

Otsego County Planning Commission

Minutes for March 16, 2020

Call to Order: 6:00pm by Secretary Maxwell

Pledge of Allegiance

Roll Call:

Present: Mr. Maxwell, Mr. Borton, Mr. Hilgendorf, Mr. Brown, Mr. Marlette, Mr. Scott, Mr. Caverson, Mr. Bauman

Absent: Mrs. Jarecki, Mr. Hartmann, Ms. Corfis

Staff Present: Ms. Boyak-Wohlfeil

Others Present: Cameron Lahring, Jody Lahring, Gary Boyd, Joyce Boyd, Dave Drews, Northern Michigan Engineering, Inc, Jack Udebrock, Jay Welter, Otsego Lake Township Planning Commission members, Terry Moore, Kathy Franckowiak, Dennis Garrow, Glenda Garrow

Approval of minutes from: December 16, 2019

Secretary Maxwell requested discussion on the minutes.

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

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda:

Terry Moore, County resident, questioned why he was not allowed to store vehicles on his property. He stated he was a hobbyist and had vehicles that he bought, repaired and sold. He basically took parts from one vehicle and replaced them on another. The vehicles were being stored on the property and then taken to his shop on S Townline Rd for the actual work.

Secretary Maxwell questioned if he was referring to the property in Bagley Township located off of M-32 down from American Waste.

Mr. Moore stated he had fenced that property; he was referring to his residence.

Secretary Maxwell stated he was not familiar with that property. He questioned Mr. Moore's property on Townline Rd and stated Bagley Township's preference was to move all vehicles to that location.

Ms. Boyak-Wohlfeil stated the properties in question were in violation because the use of vehicle storage was not a permitted use in those zoning districts. He was welcomed to discuss it further with staff during business hours.

Public Hearing:

1. *Joyce & Gary Boyd, owners, represented by David Drews, Northern Michigan Engineering Inc, applicant, have requested a Special Use Permit/Site Plan Review for property located in Livingston Township on Poquette Rd Gaylord, MI 49735. The proposed use of the property is to construct an event barn. The property is located in an AR/Agricultural Resource Zoning District. An event barn is a permitted use subject to special conditions in an AR Zoning District per Otsego County Zoning Board of Appeals determination*

Otsego County Planning Commission

Minutes for March 16, 2020

Parcel identification number: 080-015-300-010-01
Poquette Rd
Gaylord, MI 49735

Legal Description:

S 1/2 OF SW 1/4 EXC: BEG 482 FT E OF SW CORNER, TH N&S 165 FT AND E&W 250 FT; ALSO EXC: BEG AT S 1/4 CORNER, TH E&W 500 FT AND N&S 176 FT; ALSO EXC: BEG 885 FT E OF SW CORNER, TH N 350 FT, E 255 FT, S 350 FT, W 255 FT TO POB. SEC 15 T31N-R3W

1995 SPLIT FROM 080-015-300-010-00

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

Secretary Maxwell stated the case before the Commission, opened the public hearing and requested comment from the applicant.

Public hearing opened: 6:06pm

Dave Drews, Northern Michigan Engineering Inc, stated property owners Gary and Joyce Boyd had a large parcel of property on Poquette Rd and six (6) acres of that was proposed to be used for agricultural tourism; a commercial business with basically farm uses. Their daughter and son-in-law, Jody and Cameron Lahring would operate the business. The proposed project was originally submitted as a 40'x80' structure but they would like to increase the size to 60'x80' with a covered porch. The six (6) acre site was located on the corner of Old 27 N and Poquette Rd; evergreen trees had been planted years ago along both roads and would act as a natural buffer. A single drive entrance would be off of Poquette Rd; the barn itself would be setback from the intersection so there were no sight distances on the road.

The plan was to hold different specialty events throughout the year so days of the week and times would vary from season to season; it would not operate like a typical commercial business. Events would be geared toward families and children. There was a playground area with farm themed play structures planned and an area for animals such as goats, bunnies and peacocks; similar to a petting zoo. There was a shed for storage, an enclosed dumpster area and fire pits in the back for gathering around. The parking area around the building would suffice for weekday and smaller weekend events with space for overflow parking to accommodate larger gatherings. There was a display/sale area for crafts and specialty items; pumpkins would be grown on site for picking and selling along with cornstalks in the fall and Christmas trees and wreaths in the winter. The barn could be rented for larger events such as wedding receptions. A kitchen would be installed but on a smaller scale; larger events would be catered. Events could be held indoors and out.

Soil borings concluded the site contained loamy clay; multiple soil samples were taken around the property to determine a suitable site for the sanitary system. The best site was found to be the northeast corner of the property on top of the hill. The Health Department issued a letter of approval conditional upon an engineered system meeting their requirements. A full drain field design would be submitted to include a restroom and kitchen; they were currently working with the Health Department to determine the system size based on the kitchen uses.

The lighting would consist of lights under the porch and down-lighting at the entryway. There were two possible locations for signage but most likely it would be at the corner; signage would be approved by a separate permit. They felt in lieu of the existing trees the landscaping requirements were already met.

Otsego County Planning Commission

Minutes for March 16, 2020

Livingston Township had reviewed the case and issued a letter of support with conditions. The owners were requesting an approval of the special use permit from the County subject to a final Health Department approval and the conditions of Livingston Township. They are as follows: An 11pm curfew for any event, bands/musical entertainment to remain inside the building and the buffer of trees must remain. There was also a split decision on whether alcohol should be allowed outside of the building. Mr. Drews felt the decision should be left up to the owners to act responsibly; they were neighbors as well.

Mr. Marlette questioned the number of rows and type of evergreens planted.

Mr. Boyd stated there were four to five (4-5) rows of trees and they were a mixture of spruce trees; one was faster growing than the other.

Mr. Marlette also questioned the raising of peacocks stating they were quite loud.

Mrs. Lahring stated she was quite familiar with peacocks and agreed they were noisy during mating season. Her husband's family had raised them for years so they were aware of everything involved. She stated they would be willing to reconsider should it become a problem.

Mr. Marlette questioned lighting on poles in the parking area.

Mr. Drews stated the only other place they might install lighting would be at the driveway entrance; they may install a decorative architectural arch and place up-lighting for definition and guidance.

Mr. Marlette stated air and water pollution were important issues but noise and light pollution could be just as damaging, especially in a rural area.

Mrs. Lahring stated she agreed.

Secretary Maxwell requested further input, hearing none, closed the public hearing.

Public hearing closed: 6:24pm

Advertised Case:

1. *Joyce & Gary Boyd, owners, represented by David Drews, Northern Michigan Engineering Inc, applicant, have requested a Special Use Permit/Site Plan Review for property located in Livingston Township on Poquette Rd Gaylord, MI 49735. The proposed use of the property is to construct an event barn. The property is located in an AR/Agricultural Resource Zoning District. An event barn is a permitted use subject to special conditions in an AR Zoning District per Otsego County Zoning Board of Appeals determination.*

*Parcel identification number: 080-015-300-010-01
Poquette Rd
Gaylord, MI 49735*

Secretary Maxwell requested discussion from members.

Mr. Caverson stated a final site plan should be submitted to include any changes to building size, parking and such.

Secretary Maxwell stated that could be a condition placed on the special use permit. He invited further comment, hearing none, requested a motion for the approval of the Finding of Fact. *SEE ATTACHMENT 1*

Motion made by Mr. Brown to approve the Finding of Fact as presented with Article 19 criteria being met; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Otsego County Planning Commission

Minutes for March 16, 2020

Secretary Maxwell stated Livingston Township's conditions needed to be included in the motion of the special use permit as well as the final site plan being reapproved by Land Use.

Mr. Borton stated since Livingston Township could not come to a clear decision on the condition concerning the allowance of alcohol outside the building, the special use permit should not be subject to it.

Mr. Drews stated final Health Department approval would be provided as well.

Secretary Maxwell requested further comment; hearing none made the following motion:

Motion made by Mr. Maxwell to approve Special Use Permit PZSU19-006 for the construction of an event barn with the following conditions:

- All events must conclude by 11:00pm
- All bands/music must be retained inside the building
- Buffer trees along Old 27 North and Poquette Rd must remain in place
- Site plan must be updated with changes and submitted to Land Use for approval;

Seconded by Mr. Brown

Motion approved unanimously.

Public Hearing:

2. **Article 20 Access Management Requirements, Section 2.2 Definitions, Section 21.18 Landscaping and Section 21.27 Parking –Otsego County Zoning Ordinance – Text Amendments**
Proposed text amendments to the above sections pertaining to Private Roads

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

Secretary Maxwell stated the case before the Commission and opened the public hearing.

Public hearing opened: 6:29pm

Secretary Maxwell stated the changes pertaining to private roads would standardize new roads to meet minimum requirements allowing access for emergency vehicles. Fire trucks and ambulance had a difficult time accessing many current private roads. Other changes were due to antiquated language not currently in use by MDOT (Michigan Department of Transportation).

Mr. Marlette questioned if changes were for future private roads only.

Secretary Maxwell stated they were for new roads only; current roads could not be required to be brought up to these standards.

Mr. Caverson suggested changing the date specified in Section 20.6.6 from January 1, 2020 to coincide with the date of adoption since the amendments had been pending so long.

Secretary Maxwell requested further input, hearing none, closed the public hearing.

Public hearing closed: 6:32pm

Advertised Case:

2. **Article 20 Access Management Requirements, Section 2.2 Definitions, Section 21.18 Landscaping and Section 21.27 Parking –Otsego County Zoning Ordinance – Text Amendments**

Otsego County Planning Commission

Minutes for March 16, 2020

Secretary Maxwell requested comment from Commission members; hearing none requested a motion. *SEE ATTACHMENT 2*

Motion made by Mr. Brown to recommend to the Otsego County Board of Commissioners adoption of the proposed language to Article 20 and Sections 2.2, 21.18 and 21.27 pertaining to private roads including the date change; Seconded by Mr. Bauman.

Motion approved unanimously.

Public Hearing:

3. *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 – Otsego County Zoning Ordinance – Text Amendments*
Proposed text amendments to the above sections pertaining to Guest Houses / Accessory Buildings
 - a. *Open Public Hearing*
 - b. *Case Summary*
 - c. *Public Comment (3 minute limit)*
 - d. *Close Public Hearing*
 - e. *Planning Commission Discussion*
 - f. *Motion*

Secretary Maxwell stated the case before the Commission and opened the public hearing.

Public hearing opened: 6:34pm

Secretary Maxwell stated the proposed changes would allow an additional residence in residential zoning districts if certain criteria were met. Changes were sought due to many property owners adding living space in accessory buildings without acquiring permits because it was not a permitted use; these changes would allow these properties to be brought into compliance. A guest house would be allowed as long as the parcel was large enough to divide if need be. Setback requirements would be the same as for any residence and health department approval would also be required.

Mr. Hilgendorf stated this language had been previously discussed and pending for quite some time.

Mr. Brown agreed stating he had thought it would have been heard in December.

Secretary Maxwell requested further input, hearing none, closed the public hearing.

Public hearing closed: 6:36pm

Advertised Case:

3. *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 – Otsego County Zoning Ordinance – Text Amendments*

Secretary Maxwell requested input from Commission members.

Mr. Scott questioned the language allowing a second full time residence if a full time residence already existed; he wondered if the language should state the property must be split should this occur.

Mr. Brown stated it had been discussed at committee meetings but members could not come up with a good reason to require it.

Secretary Maxwell stated the idea was to have enough property to allow a split if necessary.

Otsego County Planning Commission

Minutes for March 16, 2020

Ms. Boyak-Wohlfeil stated the property would need to be split should one residence be sold but could remain as one parcel otherwise. And if setbacks could not be met, the property could not be sold separately; it would have to remain as a whole under one owner.

Mr. Scott questioned if the second residence could be rented out.

Mr. Hilgendorf stated since the parcel was large enough and under one owner, whoever stayed in the house would be considered a guest whether a family member or renter but it would also be able to be sold as a separate parcel.

Ms. Boyak-Wohlfeil stated the living space would meet Health Department criteria as well as building criteria as a residence with the proposed language in place.

Mr. Brown stated it would prevent someone from adding a second residence if the lot was not large enough.

Secretary Maxwell stated if someone did add living space over a garage or in an accessory building, they would be in violation and the zoning ordinance could be enforced. He asked for additional comment, hearing none requested a motion. *SEE ATTACHMENT 3*

Motion made by Mr. Brown to recommend to the Otsego County Board of Commissioners adoption of the proposed language to Articles 4, 7, 8, and 17 and Sections 2.2 and 21.1 pertaining to guest houses and accessory buildings; Seconded by Mr. Marlette.

Motion approved unanimously.

Unfinished Commission Business: None

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki: None
2. Land Use Services report: None

Mr. Maxwell stated Bagley Township had reviewed the site plan for Michaywe' and recommended approval of the proposed zoning change within the PUD (Planned Unit Development) and the Township was also scheduled to meet the following Monday to review a rezone of a Georgia Pacific parcel.

Mr. Udebrock stated Otsego Lake Township was scheduled to review the Michaywe' site plan the beginning of April but with what was currently happening, he could not guarantee they would be able to meet.

Ms. Boyak-Wohlfeil stated the Michaywe' case was pending for April's meeting but in lieu of current events it did not look like that would happen. She requested Otsego Lake Township keep Land Use informed of their decision.

Mr. Hilgendorf questioned if would be possible to hold a meeting by conference call if they were unable to meet in person.

Ms. Boyak-Wohlfeil stated if there was a public hearing scheduled, it didn't seem likely it could be done. The meeting would have to be open to the public.

Secretary Maxwell stated they had an issue at Bagley Township with a member in Florida and according to MTA (Michigan Township Association) any meeting held would have to be posted at each caller's location and open to the public. They had decided not to go that route.

Otsego County Planning Commission

Minutes for March 16, 2020

Discussion ensued concerning upcoming meetings and current events.

Mr. Borton stated the County website was being updated around the clock as more information was obtained and was a good go to source. He also stated he was in Washington DC at the National Association of Counties conference a couple of weeks ago. President Trump had attended and addressed the 1500 members concerning how his administration could benefit counties.

With nothing further, Secretary Maxwell adjourned the meeting.

Adjournment: 6:50pm by Secretary Maxwell

Pete Maxwell; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

Otsego County Planning Commission

Minutes for March 16, 2020

ATTACHMENT 1:

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU19-006
Special Use Permit/Site Plan Review
080-015-300-010-01**

GENERAL FINDINGS OF FACT

1. This is a proposal for construction of an 'Event Barn'. *Exhibit #1, Exhibit #5, Exhibit #6*
2. The proposed property is located in an AR/Agricultural Resource Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in an AR/Agricultural Resource Zoning District per Otsego County Zoning Board of Appeals' determination - case number PZBA16-001. *Exhibit #16*
4. The current property is 74.26 acres. *Exhibit #4, Exhibit #12*
5. The proposed property site is 6.10 acres. *Exhibit #12*
6. The property is currently under the ownership of Joyce and Gary Boyd. *Exhibit #4*
7. The property may be divided upon approval of Special Use Permit PZSU19-006. *Exhibit #12*
8. The name of the proposed project will be "The Farm at Legacy Acres". *Exhibit #1, Exhibit #5, Exhibit #6*
9. The Public Hearing Notice was published in the Herald Times on February 28, 2020. *Exhibit #8*
10. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
11. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
12. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
13. The required fees have been collected by Otsego County Land Use Services. *Exhibit #13*
14. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant/Representative. *Exhibit #22*
15. An address for the proposed project will be applied for through the Otsego County Equalization Department. *Exhibit #23 - pending*
16. Agency letters for the proposed project have been received from the Northwest Michigan Health Department, Otsego County EMS, Otsego County Fire Department, Otsego County Road Commission and Otsego County Soil Conservation District. *Exhibit #17, Exhibit #18, Exhibit #19, Exhibit #20, Exhibit #21 - pending*

Otsego County Planning Commission

Minutes for March 16, 2020

OTSEGO COUNTY PLANNING COMMISSION

PZSU19-006

Special Use Permit/Site Plan Review
080-015-300-010-01

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 9 / SECTION 9.2

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

Amended 9.24.2019

INTENT

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

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Amended 4.9.2013

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of [Article 19](#) and only after the review and approval of the site plan by the Planning Commission. [See [Article 21](#) for applicable SPECIFIC REQUIREMENTS FOR CERTAIN USES, if any and [Article 23](#) for SITE PLAN REQUIREMENTS.]

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

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

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

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

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

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

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

9.2.5 Commercial outdoor sport and recreational facilities, outdoor musical entertainment

9.2.6 Driving ranges

9.2.7 Game preserves

9.2.8 Gasoline stations with or without store

9.2.9 Detention facilities

9.2.10 Shooting ranges (outdoor)

9.2.11 Recreation camps, resorts or housekeeping units

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

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

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

9.2.15 Hunt clubs (commercial)

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

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

9.2.18 Travel trailer courts

Otsego County Planning Commission

Minutes for March 16, 2020

9.2.19 Campgrounds (commercial)

9.2.20 Race tracks

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

9.2.22 WTG Large

9.2.23 Anemometer Tower [See [Article 21.47](#)]

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

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

*****Permitted comparable use subject to special conditions in an AR Zoning District per ZBA Minutes May 31, 2016**

FINDINGS UNDER ARTICLE 20

ARTICLE 20 ACCESS MANAGEMENT REQUIREMENTS

SECTION 20.1 PURPOSE

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

The standards of this section are further intended to:

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

SECTION 20.2 DEFINITIONS

Road ways are defined according to the following categories:

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

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

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

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

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

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

Otsego County Planning Commission

Minutes for March 16, 2020

SECTION 20.3 LOCATION AND SPACING

- 20.3.1 All State and County public roads shall be subject to and regulated by the standards of this ordinance.
- 20.3.2 In order to minimize left turn conflicts, new access points shall be aligned with those across the roadway where possible. If alignment is not possible, access points shall be offset a minimum of two hundred fifty-five (255) feet from those on the opposite side of the roadway, measured centerline of access point to centerline of access point. Longer offsets may be required by the Michigan Department of Transportation (MDOT) in accordance with the MDOT Access Management Guidebook.
- 20.3.3 Where spacing requirements cannot be met for parcels, lots, or building sites having frontage or access on more than one roadway, access shall be provided from the lesser traveled roadway.
- 20.3.4 In the case of expansion, alteration, change of use or redesign of an existing development where existing access points do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the access point may 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 SIGHT DISTANCE

Minimum intersection sight distance shall be ten (10) times the vehicular speed of the road PER MDOT MANUAL

SECTION 20.5 ACCESS

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

20.5.1 Interconnections of Parking Areas

- 20.5.1.1 Parking areas shall be designed to facilitate interconnection of parking lots
- 20.5.1.2 Shared parking is encouraged. Shared parking shall be permitted a reduction in required parking spaces if peak parking demand periods at interconnected developments do not occur at the same time.
- 20.5.1.3 Shared driveways, cross access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land; Operating and maintenance agreements for these facilities shall be recorded with the deed.

SECTION 20.6 ROAD STANDARDS

- 20.6.1 All roads proposed to be of public ownership shall conform to the county road standards
- 20.6.2 All proposed curve radii shall be designed to county road standards for truck turning requirements

***** Access Requirements: Met**

FINDINGS UNDER ARTICLE 21 /SECTION 21.10

SECTION 21.10 FENCES

Amended 7.10.2018

21.10.1 Permit Required

A Fence Permit shall not be required when all applicable sections and regulations of this ordinance have been met.

21.10.2 Fence Regulations:

- 21.10.2.1 A fence in the Front Yard shall not exceed a height of three and one-half feet (3.5') and be of a see through design and material that does not obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian property access point.
- 21.10.2.2 A fence along any side lot line may extend to the front property line except that it shall not exceed a height of three and one-half feet (3.5') from the front property line back twenty-five feet (25') and shall be of a see through design and material that does not obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.
- 21.10.2.3 A fence in the Side and Rear Yards cannot exceed a height of seven feet (7') except as noted in [Section 21.10.2.1](#).
- 21.10.2.4 A fence may be located at or along an adjoining property line. Adequate space shall be allotted to permit access for maintenance without trespass.
- 21.10.2.5 A fence in any platted subdivision, residential development or residential zoning district shall not contain barbed wire or be electrified.
- 21.10.2.6 A fence must be structurally sound and kept in good repair. There should be no evidence of deterioration, damaged or collapsing pieces.

Otsego County Planning Commission

Minutes for March 16, 2020

21.10.2.7 Comply with [Section 21.10.3](#).

21.10.3 Fences-Maximum Heights:

Fences designed to enclose property in any district shall be subject to the following table of regulations:

Yards	Height
Front of site, parallel with the principal roadway	3.5 ft.
Rear	7.0 ft.
Side	7.0 ft.
Side with front yard setbacks of 25-50 ft.	3.5 ft.
Game Preserves	Special Use Permit Required
Junk Yard	8.0 ft.
Recycling Facility	8.0 ft.

*****Fencing Requirements: Met**

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

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

21.18.2 General Performance Standards:

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

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

21.18.2.1 Landscape Materials:

All landscape materials planted pursuant to the provisions of this section shall be healthy and compatible with the local climate, site soil characteristics, drainage and available water supply.

Trees and shrubs should be at least, at the time of planting, the sizes as outlined in this section and shall be consistent with the current American Standard for Nursery Stock as set forth from time to time by the American Association of Nurserymen.

Deciduous trees shall be not less than one and one-half (1 ½) inches in diameter for single family residential uses and two and one-half (2 ½) inches in diameter for other uses.

Coniferous trees should be at least six (6) feet in height. Shrubs shall be of a size generally known in the nursery industry as requiring at least a five (5) gallon container.

All planting beds constructed pursuant to [Sections 21.18.2](#), [21.18.5](#) and [21.18.6](#) shall be mulched with mulch cover at least three (3) inches deep to retain moisture around roots.

Trees shall be planted on the project sites so as to allow for their desired mature growth.

Access to or view of fire hydrants shall not be obstructed from any side.

Plantings shall be designed so as to not conflict with power lines or impede fire safety services.

21.18.2.2 Irrigation & Maintenance Performance Standards:

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

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

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

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

Otsego County Planning Commission

Minutes for March 16, 2020

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

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

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

Replacement of plants may be delayed whenever the Zoning Administrator determines that extenuating circumstances beyond the owner's control prevent the immediate replacement of the dead or unhealthy plants within a time established by the Zoning Administrator. In any event, the dead or salvageable plants shall be replaced within nine (9) months of the time the plants are clearly dead.

21.18.2.3 Existing Vegetation:

If there is no practical alternative in terms of sighting buildings and other development, trees and other plants may be removed.

Significant shrubs, grasses and trees are to be preserved within areas not required for development.

Healthy, younger mature plants shall be preserved which would normally succeed older plants.

Natural vegetation shall be preserved within areas below an ordinary high water mark of a lake, stream or other water body.

Existing vegetation to be preserved shall be protected during construction with barriers as required and approved by the Zoning Administrator.

The application of landscape standards within this Ordinance may be adjusted in part or in whole by the Zoning Administrator to allow credit for established healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

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

21.18.3 Buffer Yards:

Buffer yards shall be constructed to mitigate problems associated with traffic, noise, vibration, odor, glare, dust, smoke, pollution, water vapor, conflicting land uses and density, height, mass, layout of adjacent uses, loss of privacy, unsightly views and other potentially negative effects of development. Buffering may be achieved using landscape, building fences and berm or a combination of the above techniques.

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing or dedicated public or Private Street or right-of-way.

[Tables I](#) and [II](#) shall be used to determine buffer yard dimensions and plant materials specifications. [Table I](#) is used to determine the type of Buffer yard (A, B, C, D, E, EX, or NA) which will be required between districts or users. Once the type of Buffer yard is obtained, [Table II](#) outlines the plant material specifications for alternative widths and specifications and treatments (walls, berms, etc.) of buffer yard. Each property line should be analyzed independently to determine the appropriate buffer yard required.

The buffer yard tables are to be considered minimum standards. Increased landscaping requirements may be imposed by the Zoning Administrator or the Planning Commission if it is determined any of the following conditions exist.

The type of required buffer yard will not sufficiently mitigate noise, glare, fumes, smoke, dust or unsightly views within the site.

The scale of the project in regard to mass and height indicates the need for a buffer yard developed specifically for the project.

The proposed use is next to an existing sensitive use such as a school, church or residential area.

21.18.4 Roadside Greenbelt Buffers:

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

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

21.18.5 Screening of Unsightly Areas:

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

Otsego County Planning Commission

Minutes for March 16, 2020

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

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

21.18.6 Parking Lot Screening:

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

Landscaping design standards:

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

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

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

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

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

*****No Buffer Yard Required - See Table I - Existing tree line**

Otsego County Planning Commission

Minutes for March 16, 2020

21.18 TABLE I : Planting Buffer Yard																	
Boundary Zoning District ➔		R-1	R-2	R-3	RR	FR	AR		B-1	B-2	B-3			M U Z M A I N S T R E E T	M U Z T O W N C E N T E R	H I G H W A Y I N T E R C H A N G E	I I N D U S T R I A L
Proposed Development Zoning District																	
R-1		N															
R-2		B	N														
R-3		C	B	N													
RR		C	C	B	N												
FR		C	C	B	B	N											
AR		C	C	C	C	C	N										
B-1		B	B	B	B	B	B	N									
B-2		C	C	B	C	C	C	B	N								
B-3		C	C	C	C	C	C	B	B	N							
MUZ – MAIN STREET		A	A	A	B	C	C	A	A	B	N						
MUZ – TOWN CENTER		A	A	A	B	C	C	A	A	C	A	N					
HIGHWAY INTERCHANGE		C	C	C	C	C	C	B	B	B	B	C	N				
I- INDUSTRIAL		E	E	E	E	D	D	D	C	C	E	E	C	N			

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

Otsego County Planning Commission

Minutes for March 16, 2020

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
D	.75	.85	40'	3	2	15	3
			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
E	NA	NA	40'	3	5	30	3
			45'	4	6	30	4
			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.

Otsego County Planning Commission

Minutes for March 16, 2020

FINDINGS UNDER ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

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

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

*****Lighting Requirements: Conditional – See Site Plan**

FINDINGS UNDER SECTION 21.38

SECTION 21.38 SIGNS AND BILLBOARDS

Amended 3.29.2018

INTENT:

The sign standards contained in this Ordinance are declared to be necessary to protect the general health, safety, and welfare of the citizens of Otsego County.

It is the intent of this regulation to insure a degree of standardization in signage throughout the county, to insure the safety of pedestrians and motorists who must drive or otherwise negotiate installed signage and motorists who depend on the visibility of a sign's message to safely arrive at an intended destination. Standardization will preserve the aesthetics, appearance and functionality of all installed signage.

Any publicly displayed sign, symbol or notice on premises to indicate the name of the occupant, to advertise the business there transacted, or directing to some other locale, shall be regulated as follows, and shall require permits in accordance with the terms of the County Building Code:

Sign plans shall be reviewed for approval, conditional approval or rejection by the Zoning Administrator. For disagreements with the rulings of the Zoning Administrator, the applicant may appeal to the Zoning Board of Appeals, who in such instances has final authority on the sign plan.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes. Compliance with this Section does not relieve the applicant from the responsibility of compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the County Zoning Ordinance.

21.38.1 Signs Authorized and Requiring a Permit

All applications for a Sign Permit shall first be submitted to the Zoning Administrator. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Zoning Administrator

Otsego County Planning Commission

Minutes for March 16, 2020

showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed by a registered design professional. The Zoning Administrator may issue such permits when all applicable provisions of this Ordinance have been met.

21.38.1.1 Accessory Signs

21.38.1.1.1 Districts: **R1, R2, R3, RR**

Number Allowed: One (1)
Maximum Height: Eight feet (8')
Measured: From the average grade at the base of the sign to the top of the sign support.
Maximum Size: 15 sq. ft.

21.38.1.1.2 Districts: **AR, FR**

Number Allowed: One (1)
Maximum Height: Eight feet (8')
Measured: From the average grade at the base of the sign to the top of the sign support.
Maximum Size: 32 sq. ft.

21.38.1.1.3 Districts: **B1, B2, B3, HX, I**

Number Allowed: Two (2) with the following **four (4) regulations:**
Regulation 1: One (1) sign shall be affixed to or be within two feet (2') of and be parallel with the wall of the main building.
Maximum Size: Signs mounted on and parallel with the wall of the main building shall not exceed a total surface area of fifteen percent (15%) of the mounting wall. If a premise contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
Regulation 2: One (1) sign may be a freestanding sign.
Maximum Height: Twelve feet (12')
Maximum Size: 56 sq. ft. and length shall not be longer than three (3) times its width.
Regulation 3: One (1) sign may be a pylon sign.
Maximum Height: Thirty-five feet (35')
Maximum Size: Sign Specifications must be prepared by a design professional and must comply with any Airport Zoning Ordinance and the Tall Structures Act.
Pylon Signs approved and installed before the date of this ordinance change shall be allowed provided they exhibit structural integrity, are safe and well maintained.
Regulation 4: All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than twenty percent (20%) of the total window area. Where multiple windows are installed, signage may not be aggregated to cover any window one hundred percent (100%) restricting all visibility from the interior and exterior. Signage may cover no more than fifty percent (50%) of the window on the horizontal and vertical dimension. Total coverage for multiple window panels will not change.

21.38.1.1.4

Signs for shopping centers or other commercial developments with two (2) or more units developed as offices, office service units, research facilities, manufacturing facilities, retail spaces with multiple stores, commercial **PUD**'s, large retail stores with a building area over 100,000 sq. ft. or other commercial developments requiring Special Use Approval and which have a common off street parking and a common entrance or entrances may install accessory signs in accordance with the following **six (6) regulations:**

Regulation 1: Signs which direct traffic movement within a property and which do not exceed 4 sq. ft. in area for each sign are permitted.

Regulation 2: One (1) free-standing identification sign for each street that the development faces.

- The freestanding sign shall state only the name of the shopping center or multiple use development and tenants located therein.
- No freestanding sign face shall exceed an area of 100 sq. ft.
- Freestanding signs shall not exceed a height of thirty feet (30') measured from the average grade at the base of the sign to the top of the horizontal sign frame supporting the sign face.
- Tenants of the shopping center or the owner of outlets included with the development plan or **PUD** shall not be permitted individual freestanding signs, except gas stations as noted below:

Regulation 3: Businesses within the development or **PUD** shall be permitted exterior wall signs; the total area of the exterior wall signs shall not exceed twenty percent (20%) of the area of the signage wall.

Regulation 4: All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than twenty percent (20%) of the total window area. Where multiple windows

Otsego County Planning Commission

Minutes for March 16, 2020

are installed, signage may not be aggregated to cover any window one hundred percent (100%) restricting all visibility from the interior and exterior. Signage may cover no more than fifty percent (50%) of the window on the horizontal or vertical dimension.

Regulation 5: An automobile service station located on an outlet or an individual lot within the development or [PUD](#) may have 1 freestanding sign in addition to the freestanding sign utilized for the development. The freestanding sign shall be for the purpose of advertising gasoline prices and other services provided on the premises. The service station sign shall comply with the regulations for a single business on its own lot as noted in [Section 21.38.1.1.3](#) above.

Regulation 6: Signs proposed for installation along MDOT regulated highways designed to advertise a specific business location must be permitted in accordance with current MDOT Regulation 225. A specific time requirement for the developed site is required and is usually two (2) years. A business sign is a sign designed to advertise a particular business location rather than being used for general outdoor advertising not necessarily specific to a particular business.

Billboards or signage also referred to as outdoor advertising or outdoor highway advertising are permitted and controlled by MDOT under sections of MDOT Regulation 225. A valid permit and sign approval is required prior to construction of a billboard designed for general outdoor advertising.

21.38.2 Non-Accessory Signs and Billboards

21.38.2.1

Billboards, poster boards and non-accessory signs may be permitted in [B2](#), [B3](#) and [I](#) Districts provided the area of the sign does not exceed an area of 200 sq. ft. in [B2](#) and [B3](#) Districts and 300 sq. ft. in [I](#) Districts. A non-accessory sign or billboard shall not measure longer than three (3) times its width.

Signs that come under the jurisdiction of P.A. 106 of 1972 are under the jurisdiction of the Township, if the Township has adopted a sign ordinance.

21.38.3 Sign Lighting [Also See Section 21.19 Lighting Outdoor]

21.38.3.1

Signs internally illuminated or with a light emanating surface are allowed only in the [RR](#), [FR](#), [AR](#), [B1](#), [B2](#), [B3](#), [I](#), [HX](#), [MUZ-Main Street](#) and [MUZ-Town Center](#) Districts provided they meet the other requirements of this ordinance and are set back a minimum of ten feet (10') from all road right-of-ways and seventy-five feet (75') from any other property line.

Signs internally illuminated or if sign has a light emanating surface. All light sources and reflecting surfaces immediately adjacent to the light source shall be shielded from view. Sign luminance level, beginning one (1) hour after sunrise and continuing until one (1) hour before sunset, shall not exceed (10278 Lumens) (685W Incandescent light bulb) (114W Florescent/LED) per square meter, or does not exceed (342 Lumens) (25W Incandescent light bulb)(6.23W Florescent/LED) per square meter at all other times.

Signs that are externally illuminated shall have the light mounted on top of the sign, shall be directed downward onto the sign and shall be shielded so as to prevent rays of light from being directed such that reflected luminance does not exceed (342 Lumens) (25W Incandescent light bulb)(6.23W Florescent/LED) per square meter.

21.38.4 Signs Prohibited

21.38.4.1 No signs or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device

21.38.4.2 No signs shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.

21.38.4.3 No signs which blink, flash, or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

21.38.4.4 No signs containing flashing, intermittent or moving lights.(A sign with messages or images accomplished by instantaneous re-pixilation not more often than one (1) time in sixty (60) seconds shall not be considered flashing, intermittent or moving and shall be allowed.)

21.38.4.5 No signs with moving or revolving parts.

21.38.4.6 No signs attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following **three (3) regulations:**

Regulation 1: The primary purpose of such a vehicle or trailer is not the display of signs.

Regulation 2: The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and does not break the silhouette of the vehicle.

Regulation 3: The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.

21.38.4.7 Vehicles and trailers are not to be used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

Otsego County Planning Commission

Minutes for March 16, 2020

21.38.4.8 A sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign covered or removed within fourteen (14) days after written notification from the Zoning Administrator.

21.38.5 Signs Authorized and Not Requiring a Permit

21.38.5.1 Official notices, authorized by a court, public body or public safety official

21.38.5.2 Directional, warning or information signs authorized by federal, state or municipal governments

21.38.5.3 Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.

21.38.5.4 The flag of a government or noncommercial institution, such as a school.

21.38.5.5 Religious symbols and seasonal decorations within the appropriate public holiday season

21.38.5.6 Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain

21.38.5.7 Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 sq. ft. in area

21.38.5.8 The changing or maintenance or components of an approved existing sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

21.38.5.9 Bulletin Boards that do not exceed 15 sq. ft. for churches, public and semi-public institutions and/or school

21.38.5.10 Temporary signs not exceeding 10 sq. ft. advertising a premises being for rent, for lease and/or for sale in any district All such signs shall be removed within fourteen (14) days of the consummated lease or sale of the premises.

21.38.5.11 Accessory directional signs affixed to the building and not exceeding 2 sq. ft., such as but not necessarily limited to: Boiler Room, Entrance, Exit, Garage, Loading Dock, Low Clearance, Office, Service, Warehouse and the like.

21.38.5.12 Maximum of two (2) accessory properties directional signs each not to exceed 2 sq. ft. identifying or directing to the following: Entrance, Exit, No Parking, Visitors Parking, Other Traffic Flow Directions, and similar Functional Signs

21.38.5.13 Temporary advertising banners that are flexible (made of canvas, plastic composite etc.) meant to be attached to a fixed commercial building structure which is currently occupied. All banners may not exceed 32 sq. ft. and must be maintained in good condition while displayed.

21.38.5.14 Political signs shall be permitted in all zoning districts with the following **three (3) regulations:**

Regulation 1: Such signs shall follow the Accessory Signs restrictions as it relates to each individual Zoning District.

Regulation 2: Such signs for election candidate or ballot propositions shall be displayed only for a period of sixty (60) days preceding the election and shall be removed within ten (10) days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than ten (10) days after the general election.

Regulation 3: Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

21.38.6 Placement of Signs and Setbacks

21.38.6.1 Signs in Rights-of-Way

No sign other than an official traffic sign shall be erected within any public right-of-way unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

21.38.6.2 Sign and Setbacks

Signs in any zoning district must be placed at least two feet (2') back from any right of way and any lot line.

21.38.7 Off-Premises Directory Sign – Private

21.38.7.1

Where a business use or tourist service facility is not located directly on a major tourist route but is dependent upon passerby traffic for support, one (1) off-premises directory sign located on a county maintained road may be permitted in business or non-business districts, on each road or link or segment of road that affords access to the use but entails a major change in the direction of travel.

Off-premises Directory signs shall not exceed an area of 15 sq. ft. Community directional signs serving more than one (1) use may be permitted to a maximum size of 32 sq. ft.

21.38.8 Approval Authority

21.38.8.1

The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site Plans for a Special Use Permit shall be forwarded by the Zoning Administrator to the Planning Commission for review and action. In addition, at the request of the Zoning Administrator or Planning Commission, a site plan for a Principal Permitted Use may be submitted for Planning Commission review before final action by the Zoning Administrator. The Zoning Administrator and

Otsego County Planning Commission

Minutes for March 16, 2020

Planning Commission have the authority to approve, deny or grant conditional approval for any site plan submitted under the provisions of this ordinance. The Zoning Administrator may hold or the Planning Commission may table a site plan, pending further information or addition, reasonably needed to complete a site plan or comply with requirements of this Ordinance.

*****Signage Requirements: Pending**

FINDINGS UNDER SECTION 21.40

SECTION 21.40 SOIL EROSION AND SEDIMENTATION CONTROL, STORM WATER MANAGEMENT

No zoning permit shall be issued until any required Soil Erosion and Sedimentation Control permits and/or Storm Water Management permits have been obtained.

*****Storm Water Requirements: Met**

FINDINGS UNDER SECTION 21.42

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

21.42.1 Residential Trash Receptacles shall be placed at curbside no earlier than twenty-four (24) hours from the scheduled pick-up day. Any trash receptacle placed at curb side shall be removed from curb side no later than twenty-four (24) hours after the scheduled pick-up day.

21.42.2 Commercial Trash Receptacles / Dumpsters may be placed upon a parcel of land in such a manner to facilitate loading and unloading. They may be placed no closer than ten (10) feet to any adjoining property. All Trash Receptacles shall be properly maintained with working lids and the lids shall be maintained in a closed position.

21.42.2.1 During the site plan review process the Planning Commission or Zoning Administrator may require Commercial Businesses abutting land zoned Residential (R1, R2, R3, RR) or existing residential development in other zoning districts (HX) to maintain a greater setback than ten (10) feet but in no case shall the required setback be greater than twenty five (25) feet.

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

21.42.4 Trash Receptacles / Dumpsters meeting the requirements of [Sections 21.42.1, 21.42.2 & 21.42.3](#) shall not be considered unsightly areas as covered in [Section 21.18.5](#).

*****Trash Receptacles: Met**

FINDINGS UNDER SECTION 21.43

SECTION 21.43 UNDERGROUND UTILITY WIRES

Within the area of a plat or site plan, all distribution lines for electric, communications or similar associated services shall be placed underground. Those electric and communication facilities placed in dedicated public ways shall be installed so as not to conflict with other underground utilities. All communication and electric facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately-owned property shall be protected by easements granted by the owner of such property.

The Planning Commission may, by resolution, waive or modify any of the above requirements for underground line installations with respect to a particular plat or site plan when the strict application of the above requirements would result in unnecessary hardship. Prior to any such waiver or modification, a public hearing regarding the proposal shall be held by the Planning Commission.

*****Underground Utilities: Pending**

Otsego County Planning Commission

Minutes for March 16, 2020

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

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.

HAS – HAS NOT BEEN MET

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

HAS – HAS NOT BEEN MET

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

HAS – HAS NOT BEEN MET

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

HAS – HAS NOT BEEN MET

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

HAS – HAS NOT BEEN MET

19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities and refuse collection and disposal services.

HAS – HAS NOT BEEN MET

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity or rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.

HAS – HAS NOT BEEN MET

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.

HAS – HAS NOT BEEN MET

SECTION 19.8 - CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a special use permit. These conditions may include those necessary to insure that public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the special land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all the following requirements.

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

19.8.2 Be related to the valid exercise of the police power and purposes which are affected by the proposed special land use.

19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the special land use under consideration and be necessary to insure compliance with those standards

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

ATTACHMENT 2:



Summary of Text Changes regarding Private Roads and Parking Lots

Article 2

1. Added definition of private 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

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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. The choice to pursue approval through either the Zoning Administrator and/or Planning Commission shall be at the discretion of the applicant. If the applicant disagrees with the interpretation made by the Zoning Administrator, the decision may be deferred to the 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

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

*****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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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](#))

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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:

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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~~**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.

~~20.3.3~~**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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

~~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

~~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.~~

Deleted text moved to parking area section

~~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

~~20.6.5.1~~ All roads proposed to be of public ownership shall conform to the county road MDOT and/or OCRC road standards.

~~20.6.5.2~~ 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 April 28th, 2020 shall not be required to be brought into compliance with Section 20.6.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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 sighting buildings and other development, trees and other plants may be removed.
- Significant shrubs, grasses and trees are to be preserved within areas not required for development.
- Healthy, younger mature plants shall be preserved which would normally succeed older plants.
- Natural vegetation shall be preserved within areas below an ordinary high water mark of a lake, stream or other water body.
- Existing vegetation to be preserved shall be protected during construction with barriers as required and approved by the Zoning Administrator.
- The application of landscape standards within this Ordinance may be adjusted in part or in whole by the Zoning Administrator to allow credit for established healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

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

21.18.3 Buffer Yards:

- Buffer yards shall be constructed to mitigate problems associated with traffic, noise, vibration, odor, glare, dust, smoke, pollution, water vapor, conflicting land uses and density, height, mass, layout of adjacent uses, loss of privacy, unsightly views and other potentially negative effects of development. Buffering may be achieved using landscape, building fences and berm or a combination of the above techniques.
- Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing or dedicated public or Private Street or right-of-way.
- [Tables I](#) and [II](#) shall be used to determine buffer yard dimensions and plant materials specifications. [Table I](#) is used to determine the type of Buffer yard (A, B, C, D, E, EX, or NA) which will be required between districts or users. Once the type of Buffer yard is obtained, [Table II](#) outlines the plant material specifications for alternative widths and specifications and treatments (walls, berms, etc.) of buffer yard. Each property line should be analyzed independently to determine the appropriate buffer yard required.
- The buffer yard tables are to be considered minimum standards. Increased landscaping requirements may be imposed by the Zoning Administrator or the Planning Commission if it is determined any of the following conditions exist:
 - The type of required buffer yard will not sufficiently mitigate noise, glare, fumes, smoke, dust or unsightly views within the site.
 - The scale of the project in regard to mass and height indicates the need for a buffer yard developed specifically for the project.
 - The proposed use is next to an existing sensitive use such as a school, church or residential area.

21.18.4 Roadside Greenbelt Buffers:

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

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

21.18.5 Screening of Unsightly Areas:

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

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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

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

21.18.6 Parking Lot Screening:

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

Landscaping design standards:

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

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

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

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

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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
D	.75	.85	40'	3	2	15	3
			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
E	NA	NA	40'	3	5	30	3
			45'	4	6	30	4
			20'	2	4	38	1
			25'	3	4	38	1
			30'	3	5	38	2
			35'	3	5	38	2

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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:

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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
PUBLIC AND QUASI PUBLIC	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
	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
COMMERCIAL	Planned Shopping Center	1 per 200 sq. ft. of usable floor area
	Auto Wash Automatic	5 per wash stall plus 1 per employee
	Auto Wash Automatic-Drive-in	1 for each 2 employees
	Auto Wash Self Service	1 per employee
	Barber or Beauty Shop	1 per employee plus 1 per service chair
	Dance Hall, Rink, 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	

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

<u>LAND USE</u>		<u>PER UNIT OF MEASURE</u>
COMMERCIAL CONTINUED	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	
INDUSTRIA I	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

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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. **The choice to pursue approval through either the Zoning Administrator and/or Planning Commission shall be at the discretion of the applicant. If the applicant disagrees with the interpretation made by the Zoning Administrator, the decision may be deferred to the 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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

ATTACHMENT 3:



Summary of Text Changes regarding Accessory Buildings / Guest House

Article 2

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

Article 4

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

Article 7

3. Section 7.1.2
 - a. Added Section 7.1.2 permitting use of a guest house and subsequently renumbered
4. 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

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

*****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

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.")

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.

4.1.4~~3~~ Publicly owned and operated parks, parkways, and outdoor recreational facilities

4.1.5~~4~~ Existing farms and agricultural uses

4.1.6~~5~~ Family Care Facilities

4.1.7~~6~~ Cemeteries when developed on sites of ten (10) acres or more. Permit criteria include [Article 21.4](#)

4.1.8~~7~~ The raising of nursery field stock, on sites of two (2) acres or more, but excluding storage buildings, greenhouses, offices or other structural facilities, and excluding any outdoor storage of materials; the intent being to limit the use of land to raising plant materials

4.1.9~~8~~ The following in-home uses provided no more than fifteen percent (15%) of floor area may be used for such a purpose:

4.1.9~~8~~.1 Offices and home occupations when operated within the confines of a one (1) family dwelling as an accessory to living quarters [Permit criteria for these uses include [Article 21.12](#)]

4.1.10~~9~~ 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 [Section 21.1.3](#).~~

4.1.11~~10~~ 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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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](#)

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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 [Section 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](#)]

7.2.940 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](#)

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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.~~3~~2 Growing and harvesting of nursery field stock

8.1.~~4~~3 Farms and agricultural operations of all kinds, including temporary agricultural roadside stands, provided the stands are off the road right-of-way, operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked on site and that the parking requirements of [Article 21.27](#) be observed

8.1.~~5~~4 Tree farms, forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities

8.1.~~6~~5 Public and private parks, playgrounds, passive recreational areas, camping grounds, hunting grounds, fishing sites and wildlife preserves

8.1.~~7~~6 Bed and breakfast/tourist homes

8.1.~~8~~7 Family and group care facilities

8.1.~~9~~8 Duplex dwellings

8.1.~~10~~9 Fraternal lodges

8.1.1~~1~~0 Landing strips

8.1.1~~2~~4 Wildlife, plant, and habitat preservation areas

8.1.1~~3~~2 Cemeteries [Permit criteria include [Article 21.4](#)]

8.1.1~~4~~3 Riding academies or stables [Permit criteria include [Article 21.35](#)]

8.1.1~~5~~4 Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]

8.1.1~~6~~5 Home occupation

8.1.1~~7~~6 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height, without lights [Permit criteria include [Article 21.46](#)]

8.1.1~~8~~7 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](#).~~

8.1.1~~9~~8 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

8.1.~~20~~19 WTG Small: Permitted as an accessory use to an allowed Principal Use

8.1.2~~1~~0 WTG Medium: Permitted as an accessory use to an allowed Principal Use

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

SECTION 8.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

- 8.2.1 All permitted uses subject to special conditions, as permitted and regulated in the R1 District.
- 8.2.2 Sportsmen associations or clubs, including shooting ranges
- 8.2.3 Active recreation areas, stadiums and race tracks
- 8.2.4 Veterinary hospitals, clinics with indoor kennels [Permit criteria include [Article 21.45](#)]
- 8.2.5 Driving ranges
- 8.2.6 Game preserves
- 8.2.7 Gasoline stations with or without store
- 8.2.8 Detention facilities
- 8.2.9 Recreation farms (dude ranches)
- 8.2.10 Restaurants and/or taverns (without drive-through service)
- 8.2.11 Campgrounds (commercial)
- 8.2.12 Dog grooming and kennel facilities [Permit criteria include [Article 21.45](#)]
- 8.2.13 Golf courses and country clubs [Refer to [Articles 4.2.5](#) and [21.11](#)]
- 8.2.14 Hunt clubs (commercial)
- 8.2.15 Recreation camps or resorts
- 8.2.16 Surface mining of gravel, sand, clay, topsoil or marl [See [Article 21.25](#) for criteria]
- 8.2.17 Travel trailer courts
- 8.2.18 Wireless Telecommunications Towers and Facilities over one hundred ninety (190) feet in height, or with lights
- 8.2.19 WTG Large
- 8.2.20 Anemometer Tower
- 8.2.21 Unlisted property uses if authorized under [Article 21.44](#)
- 8.2.22 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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	R1 & 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 (i)	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	5ft				
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](#).

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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 sq. ft. (1,200 sq. ft. of the main building plus the additional 200 sq. ft. of storage space on the second level).

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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 For every bedroom over six (6), add 1,000 square feet to the minimum lot size
One (1) bedroom 400 square feet	
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.

Otsego County Planning Commission

Proposed Minutes for March 16, 2020

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).