recycling program, with 5 drop-off locations throughout the county. Recycling services are contracted.

Number of Employees:

0

Plan of Action:

The contracted company empties the recycling bins on a regular basis. This process involves one person doing the work, and this person has been educated and trained by their company about social distancing and other preventive matters.

E. OTHER ESSENTIAL SERVICES

Parks and Recreation

Description of Essential Services:

The Otsego County Parks and Recreation Department plans, develops, and administers a comprehensive program to provide park and recreation facilities and programs. The department manages maintenance of county-owned parks and facilities, programs activities through full-time and seasonal personnel, and oversees developmental and improvement projects within the parks.

Number of Employees:

7

Plan of Action:

The indoor recreational facility Community Center has been closed to the public until further notice. Year-round employees are reporting to work at the Community Center to complete repair and maintenance projects. Seasonal park rangers are not yet reporting to work. The Groen Nature Preserve remains open. The County Parks plan to open as scheduled on April 29th.

Animal Control

Description of Essential Services:

The Otsego County Animal Control Department cares for animals that are surrendered or found in the community. They also enforce laws that are placed in affect to protect animals under the Otsego County Animal Control Ordinance.

Number of Employees:

5

Plan of Action:

2 people, on a rotating basis, are reporting into the office each day (8a-4p). The animals are being fed, monitored, and cared for with continued high standards as always. The shelter facility continues to be cleaned and disinfected regularly, with increased efforts during the pandemic. The employees that are not working are at home with the status of on-call in case they are needed.

With regards to Animal Control, the 2 people at the shelter are taking calls and complaints and handling them between (8-4). 1 person is on-call handling complaints after hours as they are reported and handling them via phone when possible.

Airport

Description of Essential Services:

Gaylord Regional Airport is owned and operated by the County of Otsego. The Airport is licensed by the Michigan Aeronautics Commission as a General Utility Airport. It is listed as a tier one airport in all categories of the Michigan Airport System Plan.

Number of Employees:

2

Plan of Action:

As a federally operated airport, the Gaylord Regional Airport cannot close – the airfield and structures must stay open (per Compliance Guidance Letter 2020-01 issued by the Federal Aviation Administration). The airport terminal is open to flight-related traffic, but is closed to all non-flight related traffic. Additional steps include:

- Limit contracted airport maintenance staffing to one employee at airport during normal business hours except when there is an overlap but will remain separated on those few days.
- All employees (2) reporting to the office for normal business hours. Each employee is confined to their own office to prevent the spread of germs. Employees are distanced well beyond the 6' guideline for social distancing.
- Gates have been closed so that now there is only one single access gate in and out of the airport.

Bus

Description of Essential Services:

"To provide safe, reliable and affordable transportation to all residents of Otsego County". The Otsego County Bus System transports all citizens of our County/Community to include Senior Citizens, people with special needs, students and regular adults. All busses have wheel chair lift capability, and curb to curb demand response service is provided anywhere in the County.

Number of Employees:

21

Plan of Action:

The Otsego County Bus System is operational; however, the public is strongly encouraged to seek alternative transportation if anyone is experiencing symptoms of illness, in order to minimize the spread of germs. Buses are cleaned extensively throughout the day. A "cleaning bomb" is used in each bus overnight, which thoroughly disinfects the bus interior. Social distancing is required and face masks are available.

~APPENDIX B~
OTSEGO COUNTY COVID-19 LEAVE POLICIES

Items included in Appendix B:

- Employee COVID-19 Leave Bank
- First Responder COVID-19 Leave Bank

Families First Coronavirus Response Act

Effective, April 1 2020 - through December 31, 2020, the Families First Coronavirus Response Act (FFCRA) requires employers to provide their employees with sick leave (up to 80 hours depending on their normal work week) and expanded family and medical leave for specific reasons related to COVID-19 (see attached posting). To continue to maintain a safe workplace during this unprecedented time, for the remaining duration of the Shelter in Place Executive Order 2020-21, Otsego County will pay the employee not only if they meet the specified reason as outlined in the FFCRA, but also if they are directed to not report to work by their supervisor because of symptoms and/or temperature. Such pay will be at their regular rate and will be deducted from the COVID-19 sick bank. Payroll staff have been given pay codes to use during this time for COVID-19 expense tracking purposes. Please contact Human Resources if you have any questions about the coding or application thereof.



Board of Commissioners
225 West Main Street • Gaylord, Michigan 49735
Phone: 989-731-7520 • Fax: 989-731-7529

Emergency COVID-19 Sick Leave for Emergency Responders

Otsego County has excluded Emergency First Responders from the Families First Coronavirus Response Act and the Emergency Paid Sick Leave Act.

As a result, Otsego County has elected to establish by policy to provide emergency responders with up to 80 hours (pro-rated for part-time employees by their FTE) paid sick leave for the specified following COVID-19 related reasons:

- Emergency Responder is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
- Emergency Responder has been advised by a health care provider to self-quarantine related to COVID-19 under Emergency Responder guidelines.

These provisions will apply going forward during the State of Emergency originally declared by Governor Gretchen Whitmer which began on March 10, 2020.

Unused COVID-19 paid sick time is not paid out at any time.

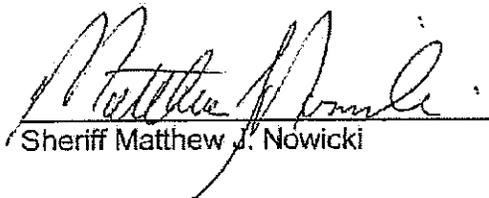
The above is being provided outside of the above statutes and is by policy by Otsego County during the term of this emergency only.

SIGNED VIA EMAIL

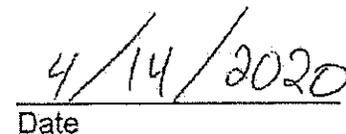
April 13, 2020

Ken Borton
Board of Commissioners

Date



Sheriff Matthew J. Nowicki



Date

~APPENDIX C~
PUBLIC HEALTH EMERGENCY ORDER
EMPLOYEE SCREENING DOCUMENTS AND
MANDATORY GUIDELINES

Items included in Appendix C:

- Northwest Michigan Health Department Public Health Emergency Order
- Sample Employee Screening Document
- Employee Return to Work Plan



The mission of the Health Department of Northwest Michigan is to serve our entire community and to achieve health equity by promoting well-being, preventing disease, and protecting the environment through partnerships, innovation, and excellence in public health practice.

Lisa Peacock, Health Officer
1-800-432-4121

EMERGENCY ORDER (2020-4) FOR CONTROL OF EPIDEMIC/PANDEMIC

Required screening and social distancing measures at open businesses and operations subject to the Governor's Executive Order 2020-70 and any existing or future Executive Order

This Emergency Order is made pursuant to Section 2453 of the Public Health Code, being MCL 333.2453.

Matters concerning the public health of the residents of Antrim, Charlevoix, Emmet and Otsego Counties have been brought to the attention of the Health Department of Northwest Michigan Local Health Officer. The Local Health Officer has determined that controls are necessary to reduce transmission of COVID-19 to protect the public's health of Antrim, Charlevoix, Emmet and Otsego Counties based on the following facts:

1. A State of Emergency was declared March 10, 2020 with an Executive Order expanding the emergency declaration and declaring a State of Disaster on April 1, 2020 by Governor Whitmer and Michigan is under threat of a pandemic virus that has reached epidemic status in Michigan.
2. On April 2, 2020, an Emergency Order regarding the Governor's Executive Orders was issued by Michigan Department of Health and Human Services Director, Robert Gordon, which declared COVID-19 an epidemic in the State of Michigan.
3. All existing and future Executive Orders (also called "EOs") of the Governor related to the Coronavirus and the Emergency Orders of the Michigan Department of Health and Human Services (MDHHS) Director are incorporated herein by reference. This includes all Executive Orders of the Governor and all Emergency Orders of the MDHHS Director, which are currently in effect as well as those Emergency Orders which become effective in the future.
4. COVID-19 and its effects have been detected within Antrim, Charlevoix, Emmet and Otsego Counties.
5. Coronavirus, which causes COVID-19, is a communicable disease and can be transmitted from person to person.
6. The Coronavirus transmission is possible even though the infected person has no symptoms and is unaware of the infection.
7. In order to control and limit the spread of this communicable disease, it is necessary to prevent infected people from coming into contact with uninfected people. It is also imperative that workers be protected. In addition, the mandatory daily screening program, as described below, is consistent with and implements the recommendations of the Occupational Health and Safety Administration Guidance For Preparing Workplaces for COVID-19 which states that "prompt identification and isolation of potentially infectious individuals is a critical step in protecting workers, customers, visitors, and others at a worksite." In addition, this Emergency Order provides consistency among preparedness and response plans.

8. Although healthcare workers and their employers are exempt from compliance with Part 1, Section b., Item ii in this Emergency Order, it is recommended that these parties reference the guidance issued in the memorandum dated March 20, 2020 as well as any subsequent guidance from Dr. Joneigh Khaldun, Chief Medical Executive of the Michigan Department of Health and Human Services.

It is hereby ordered that:

1. All persons, businesses, operations, local governments and local governmental agencies shall comply with all Executive Orders of the Governor and Emergency Orders of the MDHHS Director, unless the Order has been rescinded.
2. All businesses, operations, local governments and local governmental agencies that are required by an EO to develop a COVID-19 preparedness response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, as developed by the Occupational Health and Safety Administration shall take the following actions:
 - A) Develop and implement a daily screening program for all workers, who do not work from their residence.
 - 1) Screening criteria must include asking the worker the following questions and taking the following actions:
 - a) Determine whether the worker is experiencing the following symptoms: fever, cough, shortness of breath, sore throat, diarrhea. Fever is defined as temperature of 100.4 degrees or higher as measured by a touchless thermometer if available, but a verbal confirmation of lack of fever is sufficient if a touchless thermometer is not available.
 - b) Determine whether the worker has had any close contact in the last 14 days with someone with a diagnosis of COVID-19. "Close contact" means someone identified as "close contact" by the local health department, a household member, or someone within 6 feet for 10 minutes or longer.
 - c) Determine whether the worker has engaged in any activity or travel within the last 14 days which fails to comply with any EO of the Governor, which is then in effect.
 - d) Determine whether the worker has been directed or told by the local health department or their healthcare provider to self-isolate or self-quarantine.
 - 2) A "yes" to any of the screening questions above requires the worker, who is not working from their residence, to be excluded from work:
 - a) 3 days with no fever and 7 days since onset of first symptom.
 - b) 14 days if close contact of a diagnosed case of COVID-19 as described in A(1)(b).
 - c) 14 days following any activity or travel as described in A(1)(c).
 - 3) All businesses, operations, local governments and local governmental agencies remaining open pursuant to any EO shall maintain written or digital documentation of the results for each worker, who is subject to the daily screening program that is described above. All written or

digital documentation, which is required by this Emergency Order, shall be made available to the local health department or its authorized representative upon request.

- 4) Exemptions:
 - a) First responders, healthcare workers, law enforcement, EMS, health-related transportation workers and other essential healthcare workers are exempt from Section A, Part 2, Item b.
 - b) Nothing in this order shall limit the operations of first responders, healthcare workers, law enforcement, EMS, health-related transportation workers and other entities that are involved in the mitigation of risk during this pandemic.
3. Develop and implement a plan to manage and control social/physical distancing (at least 6 ft spacing) for workers alongside one another and customers waiting in lines within or outside the business.
4. Limit capacity inside facilities to provide for social distancing of customers and between customers and workers including but not limited to visual markings and signage, entrance limits, and specialized hours.
5. Post this Emergency Order and maintain the posting of this Emergency Order at each entrance to the facility and additionally document distribution of this Emergency Order to all critical infrastructure workers.
6. No person shall knowingly engage in any action which facilitates or assists another person in violating any Executive Order of the Governor or any Emergency Order of the MDHHS Director.
7. This Emergency Order may be enforced by one or more of the following methods: (a) by injunctive relief as provided in MCL 333.2255, (b) criminal prosecution for a misdemeanor as provided in MCL 333.2243 and/or (c) any other civil or criminal procedure authorized by law. Except as provided by law, nothing in this Emergency Order shall prohibit this Health Department or a County Prosecutor from using more than one enforcement procedure. Prior to filing any pleadings pursuant to MCL 333.2255, the County Prosecuting Attorney or other legal counsel, who represents this Health Department, shall consult with the Health Officer and obtain authorization to commence such litigation. Prior to commencing criminal prosecution, it is recommended that the County Prosecuting Attorney or their staff consult with the Health Officer. The purpose of any consultation is to ensure that the Health Officer agrees that a violation of the applicable law, including any Emergency Order issued by the Health Officer, has been violated.

This Emergency Order shall become effective on **May 7 at 12:00 (midnight)** and shall be effective until **May 15, 2020 at 11:59 pm.**



Lisa Peacock, Local Health Officer
Health Department of Northwest Michigan
Antrim, Charlevoix, Emmet & Otsego Counties, Michigan

05/06/2020

Date

Coronavirus Disease (COVID-19) Workplace Health Screening

Company Name: _____

Employee Name: _____ Date: _____ Time In: _____

In the past 24 hours, have you experienced:

Subjective fever (felt feverish): Yes No

New or worsening cough: Yes No

Shortness of breath: Yes No

Sore throat: Yes No

Vomiting/Diarrhea: Yes No

Current temperature: _____

If you answer "yes" to any of the symptoms listed above, or your temperature is 100.4° F or higher, please do not go into work. Self-isolate at home and contact your primary care physician's office for direction.

- You should isolate at home for minimum of 7 days since symptoms first appear.
- You must also have 3 days without fevers and improvement in respiratory symptoms

Yes No

Have you had close contact in the last 14 days with an individual diagnosed with COVID-19?
Have you engaged in any activity or travel within the last 14 days which fails to comply with the Stay Home, Stay Safe Executive Order?

Yes No

Have you been directed or told by the local health department or your healthcare provider to self-isolate or self-quarantine?

Yes No

If you answer "yes" to either of these questions, please do not go into work. Self-quarantine at home for 14 days.

EMPLOYEE RETURN TO WORK PLAN

Consistent with Executive Order 2020-36, employees who fail entrance screening will only be permitted to return to work under the following circumstances.

Employees who test positive for COVID-19 or display one or more of the principal symptoms of COVID-19 (fever, atypical cough, or atypical shortness of breath) will not be permitted to return to work until either:

1. Both 3 days have passed since their symptoms have resolved *and* 7 days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result; or
2. They receive a negative COVID-19 test.

Employees* who have been in "close contact" (being within approximately six feet for a prolonged period of time) with an individual who tests positive for COVID-19 or who displays one or more of the principal symptoms of COVID-19 will not be permitted to return to work until either:

1. 14 days have passed since the last close contact with the sick or symptomatic individual;
or
2. The symptomatic individual receives a negative COVID-19 test.

*The "close contact" rule does not apply to the following classes of workers: health care professionals; workers at a health care facility (including hospitals, surgical centers, health maintenance organizations, nursing homes, hospice, and veteran's facilities); first responders (e.g., police officers, fire fighters, paramedics); child protective service employees; workers at child caring institutions, as defined in MCL 722.111; and workers at correctional facilities.

~APPENDIX D~

CHECKLIST: STEPS TO PREPARE YOUR COVID-19 PREPAREDNESS AND RESPONSE PLAN

STEP 1: Review Executive Order 2020-59 and any relevant local-level orders and all subsequent orders.

- Governor Whitmer's Executive Order 2020-59 prohibits in-person work that is not necessary to sustain or protect life. It contains various restrictions that must be followed. In general, no person or entity may operate a business or conduct operations that requires workers to leave their homes except to the extent those workers are necessary to sustain or protect life (*i.e.*, critical infrastructure workers) or to conduct minimum basic operations. In addition, all in-person government activities that are not necessary to sustain or protect life, or to support those businesses and operations that are necessary to sustain or protect life, are suspended. X
- Many counties and local governments are issuing their own executive orders or public health orders that contain additional restrictions or requirements. Be sure to check for any local requirements beyond the state-level orders to ensure compliance.¹ X
- Executive Order 2020-59 is in effect until May 15, 2020. Update your Preparedness and Response Plan ("Plan") as your operation evolves or as state/local orders related to COVID-19 are issued or amended. X

STEP 2: Restrict the workers permitted to perform in-person work to no more than is necessary to perform the business's or operation's critical infrastructure functions or to conduct minimum basic operations.

- Determine which employees are "critical infrastructure workers" or those required to conduct minimum basic operations, allow as many employees to work remotely as feasible, and temporarily suspend any in-person operations if not necessary to sustain or protect life. X
- Inform those employees you identified as "critical infrastructure workers" or necessary to conduct "minimum basic operations" in writing as required. X
- Discontinue non-essential travel. X

STEP 3: For those critical infrastructure workers who must perform in-person work, identify how each different job classification at each worksite might be exposed to COVID-19.

- Following OSHA Standards for classifying workers' exposure, classify workers as low risk, medium risk, high risk, and very high risk. X
- Assess each position's interaction with the general public, customers, and coworkers.
- Assess each position's level of interaction with sick individuals. X
- Acknowledge non-occupational risk factors in employees' homes and community settings. X

¹ The steps included in this document are focused on the state-level requirements currently in place under Executive Order 2020-59 and subsequent orders. In developing our Plan, we separately considered any applicable local (county, city, village, or township) requirements.

- Give consideration to personal risk factors that further increase workers' risk of developing more serious complications from COVID-19 (e.g., older age; presence of chronic medical conditions, including asthma and immunocompromising conditions; pregnancy).

STEP 4: Implement controls and policies necessary to address those risks.

- Restrict the number of workers present on the premises to only those strictly necessary to perform the business's or operation's critical infrastructure functions or to maintain minimum basic operations.
- Promote remote work to fullest extent possible.
- Promote regular hygiene and cleaning. Provide access to places to frequently wash hands, or to access hand sanitizer, and provide access to tissues and places to properly dispose of them.
 - Instruct employees on proper hand washing methods, to cover their coughs and sneezes with tissue, and to avoid touching their faces.
 - Post signs in restrooms regarding proper hand washing methods.
- Increase cleaning and disinfecting of surfaces, equipment, and other elements of the work environment using cleaning chemicals with EPA-approved disinfectant labels with claims against emerging viral pathogens (list of such products available at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>).
- Where possible, avoid shared use of offices, telephones, desks, and tools/equipment.
- Provide disposable disinfectant wipes so that any commonly used surfaces can be wiped down by employees before each use.
- Implement screening procedures before permitting employees to enter the workplace, with employee(s) wearing personal protective equipment (PPE) in charge of screening.
 - Take employees' temperatures (or, if your jurisdiction allows, ask employee if they have a fever), and require employees to confirm whether they are experiencing any of the principal COVID-19 symptoms (fever, atypical cough, or atypical shortness of breath), and whether they have been exposed to anyone with COVID-19. Adopt a policy to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.
 - If an employee has or develops temperature of 100.0 degrees Fahrenheit or above, or exhibits symptoms, immediately separate him/her from other employees, customers, and visitors and send home.
 - Use Employee Screening Questionnaire (one example is included in Appendix B, but many local jurisdictions have adopted their own questionnaire that should be followed).
- Put signs on doors limiting visitors; consider requiring appointments for certain services.
 - Example sign for building entrances included in Appendix E.
- If an employee is confirmed to have COVID-19, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace (but maintain confidentiality as required by the Americans with Disabilities Act ("ADA") and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA")), and instruct fellow employees about how to proceed based on the Center for Disease Control and Prevention ("CDC") Public Health Recommendations for Community-Related Exposure.
 - Adopt protocol to clean and disinfect facilities after confirmed case in the workplace.
- Encourage workers to stay home if they are sick, or if their household members are sick.
- Establish social distancing policies to increase the physical distance between employees and those they interact with so that, to the maximum extent possible, employees do not regularly come within six feet of other individuals at work.

- This may include telecommuting, staggered shifts, decreasing number of employees to report for in-person work, decreasing face-to-face interactions, and limiting number of non-employees who are able to enter facilities.
- For those positions where face-to-face interaction is necessary, consider installing physical barriers, such as clear plastic sneeze guards, or developing a drive-through window for services.
- Monitor and adopt any other social distancing practices and mitigation measures recommended by the CDC.
- Establish social distancing policies to keep works and patrons who are on premises at least six feet from one another to the maximum extent possible.
- Provide PPE—including gloves, goggles, face shields, face masks, and respiratory protection—to employees as required, and train workers who need to use PPE how to put it on, use/wear it, and take it off correctly. Businesses in Michigan are directed to provide non-medical grade face coverings for employees to help preserve N95 masks and surgical masks for health care professionals and first responders.
- Consider improving the building ventilation system by increasing ventilation rates and/or increasing the percentage of outdoor air that circulates into the system.
- Adopt relevant and appropriate controls recommended by the Occupational Safety and Health Administration (OSHA).
- If staff are required to pick up supplies for operations, ensure that they are only traveling to the supply location with one employee per vehicle and practice social distancing while picking up supplies and completing the transaction. Ensure that employees are equipped with appropriate PPE while picking up and then delivering supplies to your facilities/operation locations.

STEP 5: Put business continuity plan in place.

- Identify a workplace coordinator or coordinators who will be responsible for COVID-19 issues in the workplace, or within each department or office.
- Identify those critical functions that must continue while Governor Whitmer’s “Stay Home, Stay Safe” Order remains in effect.
- Identify alternate supply chains for critical goods and services.
- Develop emergency communication plan.
- Determine how you will operate to perform critical functions if absenteeism spikes from increases in sick employees, and those who stay home to care for sick family members and children without care.
- Cross-train employees to perform essential functions so the workplace can operate even if key employees are absent. Implement plan for how role of each essential employee will be filled if absent.
- Do not allow employees who experienced symptoms to return to work until either: (1) they receive a negative COVID-19 test; or (2) both 3 days have passed since their symptoms have resolved, and 7 days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result.
- Do not allow employees who have been in “close contact” (being within approximately six feet for a prolonged period of time) with an individual who tests positive for COVID-19 and who display one or more of the principal symptoms of COVID-19 to return to work until either: (1) 14 days have passed since the last close contact with the sick or symptomatic individual; or (2) the symptomatic individual receives a negative COVID-19 test.

STEP 6: Obtain necessary required Board/Governing Body approval for your COVID-19 Preparedness and Response Plan

~APPENDIX E~ DOOR SIGNS FOR COUNTY BUILDINGS

Example Door Sign Used on County Buildings



Important Notice Regarding the Downtown Otsego County Building

Otsego County is committed to the public health and well-being of our community.

The Downtown Otsego County Building is open to the public during normal business hours; however, please refrain from entering if you have symptoms of illness.

You may call Otsego County's main line 989-732-6484 to be directed to the County Department of your choice. For court-related information, call 989-731-0201.

Otsego County also offers many online services at www.otsegocountymi.gov.

- This safety measure is in keeping with national and statewide recommendations for public health and safety regarding the Coronavirus (COVID-19).
- We apologize for any inconvenience and appreciate your cooperation in our efforts to ensure a healthy and safe environment for our staff and for the public.

~*~Thank you, Otsego County Administration

Additional Posting at County Building Entrances

The Public Health Emergency Order (PHO) issued by the Northwest Michigan Health Department is also posted at the entrance of all county buildings, as required. The PHO is included in Attachment C.

~APPENDIX F~ ADDITIONAL RESOURCES

Governor Whitmer's Executive Order 2020-77:

https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-528460--,00.html

FAQs from Governor Whitmer on Executive Order 2020-77:

<https://www.michigan.gov/coronavirus/0,9753,7-406-98810---00.html?page=1&limit=10&filterCategories=&searchQuery=>

Helpful CDC Guidance:

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

CDC Handwashing Fact Sheet:

<https://www.cdc.gov/handwashing/pdf/hand-sanitizer-factsheet.pdf>

CDC Fact Sheet and Poster on Preventing the Spread of Germs:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention-H.pdf>

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/stop-the-spread-of-germs-11x17-en.pdf>

CDC Fact Sheet on What to Do if You Are Sick:

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/sick-with-2019-nCoV-fact-sheet.pdf>

CDC Poster for Entrance Reminding Employees Not to Enter When Sick:

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/stayhomefromwork.pdf>

**~APPENDIX G~
PLAN CERTIFICATION**

**Otsego County Government
COVID-19 PREPAREDNESS AND RESPONSE PLAN
Certification by Responsible Public Official**

This is to certify that I have reviewed the Otsego County Government COVID-19 Preparedness and Response Plan attached hereto and to the best of my knowledge and belief:

- 1.) It complies with Michigan Executive Order #2020-59 dated Friday, April 24, 2020.
- 2.) The plan is consistent with the guidance from U. S. Department of Labor, Occupational Health and Safety Administration publication OSHA 3990-03-2020, Guidance on Preparing Workplaces for COVID -19.
- 3.) The plan is available on the Otsego County Government website www.otsegocountymi.gov and at each Otsego County Government facility where in-person operations take place during the COVID-19 emergency.

I declare that the foregoing is true and correct.

Signature: _____

Name of Official: Ken Borton

Title: Chairman of the Board

Date: April 27, 2020

Signature: _____

Name of Official: Rachel Frisch

Title: Administrator

Date: April 27, 2020

**~ADDENDUM 1~
UPDATES TO APPENDIX A**

APPENDIX A of this document refers to the Governor's Executive Order 2020-21, Stay Home Stay Safe Order which was issued on March 24, 2020. Executive Order 2020-21 has been rescinded and replaced by the subsequent following Stay Home Stay Safe Executive Orders (EOs):

- EO 2020-42 issued April 9, 2020
- EO 2020-59 issued April 24, 2020
- EO 2020-70 issued May 1, 2020
- EO 2020-77 issued May 7, 2020

The EOs listed above do not alter the requirements and determinants of Otsego County's Essential Services and Critical Infrastructure Workers. Therefore, Appendix A is in compliance with the EOs listed above, and all subsequent Stay Home Stay Safe EOs issued by the Governor that do not alter the requirements or determinants of Otsego County's Essential Services and Critical Infrastructure Workers.

This is to certify that I have reviewed Addendum 1 and I declare that the foregoing is true and correct.

Signature: _____

Name of Official: Ken Borton

Title: Chairman of the Board

Signature: _____

Name of Official: Rachel Frisch

Title: Administrator

Date: May 12, 2020

**~ADDENDUM 2~
UPDATES TO APPENDIX A**

APPENDIX A of this document has been updated as follows:

The Otsego County Board of Commissioners has reinstated its meetings according to its approved 2020 calendar using Zoom until further notice in accordance with Executive Order 2020-75. The authorization granted by the Board to the County Administrator to approve all disbursements for a 30-day period from April 1-30, 2020 has expired and has not been renewed, since the Board has resumed its regular meetings.

This is to certify that I have reviewed Addendum 2 and I declare that the foregoing is true and correct.

Signature: _____

Name of Official: Ken Borton

Title: Chairman of the Board

Signature: _____

Name of Official: Rachel Frisch

Title: Administrator

Date: May 12, 2020



OTSEGO COUNTY LAND USE SERVICES, PLANNING AND ZONING DEPARTMENT

MEMORANDUM

TO: OTSEGO COUNTY TOWNSHIPS
FROM: CHRIS CHURCHES, DIRECTOR OF PLANNING & ZONING, CAPITAL PROJECTS & GRANTS, OTSEGO COUNTY
SUBJECT: GUEST HOUSE/ACCESSORY BUILDING TEXT AMENDMENTS
DATE: 11/13/2019

The proposed set of text amendments to the Otsego County Zoning Ordinance change the provisions listed in various sections of the Ordinance as they relate to guest houses. The proposed amendments result in two main changes to the regulation of guest houses and accessory buildings. These are as follows:

1. Adds guest houses as permitted uses in all residential zones, provided that the use is accessory to the main dwelling, is constructed under the same standards as those required for the main dwelling, the parcel is double the minimum required land area for the district, and the Health Department approves the sanitary system.
2. Incorporates total usable square footage of accessory buildings into the square footage calculation for maximum allowable lot coverage.

The motivation behind allowing guest houses as permitted uses in residential zones with lot sizes double the minimum required was to recognize the fact that the applicant could split the parcel into two and construct two single family dwellings on each parcel – essentially resulting in the same outcome, but with more steps. It is hoped that this change will also reduce the number of property owners attempting to construct a guest house while calling it an accessory building on their application (because they do not want to split their property). This often results in the structure being constructed in a manner that is unsafe for occupancy and can put the homeowner in danger. This amendment will allow for complete transparency in the process and will facilitate the proper zoning, building, and sanitary inspections.

The second proposed change to incorporate the total usable square footage into the calculation of maximum lot coverage requirement under Article 17 is another measure to promote honesty and transparency

on zoning applications. Many accessory buildings are constructed with a large living area on the second floor, which is often identified on the application as "attic storage". This would allow the builder to construct the living area (identified as attic storage on the application) to lower standards than that which is required for living space. This not only puts the current property owner in danger, but also future property owners who would not be aware that the structure was constructed to subpar standards.

As always, please do not hesitate to reach out with any questions or concerns.

Sincerely,



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



Summary of Text Changes regarding Accessory Buildings / Guest House

Article 2

1. Definition addition to 'Accessory Structure'
2. Deleted portion of 'Guest House', definition. "lacking at least one (1) facility for independent living such as kitchen or bathroom,"
3. Added "constructed under the same standards as those required for the main dwelling" to the definition of 'Guest House'.

Article 4

1. Section 4.1.3
 - a. Added Section 4.1.3 permitting use of a guest house and subsequently renumbered

Article 7

1. Section 7.1.2
 - a. Added Section 7.1.2 permitting use of a guest house and subsequently renumbered
2. Section 7.2.7
 - a. Deleted and subsequently renumbered

Article 8

1. Section 8.1.2
 - a. Added Section 8.1.2 permitting use of a guest house and subsequently renumbered

Article 17

1. Added "other than guest houses" to note h.
2. Note "m" added to Table 1 – Max % lot coverage
3. "Note m" added to list of Notes

Article 21

1. Added "Accessory buildings, with the exception of guest houses," to Section 21.1.1
2. Added "or guest house" to the text of Section 21.1.2
3. Added "other than a guest house" to the text of Section 21.1.5

*****AMENDMENT CHANGES / ADDITIONS ARE UNDERLINED WITH RED TEXT**

*****AMENDMENT DELETIONS ARE STRUCK**

ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Amended 9.13.2016

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. ~~Total square footage of accessory structures which includes all levels and any attic area will be used to determine compliance with the lot coverage requirement in Article 17.~~

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, or describe "specified sexual activities" or "specified anatomical areas."

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 single family residence in which care or supervision is provided 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 is excluded from this definition.

CARE FACILITY, GROUP: A facility in which care or supervision is provided for at least seven (7) but not more than twelve (12) minor children or adults.

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

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

CO-LOCATION: The location of two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas with the County.

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

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

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

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

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

CONDOMINIUM SUBDIVISION: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining

compliance of a condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GUEST HOUSE: A building accessory to the main dwelling, ~~constructed under the same standards as those required for 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.

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 One detached guest house may be permitted, provided the use is accessory to the main dwelling, is constructed under the same standards as those required for the main dwelling, the parcel is double the minimum required land area for the district in Article 17 SCHEDULE OF DIMENSIONS, and the Health Department approves the sanitary system.

4.1.43 Publicly owned and operated parks, parkways, and outdoor recreational facilities

4.1.54 Existing farms and agricultural uses

4.1.65 Family Care Facilities

4.1.76 Cemeteries when developed on sites of ten (10) acres or more. Permit criteria include Article 21.4

4.1.87 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

4.1.98 The following in-home uses provided no more than fifteen percent (15%) of floor area may be used for such a purpose:

4.1.98.1 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]

4.1.109 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 21.13~~

4.1.1140 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 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 One detached guest house may be permitted, provided the use is accessory to the main dwelling, is constructed under the same standards as those required for the main dwelling, the parcel is double the minimum required land area for the district in Article 17 SCHEDULE OF DIMENSIONS, and the Health Department approves the sanitary system.~~

~~7.1.32~~ 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

~~7.1.43~~ Public parks, parkways, scenic trails, playgrounds, recreation lands and forests, including accessory shelters and apparatus, and historical structures or display areas

~~7.1.54~~ Existing farms and agricultural uses

~~7.1.65~~ Home businesses or occupations and personal services as permitted in Article 4.1.8 and 5.1.4

~~7.1.76~~ Family Care Facilities

~~7.1.87~~ Bed and Breakfast/Tourist Homes

~~7.1.98~~ Travel trailers [Permit criteria include Article 21.33]

~~7.1.109~~ 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.~~

7.1.110 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.~~

~~7.2.78~~ 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]

7.2.89 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]

7.2.910 Churches

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

7.2.112 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 One detached guest house may be permitted, provided the use is accessory to the main dwelling, is constructed under the same standards as those required for the main dwelling, the parcel is double the minimum required land area for the district in Article 17 SCHEDULE OF DIMENSIONS, and the Health Department approves the sanitary system.~~

~~8.1.32~~ Growing and harvesting of nursery field stock

~~8.1.43~~ 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.

~~8.1.54~~ Tree farms, forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities

~~8.1.65~~ Public and private parks, playgrounds, passive recreational areas, camping grounds, hunting grounds, fishing sites and wildlife preserves

~~8.1.76~~ Bed and breakfast/tourist homes

~~8.1.87~~ Family and group care facilities

~~8.1.98~~ Duplex dwellings

~~8.1.109~~ Fraternal lodges

~~8.1.110~~ Landing strips

~~8.1.121~~ Wildlife, plant, and habitat preservation areas

~~8.1.132~~ Cemeteries [Permit criteria include Article 21.4]

~~8.1.143~~ Riding academies or stables [Permit criteria include Article 21.35]

~~8.1.154~~ Travel trailers (on private property) [Permit criteria include Article 21.33]

~~8.1.165~~ Home occupation

~~8.1.176~~ Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height, without lights [Permit criteria include Article 21.46]

~~8.1.187~~ 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.

~~8.1.198~~ WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

~~8.1.2019~~ WTG Small: Permitted as an accessory use to an allowed Principal Use

~~8.1.210~~ 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 R.1 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 17 SCHEDULE OF DIMENSIONS

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

Zoning District	RI & R2	R3	RR	FR & AR	Reserved for future use	Reserved for future use
Min. Lot Area (Sq. feet)	20,000 .46 acre	40,000 .92 acre	20,000 .46 acre	88,000 2.02 acre		
Min. Front Setback (b)(j)	25 ft	25 ft	25 ft	50 ft		
Max. Front Setback	NA	NA	NA	NA		
Min. Side Setback	10 ft	10 ft	10 ft	20 ft		
Min. Rear Setback	30 ft (a, h)	30ft (a, h)	30 ft (a, h)	40 ft (a)		
Min. Lot width (k)	100 ft 150 ft Duplex	100 ft	100 ft	150 ft 300 ft Duplex AR		
Max. % lot coverage (m)	25%	25%	25%	30%		
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)		
Min. Ground Floor area of principal structure (Square feet)	720 (i)	720 (i)	720 (i)	720 (i)		
Min. Width of principal structure	20 ft (j)	11ft (i)	20 ft (i)	11 ft (i)		

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

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

Note a: Lots within five hundred (500) feet of lakes, ponds, flowages, rivers, streams: see Article 18. LOTS NEAR WATER.

Note b: Where the front yards of two (2) or more principal buildings in any block, or within five hundred (500) feet in existence at the time of the passage of this Ordinance (or amendment thereto), in the same zoned district or the same side of the road are less than the minimum front yard setback, then any principal building subsequently erected on the same side of the road shall not be required to provide a greater setback than the average for the existing two (2) or more principal buildings.

Note c: On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the residential side in B1, B2, B3 and HX.

Note d: Loading and unloading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per linear foot of front building wall. Loading space shall not be counted as required off-street parking. Loading zones may be located in other non-required yards if screened or obscured from view from public streets and residential districts.

Note e: Off-street parking may be permitted in the front yard, except that a ten (10) foot wide landscaped buffer is maintained between the front lot line (or right-of-way line) and the parking area.

Note f: No building shall be placed closer than forty (40) feet to the outer perimeter of such district or property line when said use abuts a residential district boundary.

Note g: Subject to approval by the Planning Commission, the maximum height of buildings may be permitted to exceed the maximum stated in the Schedule by up to fifty percent (50%) in R1, R2, R3, RR, B1, B2 and HX Districts; and up to one hundred percent (100%) in all other districts, provided that the applicant can demonstrate that no good purpose would be served by compliance with maximums stated, (as in the case of steep topography, a Planned Unit Development (PUD), or larger site); and further, there is no conflict with airport zoning height restrictions; fire safety is maintained subject to local fire authority approval; and the light, air and/or scenic views of adjoining property is not impaired. The Planning Commission and or Zoning Board of Appeals cannot allow a WTG height greater than allowed in Section 21.47 or a Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS. Also see Article 22 GENERAL EXCEPTIONS FOR AREA, HEIGHT AND USE.

Note h: Section 21.1 allows a rear setback of ten (10) feet for accessory buildings other than guest houses.

Note i: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

Note j: In instances where the property is adjacent to a public right of way or ingress egress easement dedicated as permanent adequate access to one (1) or more lots, the setback shall be measured from that right of way or ingress egress easement.

Note k: Specific allowable uses have greater minimum lot widths as required in the Zoning District allowable use lists.

Note l: Specific allowable uses have greater allowable heights as stated in the Zoning District allowable use lists, Article 21 and Article 22, Section 22.3 Height Limits, of this ordinance

Note m: For accessory structures, total useable square footage will be used to determine compliance with the lot coverage requirement. For example, the total usable square footage of a 30'x40' accessory structure with a second story containing an additional 10'x20' storage area would be 1,400 sqft (1,200 sqft of the main building plus the additional 200 sqft of storage space on the second level).

17.2 MULTIPLE DWELLINGS - BULK, DENSITY AND AREA

Minimum floor area per each unit	Lot size
Efficiency 250 square feet	Minimum width 200 feet at front building line Minimum 40,000 square feet for any combination of six (6) bedrooms
One (1) bedroom 400 square feet	For every bedroom over six (6), add 1,000 square feet to the minimum lot size
Two (2) bedroom 500 square feet	
Three (3) bedroom 600 square feet	

Multiple Dwellings require a County Health Department written approval and/or permit for all proposed or installed septic tanks and wells. For the purpose of applying yard regulation, multiple-family dwellings shall be considered as one (1) building occupying one (1) lot. When more than one (1) multiple-dwelling building occupies one (1) lot, the structures must be separated by at least thirty (30) feet when end to end, sixty (60) feet when back to back or face to face, and forty (40) feet when end to face or back.

ARTICLE 21 SPECIFIC REQUIREMENTS FOR CERTAIN USES

SECTION 21.1 ACCESSORY BUILDINGS

Amended 7.30.2019

- 21.1.1 Accessory buildings in the R1, R2, R3 & RR Districts shall be subject to the side and front yard setback requirements as regulated in Article 17 SCHEDULE OF DIMENSIONS, Accessory buildings, with the exception of guest houses, but need not be farther than ten (10) feet from the rear property line.
- 21.1.2 In residential districts all accessory buildings and uses shall be in the rear yard except in the case of one detached private garage or guest house which may be allowed in the side or front yard, provided it maintains the setback requirements as regulated in Article 17 SCHEDULE OF DIMENSIONS.
- 21.1.3 Accessory buildings two hundred (200) square feet or less do not require a zoning permit. Such buildings must maintain the setback requirements defined in Article 17 SCHEDULE OF DIMENSIONS.
- 21.1.4 Agricultural buildings and structures incident to use for agricultural purposes are exempt from accessory building requirements.
- 21.1.5 Accessory buildings, other than a guest house, shall not be used for residences.
- 21.1.6 Accessory building may not be used for commercial storage. Accessory structures incident to a permitted or special use in the zoning district which it is located are permitted (ie.an accessory building for the storage of golf carts would be allowed on an approved golf course in a RR District).



OTSEGO COUNTY LAND USE SERVICES, PLANNING AND ZONING DEPARTMENT

MEMORANDUM

TO: OTSEGO COUNTY TOWNSHIPS
FROM: CHRIS CHURCHES, DIRECTOR OF PLANNING & ZONING, CAPITAL PROJECTS & GRANTS, OTSEGO COUNTY
SUBJECT: PRIVATE ROAD TEXT AMENDMENTS
DATE: 11/13/2019

The proposed text amendment to the Otsego County Zoning Ordinance changes the provisions listed in various sections of the Ordinance relating to private roads and parking lots. The motivation behind the private road amendments was to define requirements for private roads serving three or more parcels, and to clean up the language of the ordinance so that it is in conformance with other regulatory body standards (specifically MDOT and the Otsego County Road Commission). Our current ordinance does not define regulations for private roads other than those serving a Site Condominium or Subdivision. It is hoped that these changes will ensure proper emergency vehicle access and proper road maintenance, which is currently an issue on my private roads throughout the County. The changes also remove many redundant requirements currently in the Ordinance which are regulated by other agencies. For example, the current Ordinance requires that driveways be constructed to MDOT and/or Road Commission standards. This will already have to occur, as the applicant will need a permit from the Road Commission or MDOT in order to proceed.

The amendment also makes changes relating to parking lot size reduction; it would allow the Zoning Administrator, in addition to the Planning Commission, to approve reductions in the minimum allowable parking lot size. This reduction would be granted provided that the applicant can prove that the requirements are excessive, and that they retain sufficient space (no longer required to be open space) to expand the parking lot to the minimum size required in the future if deemed necessary. This change was made in an effort to recognize that the parking lot size requirements may be excessive for certain uses of property, and that it is not the intent of the Ordinance to create larger than needed parking lots. An example of this would be the recent parking lot reduction given to the Dollar General being constructed in Charlton Township; they were able to prove that our

requirements were excessive base on providing evidence from their many other locations nationwide. Adding the Zoning Administrator as an approving authority was made in an effort to streamline the process.

As always, please do not hesitate to reach out with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Churches", written in a cursive style.

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



Summary of Text Changes regarding Private Roads and Parking Lots

Article 2

1. Added definition of private road
2. Added definition of public road

Article 20

1. Section 20.1
 - a. Deleted "to the property owner"
 - b. Deleted "in conformance with the Otsego County Access Management Map"
2. Deleted Section 20.2 in its entirety
3. Section 20.3
 - a. Changed Section 20.3 to Section 20.2 and subsequently renumbered
 - b. Deleted "20.3.1 All State and County public roads shall be subject to and regulated by the standards of this ordinance."
 - c. Deleted "20.3.5 Driveway profile shall be designed and constructed according to Michigan Department of Transportation (MDOT) and Otsego County Road Commission (OCRC) standards."
 - d. Deleted "20.3.6 Land access is permitted based on driveway spacing, stopping distance, and land use type."
 - e. Deleted "Driveway Spacing and corner clearance requirements shall be PER MDOT MANUAL"
4. Section 20.4
 - a. Changed Section 20.4 to Section 20.3 and subsequently renumbered
 - b. Text changed to read "Minimum intersection sight distance shall be ten (10) times the vehicular speed of the road or as per current MDOT and OCRC Standards."
5. Section 20.5
 - a. Changed Section 20.5 to Section 20.4 and subsequently renumbered
 - b. Deleted Section 20.5.1 in its entirety (moved to Section 27.27.11)
6. Section 20.6
 - a. Changed Section 20.6 to Section 20.5 and subsequently renumbered
 - b. Changed 20.6.1 text to read "All roads proposed to be of public ownership shall conform to MDOT and/or OCRC road standards."
 - c. Changed 20.6.2 text to read "All proposed curve radii shall be designed to MDOT and/or OCRC road standards for truck turning requirements."
7. Added Section 20.6 Private Roads

Section 21.27

1. Section 21.27.11
 - a. Added section numbers to various existing paragraphs of separate regulations
 - b. Added 21.27.11.6 to contain the text pertaining to parking areas removed from Article 20 (see number 5b under Article 20 above).
 - c. Deleted last three paragraphs regarding landscaping, as it is repeated from Section 21.18.6
2. Section 21.27.13
 - a. Altered existing text to read "Where the property owner can demonstrate that the required amount of parking is excessive, the Zoning Administrator or Planning Commission may approve a smaller parking area, provided that the area of sufficient size to meet parking space requirements of this article is retained and the owner agrees to construct the additional parking at the direction of the Zoning Administrator or Planning Commission."

Section 21.18

1. Minor layout changes made to text (no language changed).
2. Deleted text from Section 21.27 1c above is highlighted green.

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

***** Amendment deletions are struck**

ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Amended 9.13.2016

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, or describe "specified sexual activities" or "specified anatomical areas."

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 single family residence in which care or supervision is provided 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 is excluded from this definition.

CARE FACILITY, GROUP: A facility in which care or supervision is provided for at least seven (7) but not more than twelve (12) minor children or adults.

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

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

CO-LOCATION: The location of two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas with the County.

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

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

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

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

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

CONDOMINIUM SUBDIVISION: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining

compliance of a condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOME OCCUPATION: The partial use of a home for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

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.

ROAD, PRIVATE: A road owned and maintained by a private individual, group of individuals, or a corporate entity, that provides the principal means of access for vehicular traffic to more than three lots, parcels, or site condominium units.

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 20 ROAD AND ACCESS MANAGEMENT REQUIREMENTS

SECTION 20.1 PURPOSE

The purpose of this section is to provide reasonable access to the property owner to all roads within Otsego County while protecting the public health, welfare, safety and aesthetics of the County. All land in a parcel having a single tax code number or contiguous parcels owned by a person as of the effective date of this Ordinance shall meet the requirements of this Ordinance. The intent of this ordinance is to provide standards, which will preserve the traffic capacity and enhance the safety of the highway by regulating safe and reasonable access, though not always direct access, between public roadways and adjacent land. Access controls provide for orderly growth and development. This in turn will protect the long term viability of existing and new businesses in addition to protecting property values of commercial and residential development along the corridor. It is recognized that existing development may not be able to meet all of the standards contained in this ordinance; Upon expansion or redevelopment, the standards' contained herein shall be applied to the maximum extent possible. ~~in conformance with the Otsego County Access Management Map.~~

The standards of this section are further intended to:

- Minimize traffic conflicts, in order to reduce the frequency of fatal injury and property damage crashes;
- Separate traffic conflict areas by reducing the number of direct access points;
- Provide efficient spacing and size standards between access points and between access points and intersections;
- Establish uniform access standards to ensure fair and equal application;
- Protect the substantial public investment in the roadway system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business;
- Require coordinated access among several landowners;
- Ensure reasonable access to properties, though the access may not always be direct access;
- Coordinate local management decisions on development proposals with access permit decisions by the Michigan Department of Transportation (MDOT) and the Otsego County Road Commission (OCRC).

SECTION 20.2 DEFINITIONS

Road ways are defined according to the following categories:

~~20.2.1 Local Roads — Provide direct property access, do not serve through traffic.~~

~~20.2.2 Major Collectors — Serve traffic traveling from Local Roads or Minor Collectors to Arterials; are public thoroughfares with a lesser degree of traffic than Arterials.~~

~~20.2.3 Minor Arterials — Serve as primary routes for travel within and between community sub areas and augment the Major Arterial system; accessed primarily from the Collector system.~~

~~20.2.4 Major Arterials — Serve as primary routes for travel between areas of principal traffic generation and major urban activity centers, and for trips between non-adjacent areas.~~

~~20.2.5 Regional Arterials — Freeways and principal routes that move traffic and do not provide direct access to land use activities.~~

~~20.2.6 Service Roads — Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street.~~

SECTION 20.3 20.2 LOCATION AND SPACING

~~20.3.1 All State and County public roads shall be subject to and regulated by the standards of this ordinance.~~

~~20.3.2.1~~ In order to minimize left turn conflicts, new access points shall be aligned with those across the roadway where possible. If alignment is not possible, access points shall be offset a minimum of two hundred fifty-five (255) feet from those on the opposite side of the roadway, measured centerline of access point to centerline of access point. Longer offsets may be required by the Michigan Department of Transportation (MDOT) in accordance with the MDOT Access Management Guidebook.

~~20.3.2.2~~ Where spacing requirements cannot be met for parcels, lots, or building sites having frontage or access on more than one roadway, access shall be provided from the lesser traveled roadway.

~~20.3.4.2.3~~ In the case of expansion, alteration, change of use or redesign of an existing development where existing access points do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the access point may be required.

~~20.3.5~~ Driveway profile shall be designed and constructed according to Michigan Department of Transportation (MDOT) and Otsego County Road Commission (OCRC) standards.

~~20.3.6~~ Land access is permitted based on driveway spacing, stopping distance, and land use type.

~~Driveway Spacing and corner clearance requirements shall be PER MDOT MANUAL~~

SECTION 20.4 20.3 SIGHT DISTANCE

Minimum intersection sight distance shall be ten (10) times the vehicular speed of the road or as per current MDOT manual and OCRC Standards.

SECTION 20.5 20.4 ACCESS

All developments shall have reasonable access to a county or public roadway. Access onto any roadway shall be permitted only upon issuance of an access permit by the MDOT or OCRC in compliance with the site review planning process.

~~20.5.1 Interconnections of Parking Areas~~



Deleted text moved to parking area section

~~20.5.1.1~~ Parking areas shall be designed to facilitate interconnection of parking lots

~~20.5.1.2~~ Shared parking is encouraged. Shared parking shall be permitted a reduction in required parking spaces if peak parking demand periods at interconnected developments do not occur at the same time.

~~20.5.2.4.1~~ Shared driveways, cross access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land; Operating and maintenance agreements for these facilities shall be recorded with the deed.

SECTION 20.6 20.5 PUBLIC ROAD STANDARDS

~~20.65.1~~ All roads proposed to be of public ownership shall conform to the county road MDOT and/or OCRC road standards.

~~20.65.2~~ All proposed curve radii shall be designed to county road MDOT and/or OCRC road standards for truck turning requirements.

SECTION 20.6 PRIVATE ROAD STANDARDS

- 20.6.1 Private roads shall be designed with sufficient width to adequately support emergency vehicle access and turnaround requirements. Approval of the road's design by Otsego County EMS, Otsego County Sheriff's Department, and primary responding Fire Department shall be provided.
- 20.6.2 All private road cross-sections and profiles shall be designed to adequately drain and prevent soil erosion as approved by the Soil Erosion and Conservation District.
- 20.6.3 Private road signage shall be consistent with OCRC requirements.
- 20.6.4 Private roads serving three or more parcels shall have a road operation/maintenance agreement in place which provides stipulations for the perpetual maintenance of the road. The maintenance agreement shall be recorded with the Otsego County Register of Deeds and shall run with all parcels served by the private road.
- 20.6.5 If it is intended for the road to become a public road at a later date, the road shall be designed to conform to MDOT and/or OCRC road standards.
- 20.6.6 Private roads in existence on or before January 1st, 2020 shall not be required to be brought into compliance with Section 20.6.

SECTION 21.27 PARKING

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

- 21.27.1 Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
- 21.27.2 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- 21.27.3 In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Zoning Board of Appeals may grant an exception by reducing the total number of spaces required.
- 21.27.4 The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
- 21.27.5 Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport, or combination thereof.
- 21.27.6 The parking or storage of any commercial motor vehicle shall be prohibited in any R1, R2 or RR District, or in any residential area with lots of twenty thousand (20,000) square feet or less. (See definition of COMMERCIAL MOTOR VEHICLE.)
- 21.27.7 For the purpose of computing the number of parking spaces required, the definition of FLOOR AREA, USABLE shall govern.
- 21.27.8 For those uses not specifically mentioned in the Off-street Parking Schedule, requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.
- 21.27.9 Entrance drives to the property and off-street parking area shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District. A greater distance may be required by the Planning Commission if the lesser would cause a traffic issue.
- 21.27.10 Off-street Parking Schedule

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

MINIMUM PARKING SPACES REQUIRED		
LAND USE	PER UNIT OF MEASURE	
RESIDENTIAL	Dwellings	2 per dwelling
	Multiple-Family Dwelling	2 per dwelling
	Elderly Housing	1 per 4
	Rooming House, Fraternity, or Sorority	1 per 2 occupants at maximum capacity
	Trailer Court	2 per unit
	Church or Temple	1 per 3 seats
	Hospital	1.5 per bed
	Nursing Home	1 per 4 beds
	Elementary, Middle School or Junior High	1 per teacher, employee, and administrator, plus the requirements for auditoriums or gyms
	Senior High School	1 per teacher, employee, and administrator, plus 1 for each 10 pupils or the requirements for any auditorium or stadium, whichever is greater
PUBLIC AND QUASI PUBLIC	Colleges, University Centers, and Tech Schools	1 per teacher, employee and administrator on the largest shift, plus 1 per each 2 students not residing on campus
	Membership Clubs	1 per 4 members, or 1 per 150 sq. ft. of usable floor area, whichever is greater
	Golf, or Swim Club	1 per 4 member families, plus 1 per employee, plus restaurant or bar parking requirements
	Public Golf Course	4 per green or golf hole plus one (1) per employee
	Par 3 and/or Mini Golf	3 per hole or green
	Racquet Club or Tennis House	4 spaces per court, plus 1 per employee
	Sport Arena, Gym, or Stadium	1 per 3 seats
	Theater or Auditorium	1 per 4 seats
	Planned Shopping Center	1 per 200 sq. ft. of usable floor area
	Auto Wash Automatic	5 per wash stall plus 1 per employee
COMMERCIAL	Auto Wash Automatic-Drive-in	1 for each 2 employees
	Auto Wash Self Service	1 per employee
	Barber or Beauty Shop	1 per employee plus 1 per service chair
	Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons at maximum capacity
	Drive-in Business	1 per employee plus drive-in stalls and/or lanes to serve patrons
	Banks	1 per 200 sq. ft. of usable floor area
	Doctor or Dentist Office	1 per 50 sq. ft. of waiting room plus 1 per service chair
	Business Office	1 per 200 sq. ft.
	Billiard Hall	2 per game table
	Bowling Alley	5 per lane

LAND USE	PER UNIT OF MEASURE
Taverns	1 per 100 sq. ft. of usable floor area
Restaurants	1 per 3 persons at maximum seating capacity
Drive-up or Drive-through Uses-Restaurant, Banks, Drug Pick-up, Laundries, Payment Windows or other Drive-up Service Windows	In addition to the required parking for the principal use, the Drive-through facilities requirement in Article 18 shall be followed
Furniture, Appliances, Plumbers, Electricians, and Minor Repair Services	1 per 800 sq. ft. of usable floor area
Vehicle Service Station	2 per service stall, plus 1 per employee
Gasoline Convenience Store	1 per 300 sq. ft. of usable floor area
Laundromat	1 per 3 machines for washing
Funeral Home/Mortuary	1 per 200 sq. ft. of usable floor area
Motels, Hotels, Motor Inns, Cabin Courts, Bed & Breakfast Facilities and Tourist Lodging Facilities	1 per 150 sq. ft. of usable floor area, the Planning Commission may reduce up to half if they reserve land for open space
Vehicle Sales	1 per 200 sq. ft. of showroom usable floor area
Retail Groceries	1 per 150 sq. ft. of usable floor area
Other Retail Stores	1 per 150 sq. ft. of usable floor area
Self-Storage Rental Units	1 per 10 units
Personal Service Establishments	1 per 100 sq. ft. usable floor area not otherwise specified
Museums	1 per 150 sq. ft. of usable floor area
Rental Shops	1 per 200 sq. ft. of usable floor area in addition to a loading and unloading area; and a vehicle turnaround and drop-off area
Rifle or Pistol Range	2 per range plus 1 per employee
Manufacturing Shop	5 plus 1 per employee
Industrial Office or Research	1 ½ per employee
Warehouse and Wholesale	1 per employee, plus 1 per 200 sq. ft. of any office space
Industrial Laundries	5 plus 1 per employee
Medical Laboratories	1 per 50 sq. ft. of waiting room plus 1 per employee

COMMERCIAL CONTINUED

INDUSTRIAL

NOTES:

- A. Sq. ft. refers to square feet of usable floor area unless otherwise noted.
- B. 1 unit per measure shall be interpreted to mean 1 per each unit, as 1 per "each" three (3) persons.
- C. Space requirements are cumulative; hence, a country club may require parking for the golf use as well as restaurant or bar use.
- D. Employees, refers to all permanent staff and part time equivalents in the largest working shift. Maximum capacity is the maximum occupancy permitted by applicable building, fire, or health codes.

21.27.11 Parking Area Design Standards

21.27.11.1 The layout of off street parking facilities shall be in accord with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lane width</u>	<u>Parking Space width</u>	<u>Parking Space length</u>
Parallel	12ft	8ft	23ft
30-53°	12ft	9ft	20ft
54-74°	15ft	9ft	20ft
75-90°	20ft	9ft	20ft

21.27.11.2 All spaces shall be provided access by maneuvering lanes. Backing directly onto a street shall be prohibited. Adequate ingress and egress to a parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than residential use shall not be across land zoned for residential use.

21.27.11.3 Each entrance and exit to and from any off street parking lot located in an area zoned for other than residential use shall be at least twenty-five (25) feet from adjacent property located in any residential district.

21.27.11.4 Buffer yards shall be required per standards set by Section 21.18. A buffer yard without buildings shall be required not less than ten (10) feet wide on the perimeter of all parking lots. Said buffer yard shall be used for landscaping, screening and/or drainage as required by this ordinance.

21.27.11.5 All parking areas containing twenty-seven hundred (2700) square feet or more shall provide snow storage area. Snow storage shall be provided on the ratio of ten (10) square feet per one hundred (100) square feet of parking area.

Parking area is calculated at two hundred seventy (270) square feet per parking space. Snow storage areas shall be located in such a manner that they do not interfere with the clear visibility of traffic on adjacent streets and driveways.

21.27.11.6 Parking areas shall be designed to facilitate interconnection of parking lots.

Shared parking is encouraged. Shared parking shall be permitted a reduction in required parking spaces if peak parking demand periods at interconnected developments do not occur at the same time.

~~One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage.~~

~~Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.~~

~~Landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum dimension of ten (10) feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.~~

21.27.12 Federal and State requirements regarding handicapped parking and access shall apply.

21.27.13 Where the property owner can demonstrate that the required amount of parking is excessive, the Zoning Administrator or Planning Commission may approve a smaller parking area, provided that the area of sufficient size to meet parking space requirements of this article is retained as open space and

the owner agrees to construct the additional parking at the direction of the Zoning Administrator or Planning Commission.

21.27.14 Parking lot cross-connections shall be used in addition to frontage roads or shared driveways, when in the opinion of the Planning Commission, cross-connections do not hinder traffic.

21.27.15 All parking in the Highway Interchange Commercial District shall be in the rear or side yard.

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

The purpose of this section is: to protect and enhance property values, economic welfare and community attractiveness; to provide beneficial climatic impacts by cleaning the air and providing shade; to protect health, safety and welfare by reducing air and water borne pollutants, flooding and noise; to mitigate adverse effects of sighting different uses near one another through buffering; to facilitate preservation of existing valuable trees and other vegetative cover; to provide wildlife habitat and environmental standards within developed areas; to protect privacy.

21.18.2 General Performance Standards:

This, Section 21.18 Landscaping, requirements shall not apply to single family residences located on individual lots. The Section shall apply to residential plats and site condominiums.

All areas not covered by buildings, parking or other structures shall be treated with landscape materials including street trees, shrubs and groundcovers consistent with these provisions. The selected combination of plant materials shall be a harmonious combination of deciduous and evergreen trees, shrubs, vines and/or ground covers so arranged to present an aesthetically pleasing whole.

21.18.2.1 Landscape Materials:

- All landscape materials planted pursuant to the provisions of this section shall be healthy and compatible with the local climate, site soil characteristics, drainage, and available water supply.
- Trees and shrubs should be at least, at the time of planting, the sizes as outlined in this section and shall be consistent with the current American Standard for Nursery Stock as set forth from time to time by the American Association of Nurserymen.
- Deciduous trees shall be not less than one and one-half (1 ½) inches in diameter for single family residential uses and two and one-half (2 ½) inches in diameter for other uses.
- Coniferous trees should be at least six (6) feet in height. Shrubs shall be of a size generally known in the nursery industry as requiring at least a five (5) gallon container.
- All planting beds constructed pursuant to Sections 21.18.2, 21.18.5 and 21.18.6 shall be mulched with mulch cover at least three (3) inches deep to retain moisture around roots.
- Trees shall be planted on the project sites so as to allow for their desired mature growth.
- Access to or view of fire hydrants shall not be obstructed from any side.
- Plantings shall be designed so as to not conflict with power lines or impede fire safety services.

21.18.2.2 Irrigation & Maintenance Performance Standards:

All uses with the exception of single family residential, which are landscaped with live plants, pursuant to this Section shall be equipped with a watering system which will provide sufficient water to maintain plants in a healthy condition.

All plants required by this Section shall be maintained in a live and healthy state. Dead or unsalvageable unhealthy plants shall be replaced with the size and type of plants required on the site development plan and by this Section. Plant materials including grasses and herbaceous plants uses on berms, along road sides, etc. shall be routinely maintained during growing seasons. When growing in close proximity to residential land uses, grasses and common weeds shall be maintained at a height of ten (10) inches or less.

All fences, walls and similar structures shall be maintained in good condition. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or other forms of deterioration shall immediately be replaced or repaired.

Replacement of plants may be delayed whenever the Zoning Administrator determines that extenuating circumstances beyond the owner's control prevent the immediate replacement of the dead or unhealthy plants within a time established by the Zoning Administrator. In any event, the

dead or salvageable plants shall be replaced within nine (9) months of the time the plants are clearly dead.

21.18.2.2.1 Whenever the landscaped area required by Sections 21.18.3, 21.18.5 and 21.18.6 is two thousand (2,000) square feet or more of living plants whether or not the plants are contiguous, the site shall have a permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on site.

21.18.2.2.2 Whenever there is less than two thousand (2,000) square feet of landscaped area required by Sections 21.18.3, 21.18.5 and 21.18.6 on a site, there should be at least one reliable water source available during the growing season. The hose bib or other water source shall be within fifty (50) feet from a border of the plants.

21.18.2.2.3 All irrigation systems shall be maintained in good working condition.

21.18.2.2.4 Irrigation requirements may be adjusted in part or in whole by the Zoning Administrator for landscape areas having established healthy plant material, or where irrigation is deemed unnecessary for plant health and survival.

21.18.2.3 Existing Vegetation:

- If there is no practical alternative in terms of siting buildings and other development, trees and other plants may be removed.
- Significant shrubs, grasses and trees are to be preserved within areas not required for development.
- Healthy, younger mature plants shall be preserved which would normally succeed older plants.
- Natural vegetation shall be preserved within areas below an ordinary high water mark of a lake, stream or other water body.
- Existing vegetation to be preserved shall be protected during construction with barriers as required and approved by the Zoning Administrator.
- The application of landscape standards within this Ordinance may be adjusted in part or in whole by the Zoning Administrator to allow credit for established healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

21.18.2.4 Berms constructed pursuant to Section 21.18.3 shall be constructed with slopes not to exceed one to three (1:3) gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.

21.18.3 Buffer Yards:

- Buffer yards shall be constructed to mitigate problems associated with traffic, noise, vibration, odor, glare, dust, smoke, pollution, water vapor, conflicting land uses and density, height, mass, layout of adjacent uses, loss of privacy, unsightly views and other potentially negative effects of development. Buffering may be achieved using landscape, building fences and berm or a combination of the above techniques.
- Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing or dedicated public or Private Street or right-of-way.

- Tables I and II shall be used to determine buffer yard dimensions and plant materials specifications. Table I is used to determine the type of Buffer yard (A, B, C, D, E, EX, or NA) which will be required between districts or users. Once the type of Buffer yard is obtained, Table

II outlines the plant material specifications for alternative widths and specifications and treatments (walls, berms, etc.) of buffer yard. Each property line should be analyzed independently to determine the appropriate buffer yard required.

- The buffer yard tables are to be considered minimum standards. Increased landscaping requirements may be imposed by the Zoning Administrator or the Planning Commission if it is determined any of the following conditions exist:
 - The type of required buffer yard will not sufficiently mitigate noise, glare, fumes, smoke, dust or unsightly views within the site.
 - The scale of the project in regard to mass and height indicates the need for a buffer yard developed specifically for the project.
 - The proposed use is next to an existing sensitive use such as a school, church or residential area.

21.18.4 Roadside Greenbelt Buffers:

Unless as otherwise required by Section 21.18.3, required front yards shall be landscaped with a minimum of one (1) tree, not less than one and one-half (1½) inches in diameter for single family residential uses and two and one half (2½) inches in diameter of other use, for each one thousand (1000) square feet, or major portion thereof, of front yard abutting a road right-of-way. The remainder of the greenbelt shall be landscaped provided however, rock or other inorganic ground cover shall not exceed twenty (20) percent of the yard area.

Access ways from public rights-of-way through required landscaped strips shall be permitted, but such access ways shall not be subtracted from the square foot dimension used to determine the minimum number of trees required.

21.18.5 Screening of Unsightly Areas:

Unsightly areas, including but not limited to outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired, shall be screened from public sidewalks, streets and other areas from which the property is visible. Such screening shall not be located as to interfere with required maintenance activities of utility boxes.

Whenever plants are used as a screen, they should provide an effective opaque screen within three (3) years of the time they are planted.

The materials and colors of the screen should blend with the site and the surroundings.

21.18.6 Parking Lot Screening:

Unless otherwise required by Section 21.18.3 or 21.18.4, a no-building buffer strip not less than ten (10) feet wide shall be required on the perimeter of all parking lots containing twenty-seven hundred (2,700) square feet or more of parking area where not adjacent to buildings. Said buffer strip shall be used for landscaping, screening or drainage as required herein.

Landscaping Design Standards:

21.18.6.1 Any required planting strip shall be a minimum of ten (10) feet in width.

21.18.6.2 One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage. (This requirement shall not duplicate the requirements of Sections 21.18.4 or 21.18.3)

21.18.6.3 Where screens of non-living material are used, at least one (1) shrub or tree shall be planted on the right-of-way or property line side for each ten (10) lineal feet of screen or fraction thereof.

21.18.6.4 Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.

Text highlighted in green was removed from Section 21.27.11

Section 21.18 TABLE I: Buffer Yard Requirements

Boundary Zoning Districts	R-1	R-2	R-3	RR	FR	AR	B-1	B-2	B-3	MUZ Main	MUZ TC	HX	I
R-1	N												
R-2	B	N											
R-3	C	B	N										
RR	C	C	B	N									
FR	C	C	B	B	N								
AR	C	C	C	C	C	N							
B-1	B	B	B	B	B	B	N						
B-2	C	C	B	C	C	C	B	N					
B-3	C	C	C	C	C	C	B	B	N				
MUZ MAIN STREET	A	A	A	B	C	C	A	A	B	N			
MUZ TOWN CENTER	A	A	A	B	C	C	A	A	C	A	N		
HX	C	C	C	C	C	C	B	B	B	B	C	N	
I - INDUSTRIAL	E	E	E	E	D	D	D	C	C	E	E	C	N

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

Section 21.18 TABLE II: Plant Material Requirements

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

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

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

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