

March 9, 2010

The Regular meeting of the Otsego County Board of Commissioners was held in the County Building at 225 West Main Street, Room 100. The meeting was called to order at 9:30 a.m. by Chairman Ken Glasser. Invocation by Chairman Ken Glasser, followed by the Pledge of Allegiance led by Commissioner Erma Backenstose.

Roll call:

Present: Clark Bates, Paul Beachnau, Paul Liss, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Mike Hyde, Bruce Brown.

Motion by Commissioner Robert Harkness, to approve the regular minutes of February 23, 2010 with attachments. Ayes: Unanimous. Motion carried.

Consent Agenda:

Motion to adopt OCR-10-07 Mortgage Discharge to William D. Smith and Marla K. Smith as presented.

Roll Call Vote:

Ayes: Unanimous.

Nays: None.

Motion carried/Resolution adopted. (see attached)

Motion to adopt OCR-10-08 Mortgage Discharge to Pamela S. Bisson as presented.

Roll Call Vote:

Ayes: Unanimous.

Nays: None.

Motion carried/Resolution adopted. (see attached)

Motion to approve the Recycling Program Policies as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the Recycling permit application as presented. Ayes: Unanimous. Motion carried. (see attached)

Administrator's Report:

John Burt reported on the recycling permits; AT&T building tour.

Department Head Report:

Suzy DeFeyer reported on the Clerk/ROD office.

Rachel Frisch reported on the Finance Department.

Committee Reports:

Motion by Commissioner Erma Backenstose, to adopt the sign ordinance amendments to the Otsego County Zoning Ordinance as recommended. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Erma Backenstose, to adopt the Wind Turbine Generator Ordinance amendments to the Otsego County Zoning Ordinance as recommended. A motion to amend above motion by Commissioner Paul Beachnau, to add language "guy wires not permitted" for medium towers under 18.47.4 (k). Vote on amendment-unanimous, vote on amended motion-unanimous. Motion carried as amended. (see attached)

Motion by Commissioner Erma Backenstose, to adopt the various amendments to the Otsego County Zoning Ordinance, titled as WTG-other Ordinance Changes, as recommended. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Erma Backenstose, to adopt the Zoning Board of Appeals Ordinance amendments to the Otsego County Zoning Ordinance as recommended. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Doug Johnson, to adopt Resolution OCR-10-11 placing the Parks and Recreation millage request on the August 3, 2010 Primary Election ballot.
Ayes: Clark Bates, Paul Beachnau, Paul Liss, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Mike Hyde, Bruce Brown.
Nays: None.
Motion carried/Resolution adopted. (see attached)

Joe Edwartowski reported on the Charlton Township meeting

Correspondence:

Chairman Ken Glasser received a letter regarding the Planning Commission; Letter from Representative Elsenheimer's office; NEMCOG.

New Business:

Motion by Commissioner Clark Bates, to approve the March 2, 2010 Warrant in the amount of \$97,161.67 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Paul Liss, to approve the March 9, 2010 Warrant in the amount of \$91,505.34 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Mike Hyde, to adopt Resolution OCR-10-09 proclaim March 2010 as American Red Cross Month in Otsego County.

Roll Call Vote:

Ayes: Paul Beachnau, Paul Liss, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Mike Hyde, Bruce Brown, Clark Bates.

Nays: None.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Paul Beachnau, to adopt Resolution OCR-10-10 in objection to the GEMS Election management Systems software licensing fee.

Roll Call Vote:

Ayes: Paul Liss, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Mike Hyde, Bruce Brown, Clark Bates, Paul Beachnau.

Nays: None.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Bruce Brown, to update the Otsego County Fee Schedule by including a \$1.00 fee for laminating requests. Ayes: Clark Bates, Paul Beachnau, Paul Liss, Robert Harkness, Erma Backenstose, Doug Johnson, Mike Hyde, Bruce Brown. Nays: Ken Glasser. Motion carried.

Board Remarks:

Commissioner Erma Backenstose: Complemented the Planning Commission.

Commissioner Robert Harkness: Health Department meeting.

Commissioner Mike Hyde: City Council Meeting.

Motion by Commissioner Bruce Brown, to change the Ordinance to allow to rebuild if loss of the dwelling is more than 60% on the same footprint. Motion by Commissioner Paul Beachnau, to postpone the motion. A motion by Commissioner Bruce Brown to amend the above motion to review the ordinance to allow to rebuild if loss of the dwelling is more than 60% on the same footprint. Motion to postpone is withdrawn by Commissioner Paul Beachnau. Vote on amendment-Unanimous. Vote on amended motion-Unanimous. Motion carried as amended.

Commissioner Paul Beachnau: Recycle.
Sportsplex.

Motion by Commissioner Paul Liss, to review light/air and scenic views and also review pets and farm animals on the WTG other Ordinance Changes. Ayes: Clark Bates, Paul Liss, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Mike Hyde, Bruce Brown. Nays: Paul Beachnau. Motion carried.

Commissioner Doug Johnson: Hazardous waste materials ordinance.
Parks and Recreation.

Commissioner Clark Bates: City Council meeting.

Chairman Ken Glasser: Rick Snyder at Marsh Ridge today for a Town Hall meeting at 3:00 p.m.

Meeting adjourned at 11:29 a.m. at the call of the Chair.

Kenneth R. Glasser, Chairman

Susan I. DeFeyter, Otsego County Clerk

RESOLUTION NO. OCR 10-07
AUTHORIZING RESOLUTION
OTSEGO COUNTY BOARD OF COMMISSIONERS
March 9, 2010

WHEREAS, the Otsego County Board of Commissioners is the owner of a property located at 2709 Pine Grove, Gaylord, Michigan 49735 and has a mortgage recorded in the office of the Register of Deeds for Otsego County Michigan, in Liber 401, Pages 788-789, in the name William D. Smith and Marla K. Smith, husband and wife; and

WHEREAS, said Mortgage has been paid in full; now, therefore, be it

RESOLVED, that Otsego County hereby issues a DISCHARGE OF MORTGAGE to, William D. Smith and Marla K. Smith, husband and wife; and, be it, further

RESOLVED, that the Otsego County Administrator, on behalf of the Otsego County Board of Commissioners, be authorized to sign said document.

RESOLUTION NO. OCR 10-08
AUTHORIZING RESOLUTION
OTSEGO COUNTY BOARD OF COMMISSIONERS
March 9, 2010

WHEREAS, the Otsego County Board of Commissioners is the owner of a property located at 2709 Pine Grove, Gaylord, Michigan 49735 and has a mortgage recorded in the office of the Register of Deeds for Otsego County Michigan, in Liber 514, Page 701, in the name Pamela S. Bisson, a single woman; and

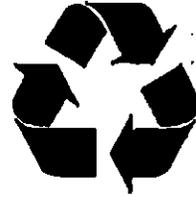
WHEREAS, said Mortgage has been paid in full; now, therefore, be it

RESOLVED, that Otsego County hereby issues a DISCHARGE OF MORTGAGE to, Pamela S. Bisson, a single woman; and, be it further

RESOLVED, that the Otsego County Administrator, on behalf of the Otsego County Board of Commissioners, be authorized to sign said document.



Otsego County Recycling Program Policies



The following rules apply to the Otsego County Recycling Center located at the Crossroads Industries facility at 2464 Silver Fox Trail:

1. The Recycling Center will be open every Saturday of the month from 10:00 a.m. to 3:00 p.m. beginning May 1, 2010.
2. All individuals using the Recycling Center must be in possession of a Recycling Permit.
3. Recycling Permits may only be used by members of the purchaser's household.
4. The Recycling Center is for residential use only. The Center is not equipped to handle the volumes generated by businesses and institutions at this time.
5. Fees are set in the Otsego County Fee Schedule.
6. Trailers are not permitted.
7. The following items shall be accepted at the Recycling Center:
 - a. Cardboard, boxboard, brown paper bags.
 - Remove any packing material and flatten boxes.
 - Boxboard is the thin cardboard used to make things like cereal boxes and the tubes in paper towel rolls.
 - NO boxes made for use in coolers or freezers (for example pop can cases, and frozen food and butter boxes). They're not recyclable since they resist the water used to break down cardboard in the recycling process.
 - b. Cans, Foil & Foil Trays (Aluminum, Steel, and Tin)
 - Includes metal lids, foil wraps, pans, trays, pop or juice cans.
 - Rinse and flatten as much as possible.
 - Remove labels from cans.
 - No aerosol cans, paint cans, or propane tanks.
 - c. Glass Bottles & Jars (Clear/Green/Brown/Blue)
 - Rinse.
 - There's no need to remove labels.
 - NO light bulbs, window glass, or glass dishes.
 - d. #1 and #2 Plastic Bottles, Jugs, & Jars
 - Throw the lids in the garbage.
 - Rinse and flatten. There's no need to remove labels.
 - NO trays or clamshells. NO brown #1 bottles.
 - NO bags or tubs (like those used for yogurt and margarine).
 - NO #3, #4, #5, #6, or #7 plastics.

WTG Proposed Ordinance 18.47 approved at P. C. mtg. 2-22-2010

Add the below definitions to the definitions Article of the Ordinance (Art. II):

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.

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 120 feet in height and shall not exceed 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 60 feet but less than or equal to 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 60 feet or less.

Remove the following terms and their respective definitions from the definitions Article of the Ordinance (Art. II):

**WIND TURBINE GENERATOR – PRIVATE
WIND TURBINE GENERATOR (WTG) OR UTILITY WTG
WIND TURBINE GENERATOR TOWER HEIGHT
ANEMOMETER TOWER – TEMPORARY**

SECTION 18.47. WIND GENERATION

The purpose of this section is to establish requirements for the location of Wind Turbine Generators (WTG), commonly known as wind turbines or windmills, and anemometer towers. The county recognizes that it is in the public interest to permit the location of wind turbine generators within the county. As such, this ordinance seeks to:

- a. Regulate the development of renewable energy resources in a prudent manner.
- b. Protect all areas of the County from any potential adverse impacts of WTG and anemometer towers;
- c. Regulate the location of WTG and anemometer towers within Otsego County;
- d. Protect the public health, safety and welfare;
- e. Avoid potential damage to adjacent property from the failure of WTG and anemometer towers.

18.47.1 ZONING DISTRICT LOCATIONS

WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use in all Zoning Districts. (See Sec. 18.47.2)

WTG Small: Permitted as an accessory use to an allowed Principal Use in all zoning districts. (See Sec. 18.47.3)

WTG Medium: Permitted as an accessory use to an allowed Principal Use in AR, FR & I Zoning Districts. (See Sec. 18.47.4)

WTG Large: Permitted Subject to Special Conditions in AR, FR. (See Sec. 18.47.5)

Anemometer Tower: Permitted Subject to Special Conditions in AR, FR. (See Sec. 18.47.6)

18.47.2 WIND TURBINE GENERATOR— BUILDING-MOUNTED.

A zoning permit shall be issued only when the following requirements are met:

- a. **Zoning District:** Permitted as an accessory use to an allowed Principal Permitted Use in all zoning districts.
- b. **Height:** The height of the WTG – BUILDING-MOUNTED shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and similar protuberances, to the highest point of the wind turbine generator, regardless whether that point is on a fixed or mobile part of the wind turbine generator.
- c. **Property Line Setback:** Shall be no closer than the minimum specified in Article 14. No portion of the wind turbine generator shall encroach into the required property line setback. If guy wires are used, their anchors may not be closer than the minimum setback specified in Article 14.
- d. **Number of Units:** All lots shall be allowed one (1) WTG – Building-Mounted provided all the requirements for WTG – Building-Mounted are met.
 1. Lots located in R1, R2, R3, RR, B1, B2 & B3 zoning districts shall be allowed up to two (2) WTG – Building-Mounted on a single lot if the lot meets or

exceeds the Minimum Lot Area requirements of Article 14, and provided all the requirement for WTG – Building-Mounted are met.

2. Lots located in FR, AR & I zoning districts shall be allowed up to four (4) WTG – Building-Mounted on a single parcel if the parcel meets or exceeds the Minimum Lot Area requirements of Article 14, and provided all the requirements for WTG – Building-Mounted are met.
 3. WTG – Building-Mounted shall only be located on buildings greater than 200 square feet in area.
 4. The Number of Units may be increased, in all zoning districts, by a rate of one (1) per each 20,000 square feet a lot is larger than the minimum lot size required in Article 14 provided all the requirements for WTG – Building-Mounted are met.
 5. WTG – Building-Mounted shall be sited no closer than the height of the taller WTG from its base to the base of an adjacent WTG. For this purpose the base of a Building-Mounted WTG is considered to be the point at which the WTG tower attaches to the building.
- e. Sound Pressure Level: Maximum sound pressure level emanating from the WTG and measured on the dB(A) scale at any adjacent property line or any adjoining public or private road with respect to the property on which the WTG is located shall be dependent on the zoning district in which the adjacent property or road is located per the following schedule:

Zoning District	Day dB(A)	Night dB(A)
R1, R2, R3, RR, B1	40	35
FR, AR	40	35
B2, B3	50	45
I	60	50

For the purposes of this article, “Day” shall be defined as the hours between 7:00 AM and 7:00 PM and “Night” shall be defined as the hours between 7:00 PM and 7:00 AM. Sound pressure levels may be exceeded during short term events such as utility outages and/or windstorms.

- f. Code Requirements: Shall meet all applicable state and local construction and electrical codes, and all other permits required by law.
- g. Safety: WTG shall have an automatic braking, governing, or feathering system and shall be maintained in accordance with Underwriters Laboratories (UL) listed standards.
- h. Tower: Shall meet or exceed tower specifications provided by the manufacturer of the generator, or have a design approved by an independent professional engineer licensed in the State of Michigan.
- i. WTG Unit: Shall be Underwriters Laboratories (UL) listed.
- j. Shadow flicker: The WTG – Building-Mounted shall be designed, sited and operated in such a manner to minimize shadow flicker on a roadway. In addition the WTG – Building-Mounted shall be designed, sited and operated in a manner to prevent shadow flicker on any existing structures located off the property on which the WTG – Building Mounted is erected. The owner and/or operator shall prohibit shadow flicker on any future lawfully constructed structure located off the property on which the WTG-Building Mounted is erected.

- k. Sale of electric power via net metering is permitted per applicable state law.
- l. The WTG-Building Mounted shall, subject to any applicable standards of the FAA, be a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the WTG-Building Mounted is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
- m. The WTG-Building Mounted shall not be artificially lighted unless required, in writing, by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA.
- n. The WTG-Building Mounted shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only.
- o. The WTG-Building Mounted shall be constructed and operated so that it does not interfere with television, radio, cellular telephone or microwave reception in neighboring areas. If degradation of television, radio, cellular telephone or microwave reception occurs as the result of the WTG, the WTG Building Mounted owner and/or operator shall take such action as to correct the television, radio, cellular telephone or microwave reception.
- p. The WTG-Building Mounted shall have no advertising painted on or attached to the tower or any other structure of the WTG.
- q. A WTG-Building Mounted that is not operated for a continuous period of twelve (12) months shall be removed by the owner of the WTG within 90 days of receipt of a notice from the county requiring removal.
- r. The owner shall be responsible for the ongoing compliance with the standards of this ordinance.

18.47.3 WIND TURBINE GENERATOR — SMALL.

A zoning permit shall be issued only when the following requirements are met:

- a. Zoning District: Permitted as an accessory use to an allowed Principal Use in all zoning districts.
- b. Height: Shall have a WIND TURBINE GENERATOR HEIGHT less than 60 feet.
- c. Property Line Setback: Shall not be closer than 1.5 times the WIND TURBINE GENERATOR HEIGHT to the nearest property line from the base of the WTG.
- d. Riparian Zone Setback: Shall not be closer than 1.5 times the WIND TURBINE GENERATOR HEIGHT to the nearest ordinary high water mark of lakes in the County that appear on the most recent US Geological Survey Quadrangle maps. Shall not be closer than 1.5 times the WIND TURBINE GENERATOR HEIGHT to the nearest banks of rivers, streams, and flowages of water in the County that appear on the most recent US Geological Survey Quadrangle maps. These setbacks are measured on a horizontal plane.
- e. Number of Units: Lots located in R1, R2, R3, RR, AR, FR, B1, B2, B3, and I zoning districts may be allowed one (1) WTG – Small on a single lot if the lot meets or

exceeds the Minimum Lot Area requirements of Article 14, and provided all the requirements for WTG – Small are met.

1. The Number of Units may be increased to a density not to exceed one (1) WTG-Small per five (5) acres (217,800 square feet).
2. WTG – Small shall be sited no closer than 1.5 times the height of the taller WTG from its base to the base of an adjacent WTG.

f. **Sound Pressure Level:** Maximum sound pressure level emanating from the WTG and measured on the dB(A) scale at any adjacent property line or any adjoining public or private road with respect to the property on which the WTG is located shall be dependent on the zoning district in which the WTG is located per the following schedule:

Zoning District	Day dB(A)	Night dB(A)
R1, R2, R3, RR, B1	40	35
FR, AR	40	35
B2, B3	50	45
I	60	50

For the purposes of this article, “Day” shall be defined as the hours between 7:00 AM and 7:00 PM and “Night” shall be defined as the hours between 7:00 PM and 7:00 AM. Sound pressure levels may be exceeded during short term events such as utility outages and/or windstorms.

- g. **Code Requirements:** Shall meet all applicable state and local construction and electrical codes, and other permits required by law. Wiring for WTG-Small shall be underground or enclosed in the tower.
- h. **Safety:** WTG-Small shall have an automatic braking, governing, or feathering system and shall be maintained in accordance with Underwriters Laboratories (UL) listed standards.
- i. **Blade clearance:** The minimum blade tip clearance from grade, structure, or appurtenance shall be 15 feet.
- j. **Tower:** Shall be a free-standing monopole (guy wires are not permitted) that shall meet or exceed tower specifications provided by the manufacturer of the generator, or have a design approved by an independent professional engineer licensed in the State of Michigan.
- k. **Shadow flicker:** The WTG – Small shall be designed, sited and operated in such a manner to minimize shadow flicker on a roadway. In addition the WTG – Small shall be designed, sited and operated in a manner to prevent shadow flicker on any existing structures located off the property on which the WTG – Small is erected. The owner and/or operator shall prohibit shadow flicker on any future lawfully constructed structure located off the property on which the WTG-Small is erected.
- l. **Sale of electric power via net metering** is permitted per applicable state law.
- m. The WTG-Small shall, subject to any applicable standards of the FAA, be a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if

the WTG-Small is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.

- n. The WTG-Small shall not be artificially lighted unless required, in writing, by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA.
- o. The WTG-Small shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only.
- p. The WTG-Small shall be constructed and operated so that it does not interfere with television, radio, cellular telephone or microwave reception in neighboring areas. If degradation of television, radio, cellular telephone or microwave reception occurs as the result of the WTG-Small, the owner and/or operator shall take such action as to correct the television, radio, cellular telephone or microwave reception.
- q. The WTG-Small shall have no advertising painted on or attached to the tower or any other structure of the WTG.
- r. A WTG-Small that is not operated for a continuous period of twelve (12) months shall be removed by the owner of the WTG within 90 days of receipt of a notice from the county requiring removal.
- s. The owner shall be responsible for the ongoing compliance with the standards of this ordinance.

18.47.4 WIND TURBINE GENERATOR — MEDIUM.

A zoning permit shall be issued only when the following requirements are met:

- a. Zoning District: Permitted as an Accessory Use to an allowed Principal Use only in AR, FR & I Zoning Districts.
- b. Height: Shall have a WIND TURBINE GENERATOR HEIGHT greater than 60 feet but less than or equal to 120 feet.
- c. Property Line Setback: Shall not be closer than 1.5 times the WIND TURBINE GENERATOR HEIGHT to the nearest property line from the base of the WTG.
- d. Riparian Zone Setback: Shall not be closer than 1.5 times the WIND TURBINE GENERATOR HEIGHT to the nearest ordinary high water mark of lakes in the County that appear on the most recent US Geological Survey Quadrangle maps. Shall not be closer than 1.5 times the WIND TURBINE GENERATOR HEIGHT to the nearest banks of rivers, streams, and flowages of water in the County that appear on the most recent US Geological Survey Quadrangle maps. These setbacks are measured on a horizontal plane.
- e. Avian Corridors: WTG-Medium should not be located in historic avian migration pathways or frequent use corridors.
- f. Number of Units: Lots located in AR, FR & I zoning districts shall be allowed one (1) WTG – Medium on a single lot if the lot meets or exceeds the Minimum Lot Area requirements of Article 14, and provided all the requirement for WTG – Medium are met.
 - 1. The Number of Units may be increased to a density not to exceed one (1) WTG-Medium per ten (10) acres (435,600 square feet).

2. WTG – Medium shall be sited no closer than 1.5 times the height of the taller WTG from its base to the base of an adjacent WTG.

- g. **Sound Pressure Level:** Maximum sound pressure level emanating from the WTG and measured on the dB(A) scale at any adjacent property line or any adjoining public or private road with respect to the property on which the WTG is located shall be dependent on the zoning district in which the WTG is located per the following schedule:

Zoning District	Day dB(A)	Night dB(A)
R1, R2, R3, RR, B1	Not permitted	Not permitted
FR, AR	40	35
B2, B3	Not permitted	Not permitted
I	60	50

For the purposes of this article, “Day” shall be defined as the hours between 7:00 AM and 7:00 PM and “Night” shall be defined as the hours between 7:00 PM and 7:00 AM. Sound pressure levels may be exceeded during short term events such as utility outages and/or windstorms.

- h. **Code Requirements:** Shall meet all applicable state and local construction and electrical codes, and other permits required by law. Wiring for WTG-Medium shall be underground or enclosed in the tower.
- i. **Safety:** WTG-Medium shall have an automatic braking, governing, or feathering system and shall be maintained in accordance with Underwriters Laboratories (UL) listed standards.
- j. **Blade clearance:** The minimum blade tip clearance from grade, structure, or appurtenance shall be 20 feet.
- k. **Tower:** Shall be a free-standing monopole (guy wires are not permitted) that shall meet or exceed tower specifications provided by the manufacturer of the generator, or have a design approved by an independent professional engineer licensed in the State of Michigan.
- l. **Shadow flicker:** The WTG – Medium shall be designed, sited and operated in such a manner to minimize shadow flicker on a roadway. In addition the WTG – Medium shall be designed, sited and operated in a manner to prevent shadow flicker on any existing structures located off the property on which the WTG – Medium is erected. The owner and/or operator shall prohibit shadow flicker on any future lawfully constructed structure located off the property on which the WTG-Medium is erected.
- m. **Sale of electric power via net metering is permitted per applicable state law.**
- n. **The WTG-Medium shall, subject to any applicable standards of the FAA, be a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the WTG-Medium is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.**
- o. **The WTG-Medium shall not be artificially lighted unless required, in writing, by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the**

- p. The WTG-Medium shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only.
- q. The WTG-Medium shall be constructed and operated so that it does not interfere with television, radio, cellular telephone or microwave reception in neighboring areas. If degradation of television, radio, cellular telephone or microwave reception occurs as the result of the WTG, the owner and/or operator shall take such action as to correct the television, radio, cellular telephone or microwave reception.
- r. The WTG-Medium shall have no advertising painted on or attached to the tower or any other structure of the WTG.
- s. A WTG-Medium that is not operated for a continuous period of twelve (12) months shall be removed by the owner of the WTG within 90 days of receipt of a notice from the county requiring removal.
- t. The owner shall be responsible for the ongoing compliance with the standards of this ordinance.

18.47.5 WIND TURBINE GENERATOR – LARGE

18.47.5.1 Application Requirements for WTG – Large

In addition to the application requirements of Article 16 of this ordinance, an application for a special use permit for a WTG – Large shall include all the following information, unless expressly indicated otherwise:

- a. A site plan meeting all of the requirements of Article 20 of the Otsego County Zoning Ordinance.
- b. All requirements of Article 16 of the Otsego County Zoning Ordinance shall be met.
- c. A study prepared by a professional engineer, licensed in the State of Michigan, documenting that the site of the WTG – Large has sufficient wind resources for the proposed WTG – Large equipment.
- d. A detailed analysis by a professional engineer, licensed in the State of Michigan, describing the specific WTG - Large structure(s) tower proposed and all phases for implementing the development in compliance with these standards.
- e. A resume' or other written summary of the education, experience, and other qualifications of all experts providing information concerning the WTG- Large project shall be provided.
- f. An avian study based on U.S. Fish and Wildlife Service, "Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines", Federal Register: July 10, 2003 (Volume 68, Number 132), or as updated or amended, and in effect at the time of the WTG – Large construction application, shall be provided.
- g. Analysis, measurements and projections of WTG - Large noise propagation shall conform to International Electromechanical Commission (IEC) Standard 61400-11 Part 11, as that standard may be amended or updated from time to time. Acoustic Noise Measurement Techniques shall include: optional noise directivity requirements (see below), infrasound (low frequency)

projections, low frequency noise (between 20 and 100 Hz) measurement and analysis and impulsivity measurement (noise pressure of potential “thumping” sounds). Analysis shall include but is not limited to:

1. A survey of the existing ambient background noise levels. Analysis shall include daytime measurements and also at least two ambient noise measurements between 9:00 PM and 11:59 PM and two between 1:00 AM and 5:00 AM.
 2. A prediction of the WTG - Large noise levels at the property border. This can be made with manufacturer’s data or data from a private testing agency for proposed WTGs or by direct measurement for WTGs in place, so long as measurements are conducted according to IEC and 61400-11 part 11 as that standard may be amended or updated from time to time. Including infrasound and low frequency noise between 20 and 100 Hz, modeling must identify likely pure tone sources.
 3. Identification and support for a model for sound propagation. The model may be hemispherical or spherical but particular attention must be paid to the noise propagation downwind of the proposed installation site and the propagation of sound at differing atmospheric densities.
 4. A comparison of calculated wind sound pressure levels with and without the WTG or proposed WTGs. This confirms the baseline for permitted sound levels once the WTGs are operating shall be provided.
- h. Written documentation that the applicant has notified the FAA, Gaylord Regional Airport and any other applicable state and federal regulatory agencies of the proposed WTG - Large.
 - i. Elevation drawings, computer generated sound models or simulations and other aids or documentation projecting the sound reaching off the property, on which the WTG - Large will be constructed, and the extent and duration of the sound shall be provided.
 - j. Elevation drawings, computer generated photographic simulations and other images, or other visual aids that depict how the WTG - Large tower and all accessory structures will appear as constructed on the proposed site from vantage points north, south, east, and west of the WTG - Large tower shall be provided.
 - k. A detailed written statement, with supporting evidence, demonstrating how the proposed WTG - Large will comply with all of the standards for approval shall be provided.
 - l. Written documentation projecting the shadow flicker on any existing structures located off the property on which the WTG – Large will be constructed, and the extent and duration of the flicker on these existing structures.

18.47.5.2 Standards for WTG – Large Approval

The Planning Commission shall approve, or approve with conditions, an application for WTG – Large only upon a finding that the proposed WTG – Large complies with all of the following applicable standards, and the approval standards as found in Article 16 of the Zoning Ordinance.

- a. Zoning District: Permitted Subject to special Conditions in AR & FR.

- b. The proposed site shall have documented annual wind resources sufficient for the operation of the proposed WTG - Large. The wind resource documentation shall detail, at a minimum, ambient wind at the maximum height permitted by this ordinance. Lower elevations (consistent with anemometer tower approval) shall also be provided by the applicant.
- c. The minimum site area for WTG – Large shall be as necessary to meet the required setbacks and any other standards of this section.
- d. Noise permitted from WTG - Large is governed by the original ambient baseline noise study performed in accordance with Section 18.47.5.1(g) for the first WTG - Large on the subject property and original fixed noise pressure limits above baseline for both day and night operations.
- e. Broadband noise from WTG - Large shall be limited to no more than 10 decibels above the original ambient baseline sound level (or that level which is exceeded 90% of the time) beyond the property line, considering both daytime and night measurements as reported in the engineer's sound propagation model required in Section 18.47.5.1(g). The day and night requirements may be different. The harmonic mean of the night measurements will set the baseline for night noise limits and the harmonic mean of the daytime measurements will set the baseline for daytime limits. Pure tones, defined as an octave band (at any frequency), are limited to no more than 3 decibels above the adjacent higher and lower octave bands.
- f. The maximum height of a Wind Turbine - Large shall be 300 feet. The Planning Commission may approve an increased height for a WTG Large, not to exceed 400 feet, if the following specific conditions are met along with the general conditions set forth in Section 16.7 of the Otsego County Zoning Ordinance. The increased height, however, shall be the smallest increase necessary to meet the following conditions:
 - 1. The increased height is necessary for the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
 - 2. To improve the sound model and/or improve compliance with Sections 18.47.5.1(d), 18.47.5.1(e), 18.47.5.1(s).
- g. A WTG - Large shall meet a setback from any adjoining lot line and any adjoining public or private road a distance equal to 1.5 times the WIND TURBINE HEIGHT, but setbacks shall not be reduced to less than 1250 feet.
- h. For both horizontal and vertical axis WTG - Large turbines, the rotor shall be located on the tower such that the minimum blade clearance above the ground is 50 feet.
- i. A WTG - Large shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
- j. The WTG - Large shall have posted on the site in a visible, easily accessible location two signs no more than four (4) square feet in area displaying an address and telephone number for emergency calls. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends or holidays. One sign shall be located at the service drive entrance to the WTG at the minimum setback distance.

- k. The WTG - Large shall have no advertising painted on or attached to the tower or any other structure of the WTG.
- l. The on-site electrical transmission lines connecting the WTG - Large to a public utility electricity distribution system shall be located underground. In addition all other utility lines shall be located underground.
- m. All WTG - Large turbines shall be equipped with controls to limit the rotational speed of the blades within design limits for the specific WTG.
- n. The WTG - Large shall, subject to any applicable standards of the FAA, be a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the WTG - Large is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
- o. The WTG - Large shall not be artificially lighted unless required, in writing, by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA.
- p. The WTG - Large shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorized personnel only.
- q. The WTG - Large shall be constructed and operated so that it does not interfere with television, radio, cellular telephone or microwave reception in neighboring areas. If degradation of television, radio, cellular telephone or microwave reception occurs as the result of the WTG - Large, the developer shall pay to correct the television, radio, cellular telephone or microwave reception.
- r. The WTG - Large shall be designed and sited in such a manner to minimize shadow flicker on a roadway. In addition the WTG - Large shall be designed and sited in a manner to prevent shadow flicker on any existing structures located off the property on which the WTG - Large is constructed. It shall be the responsibility of the WTG - Large operator to modify operations to also prevent shadow flicker on dwellings constructed and/or occupied after installation of the WTG - Large. If necessary to prevent shadow flicker from crossing occupied structures the WTG - Large may be programmed to stop rotating during times the WTG - Large shadow crosses these structures. The WTG - Large operator may obtain a written easement or other written agreement which specifically allows shadow flicker to cross an occupied structure.
- s. The potential ice throw or ice shedding for the proposed WTG - Large shall not cross the property lines of the site in question nor impinge on any public Right-of-Way or overhead utility line. Compliance shall be demonstrated in the permit application by the specific analysis method but such model shall not alleviate the applicant of the need to comply with this subsection under all atmospheric conditions, for the life of the structure.
- t. Structural integrity of all components not under the jurisdiction of the Michigan Building Code shall be certified by a professional engineer licensed in the State of Michigan. Certification shall include; verification that ultimate strength exceeds that needed to withstand all factored loads and load combinations specified in SIE/ASCE 7-02 "Minimum Design Loads For Buildings And Other Structures". First Order Reliability Analysis shall demonstrate a reliability coefficient

(Beta) of not less than 3.54 for any failure mode that could result in any portion of the WTG falling to the ground. In lieu of First Order Reliability Analysis, adequate structural reliability may be demonstrated via analysis methods specified in the Michigan Building Code.

18.47.5.3 Conditions for WTG - Large

The Planning Commission may attach reasonable conditions to the approval of a WTG - Large. These conditions may include those necessary to insure that public services and facilities affected by the WTG - Large will be capable of accommodating increased service and facility loads caused by the WTG - Large 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 of the following requirements:

- a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the WTG - Large under consideration, residents and landowners immediately adjacent to the proposed WTG - Large and the community as a whole.
- b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed WTG - Large.
- c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the WTG - Large under consideration, and be necessary to insure compliance with those standards.

18.47.5.4 Ongoing Compliance regarding WTG - Large

- a. The noise propagation, blade flicker and ice hazard standards developed in permitting of WTGs - Large are absolute. Once WTGs - Large are permitted, the owners have the option of compliance or discontinuation of operations.
- b. The owner of a WTG - Large shall conduct physical inspections of the WTG - Large structure(s) and associated equipment annually to ensure continuing compliance with this section and any conditions imposed with the approval of the WTG - Large. Copies of all inspection reports shall be submitted to the zoning administrator within thirty (30) days of the inspection. In the event a WTG- Large owner fails to comply with this Section the County shall have the authority to have the WTG - Large inspected and shall utilize funds from the performance bond to cover the costs of such inspection.
- c. Noise exceeding permitted levels. The ordinance recognizes that certain wind and weather conditions and altitude densities can enhance temporary noise pressure that exceeds permitted levels. If non-compliance with the noise standards is brought to the attention of Otsego County enforcement officials the complaint will be investigated and if confirmed, written notice will be sent to the WTG - Large owner requiring post permit documentation of corrective measures taken to address the sound. Documentation could include statements from those adjusting or modifying the WTG - Large and may, at the option of Otsego County, include additional noise propagation certification, conducted in a manner similar to that presented in Section 18.47.5.1 (g) tailored to the specific problem being addressed.

18.47.5.5 Performance Guarantee for WTG – Large

In connection with the approval of a WTG - Large the Planning Commission shall require the owner of the WTG - Large to furnish the county with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the county in an amount equal to the estimated costs associated with removal of the WTG - Large and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of ten feet (10') below the natural ground level at that location.

A detailed cost estimate for the removal of the tower shall be provided with the application and shall be based on Means Construction Estimating Guide or similar accepted pricing schedule and shall not include credit for the salvageable value of any materials.

The amount of the performance guarantee shall be reviewed every five years at the time of the Planning Commission review of the WTG - Large as noted in Section 18.47.5.7. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous 10 years Consumer Price Index, but not less than 3.5% per year.

If the performance bond is used to cover costs associated with inspections as noted in Section 18.47.5.4(b), the owner of the WTG - Large shall immediately insure that the full bond amount is available. Failure by the owner of the WTG - Large to insure that the full bond amount is available shall be a violation of this ordinance.

18.47.5.6 Removal of WTG – Large

WTG - Large that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the WTG - Large within 90 days of receipt of a notice from the county requiring such removal. For purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the WTG - Large remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the WTG - Large is no longer connected to the public utility electricity distribution system. In the event a WTG - Large owner fails to remove the WTG - Large as required by this section the County shall have the authority to remove the WTG -Large and shall utilize the performance bond to cover the costs of such removal. If the performance bond is not sufficient to cover the cost of the removal, or if the performance bond has expired or is not available. The County shall institute an action in a court of competent jurisdiction for the collection of the cost for removal.

18.47.5.7 Duration of Permit for WTG – Large

A permit to operate a WTG - Large shall be valid for 20 years with review of the operation by the County Planning Commission at a public hearing every five (5) years.

18.47.5.8 Use of Current Technology

WTGs - Large shall be designed to the current state of the technology. Used, outdated or obsolete WTG - Large equipment shall not be permitted to be constructed or installed. With respect to performance standards set forth in this ordinance, repairs and parts replacement shall not be of lesser quality than that of the original permitted equipment and shall be upgraded to the performance standards current at the time of the repair. In no case shall repairs or alterations be allowed which will decrease the degree to which the WTG - Large complies with this ordinance.

18.47.5.9 Major Equipment Replacement during Life of the Permit

Should the WTG - Large operator wish to replace major components such as turbine blades, generator, main gear box, nacelle, or the entire WTG - Large, the operator shall demonstrate that the WTG - Large

will substantially meet the then current criteria for new WTG - Large permits, except that setback distances will not be increased. In no case shall replacement or alterations be allowed which will decrease the degree to which the WTG - Large complies with this ordinance.

18.47.5.10 WTG - Large Permit Renewal

At any time the operator of a WTG - Large may elect to seek a new permit for a given site. A new WTG - Large permit shall not allow aspects of the previous permit to be "grandfathered". To qualify for a new permit the WTG - Large installation shall meet all criteria of the then current standards.

18.47.6 Anemometer Towers

18.47.6.1 Application Requirements for Anemometer Towers

In addition to the application requirements of Article 16 of this ordinance, an application for a special use permit for an anemometer tower shall include all the following information, unless expressly indicated otherwise:

- a. A site plan meeting all of the requirements of Article 20 of the Otsego County Zoning Ordinance shall be provided.
- b. All requirements of Article 16 of the Otsego County Zoning Ordinance shall be met.
- c. A detailed analysis by a professional engineer, licensed in the State of Michigan, describing the specific anemometer tower proposed and all phases for implementing the development in compliance with these standards.
- d. A resume' or other written summary of the education, experience, and other qualifications of all experts providing information concerning the anemometer tower project shall be provided.
- e. A detailed written statement, with supporting evidence, demonstrating how the proposed anemometer tower will comply with all of the standards for approval shall be provided.
- f. Written documentation that the applicant has notified the FAA, Gaylord Regional Airport and any other applicable state and federal regulatory agencies of the proposed anemometer tower.

18.47.6.2 Standards for Anemometer Towers

The Planning Commission shall approve, or approve with conditions, an application for an anemometer tower only upon a finding that the proposed anemometer tower complies with all of the following applicable standards, and the approval standards as found in Article 16 of the Zoning Ordinance.

- a. Zoning District: Permitted Subject to special Conditions in AR & FR.
- b. The minimum site area for an anemometer tower shall be as necessary to meet the required setbacks and any other standards of this section.
- c. All requirements of Article 16 of the Otsego County Zoning Ordinance shall be met.
- d. The maximum height of an anemometer tower shall be 300 feet.

- e. An anemometer tower shall meet a setback from any adjoining lot line and any adjoining public or private road or overhead utility line a distance equal to the 1.5 times the height of the anemometer tower as measured to the highest point. The setback shall be measured from the outermost point on the base of the anemometer tower, not the guy or support wires.
- f. The anemometer tower shall, subject to any applicable standards of the FAA, be a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the anemometer tower is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
- g. The anemometer tower shall not be artificially lighted unless required, in writing, by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA
- h. The anemometer tower shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only.
- i. The anemometer tower shall be constructed and operated so that it does not interfere with television, radio, cellular telephone or microwave reception in neighboring areas. If degradation of television, radio, cellular telephone or microwave reception occurs as the result of the anemometer tower, the developer shall pay to correct the television, radio, and cellular telephone or microwave reception.
- j. An anemometer tower may be a lattice-style tower and may utilize guy wires, providing access limitations are maintained to prevent climbing by unauthorized persons.
- k. The anemometer tower shall have posted on the site in a visible, easily accessible location two signs no more than four (4) square feet in area displaying an address and telephone number for emergency calls. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends or holidays. One sign shall be located at the service drive entrance to the anemometer tower at the minimum setback distance.
- l. The anemometer tower shall have no advertising painted on or attached to the tower or any other structure of the anemometer.
- m. Structural integrity of all components not under the jurisdiction of the Michigan Building Code shall be certified by a professional engineer licensed in the State of Michigan. Certification shall include; verification that ultimate strength exceeds that needed to withstand all factored loads and load combinations specified in SIB/ASCE 7-02 "Minimum Design Loads for Buildings and Other Structures". First Order Reliability Analysis shall demonstrate a reliability coefficient (Beta) of not less than 3.54 for any failure mode that could result in any portion of the WTG falling to the ground. In lieu of First Order Reliability Analysis, adequate structural reliability may be demonstrated via analysis methods specified in the Michigan Building Code.

The Planning Commission may attach reasonable conditions to the approval of an anemometer tower. These conditions may include those necessary to insure that public services and facilities affected by the Anemometer tower will be capable of accommodating increased service and facility loads caused by the anemometer tower, 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 of the following requirements:

- a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the anemometer tower under consideration, residents and landowners immediately adjacent to the proposed anemometer tower and the community as a whole.
- b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed anemometer tower.
- c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the anemometer tower under consideration, and be necessary to insure compliance with those standards.

18.47.6.4 Performance Guarantee for Anemometer Towers

In connection with the approval of a anemometer tower the Planning Commission shall require the owner of the anemometer tower to furnish the county with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the county in an amount equal to the estimated costs associated with removal of the anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of ten feet (10') below the natural ground level at that location.

A detailed cost estimate for the removal of the anemometer tower shall be provided with the application and shall be based on Means Construction Estimating Guide or similar accepted pricing schedule and shall not include credit for the salvageable value of any materials.

18.47.6.5 Removal of Anemometer Towers

Anemometer towers that are not operated for a continuous period of ninety (90) days shall be removed by the owner of the anemometer tower within ninety (90) days of receipt of a notice from the county requiring such removal. For purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the anemometer instrument(s) being removed from the anemometer tower or disconnected so that wind resources are no longer being measured. In the event an anemometer tower owner fails to remove the anemometer tower as required by this section the County shall have the authority to remove the anemometer tower and shall utilize the performance bond to cover the costs of such removal. If the performance bond is not sufficient to cover the cost of the removal, or if the performance bond has expired or is not available. The County shall institute an action in a court of competent jurisdiction for the collection of the cost for removal.

18.47.6.6 Duration of Permit for Anemometer Towers

A permit to construct and operate an anemometer tower shall be valid for fifteen (15) months and may be extended for a maximum of twelve (12) months, subject to planning commission approval.

WTG – Other Ordinance Changes

ARTICLE 3 ZONING DISTRICTS AND MAPS

SECTION 3.4 AREA AND BULK REQUIREMENTS FOR ALL DISTRICTS

For each district in this Ordinance, the requirements of Article 14, Schedule of Dimensions establish the minimum lot area, minimum front, side and rear setbacks, minimum lot width, maximum lot coverage, maximum height of buildings, minimum ground floor area of a principal structures, minimum width of principal structures, and Multiple Dwellings minimum floor area per unit and lot size requirements.

ARTICLE 4 R1 RESIDENTIAL DISTRICTS

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

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 18.44.

ARTICLE 5 R2 GENERAL RESIDENTIAL DISTRICTS

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

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

5.2.9 Unlisted property uses if authorized under Article 18.

ARTICLE 6 R3 RESIDENTIAL ESTATES

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

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

ARTICLE 7 RR RECREATION RESIDENTIAL DISTRICT

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

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

7.2.12 Unlisted property uses if authorized under Article 18.44.

ARTICLE 8 FR FORESTRY RECREATION

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

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

8.1.20 WTG Medium: Permitted as an Accessory Use to an allowed Principal Use.

8.2.19 WTG Large.

8.2.20 Anemometer Tower.

8.2.21 Unlisted property uses if authorized under Article 18.44.

WTG – Other Ordinance Changes

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

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

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

9.1.28 WTG Medium: Permitted as an Accessory Use to an allowed Principal Use.

9.2.22 WTG Large.

9.2.23 Anemometer Tower.

9.2.2 Unlisted property uses if authorized under Article 18.44.

ARTICLE 10 B1 LOCAL BUSINESS DISTRICT

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

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

10.2.10 Unlisted property uses if authorized under Article 18.44.

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

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

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

11.2.14 Unlisted property uses if authorized under Article 18.44.

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING

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

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

12.2.14 Unlisted property uses if authorized under Article 18.44.

ARTICLE 13 I INDUSTRIAL

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

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

13.1.14 WTG Medium: Permitted as an Accessory Use to an allowed Principal Use.

13.2.18 Unlisted property uses if authorized under Article 18.44.

WTG – Other Ordinance Changes

ARTICLE 14 SCHEDULE OF DIMENSIONS

14.1 Table 1 - LIMITING HEIGHT, DENSITY, AND AREA BY ZONING DISTRICTS (See also Article 18.1 Accessory Buildings and Article 19 General Exceptions for Area, Height, and Use)

Zoning District	R1 & R2	R3	RR	FR & AR	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)	30 ft (a, h)	30 ft (a, h)	40 ft (a)	
Min. Lot width (k)	100 ft 150 ft Duplex	100 ft	100 ft	150 ft AR 300 ft Duplex	
Max. % lot coverage	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)	11 ft (i)	20 ft (i)	11 ft (i)	

Zoning District	B1	B2	B3	I	Reserved for future use
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	
Min. Front Setback	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	
Max. Front Setback	NA	NA	NA	NA	
Min. Side Setback	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	
Min. Rear Setback	20 ft (a, d, f)				
Min. Lot width (k)	100 ft	100 ft	100 ft	150 ft	
Max. % lot coverage	NA	NA	NA	NA	
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	
Min. Width of principal structure	NA	NA	NA	NA	

Minimum front, side and rear setbacks, and maximum lot coverage modifications of up to 25% may be approved by the Zoning Administrator for nonconforming lots, as described in Article 18.26.1 and 18.26.2.

WTG – Other Ordinance Changes

Note a: Lots within 500 ft. of lakes, ponds, flowages, rivers, streams: see Article 15, LOTS NEAR WATER.

Note b: Where the front yards of two (2) or more principal buildings in any block, or within 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 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 Districts.

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 50% in R1, R2, R3, RR, B1 and B2 Districts, and up to 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, 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 18.47 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 19 general Exceptions for Area, Height, and Use.

Note h: Section 18.1 allows a rear setback of 10 feet for accessory buildings.

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.

WTG – Other Ordinance Changes

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 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 18 and Article 19, Section 19.3 Height Limits, of this ordinance.

14.2 MULTIPLE DWELLINGS - BULK, DENSITY AND AREA

Minimum floor area per each unit	Lot size
	Minimum width 200 feet at front building line
Efficiency 250 square feet	Minimum 40,000 square feet for any combination of six bedrooms
One bedroom 400 square feet	For every bedroom over six, add 1,000 square feet to the minimum lot size
Two bedroom 500 square feet	
Three 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 building occupying one lot. When more than one multiple dwelling building occupies one lot, the structures must be separated by at least 30 feet when end to end, 60 feet when back to back or face to face, and 40 feet when end to face or back.

SECTION 18.26 NONCONFORMITIES

18.26.1 INTENT

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

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

WTG – Other Ordinance Changes

18.26.2 NONCONFORMING LOT

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

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

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

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

ARTICLE 19 GENERAL EXCEPTIONS FOR AREA, HEIGHT, AND USE

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

SECTION 19.3 HEIGHT LIMIT

Height limitations shall not apply to farm silos, chimneys, church spires, flag poles, or public monuments; provided, however, that a height limit for any building or structure permitted as a conditional or special approval use may be set by the Planning Commission upon approval of a Site Plan.

19.3.1 This exemption shall not allow The Planning Commission and or Zoning Board of Appeals to allow a:

19.3.1.1 WTG height greater than allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS and/or Section 18.47 or

19.3.1.2 Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS.

19.3.2 This exemption shall not apply in those instances where the County Airport Zoning Ordinance governs height within airport hazard areas.

WTG – Other Ordinance Changes

ARTICLE 21 PLANNED UNIT DEVELOPMENT (PUD)

INTENT

The planned unit development (PUD) is intended to be a development option for land use changes in specified districts that contain multi-functional land use elements under single ownership or single management control. It is specifically intended to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities; encourage the maintaining of open space in its natural state; and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the County.

Planned unit developments may be authorized by special use permit pursuant to the procedures and site plan review of Article 16 of this Ordinance. Planned unit developments may be authorized in the following districts: R1, R2, and R3 and other residential districts in which PUD development would be appropriate. This may include the RR, FR and AR Districts.

The PUD is not intended to be a substitute for a multiple family zoning district, and any business type services are permitted only as accessory uses to the larger planned development.

SECTION 21.1 GENERAL STANDARDS

21.1.6 Building or Structural height: The maximum height of building or structures shall be thirty-five (35) feet, but may be modified up to one hundred (100) percent by the County Planning Commission where it is conclusively shown that the height modification will:

21.1.6.1 Result in a better use of land.

21.1.6.2 Not deprive off-premises properties of natural views, light and air.

21.1.6.3 Not detract from the character of uses and developments in the surrounding area.

21.1.6.4 Can be accommodated in terms of utility service requirements and fire protection systems.

21.1.6.5 This exemption shall not allow The Planning Commission and or Zoning Board of Appeals to allow a:

21.1.6.5.1 WTG height greater than allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS and/or Section 18.47 or

21.1.6.5.2 Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS.

WTG – Other Ordinance Changes

SECTION 18.46.1 DEFINITIONS:

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

1. **Antenna** means any exterior transmitting or receiving device mounted on a tower, building structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
2. **Height** means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
3. **Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self supporting (lattice) towers, guyed towers, or monopole towers (including telephone poles). The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.
4. **Co-location** shall mean the location by two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the County.

SECTION 18.29 PETS AND OTHER ANIMALS

18.29.1 The keeping of farm animals (horses, mules, cows, goats, chickens, pigs, etc.) for domestic purposes on residential lots or in business districts shall require a permit from the Zoning Administrator. The Zoning Administrator shall provide the applicant with a checklist showing which plot plan specifications of 22.3.3 need to be provided. Based on that application, the Zoning Administrator shall determine whether the keeping of animals meets the criteria of this Zoning Ordinance, and, if so, issue a permit.

18.29.2 The review requirements of 18.29.1 shall not apply to active farms.

SECTION 23.8 DECISION AS FINAL – APPEAL TO CIRCUIT COURT

23.8.1 The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located. [Sec. 3605]

23.8.4 An appeal under this section shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. [Sec. 3606.]

ARTICLE 23 ZONING BOARD OF APPEALS

SECTION 23.1 CREATION AND MEMBERSHIP

A Zoning Board of Appeals, first established by the Zoning Ordinance adopted August 8, 1965, is hereby retained in accordance with Public Act 110 of 2006, as amended, known as the Michigan Zoning Enabling Act. The Zoning Board of Appeals shall perform its duties and exercise its powers in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done.

The Zoning Board of Appeals shall consist of the following seven (7) regular members and not more than two (2) alternate members, each of whom shall be appointed by the Board of County Commissioners:

23.1.1 One (1) of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission but shall not serve as chairperson of the Zoning Board of Appeals. [Sec. 3601 (4)]

23.1.2 One (1) regular or alternate member of the Zoning Board of Appeals may be a member of the Board of County Commissioners but shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Board of County Commissioners may not serve as a member of the Zoning Board of Appeals. [Sec. 3601 (6)]

23.1.3 The remaining regular members, and any alternate members, shall be selected from the electors residing within Otsego County but outside the City of Gaylord or the Village of Vanderbilt. The members selected shall be representative of the population distribution and of the various interests present in Otsego County. [Sec. 3601 (5)]

23.1.4 An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made and shall have the same voting rights as a regular member of the Zoning Board of Appeals. [Sec. 3601 (7)]

23.1.5 A member of the Zoning Board of Appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties. [Sec. 3601 (8)]

23.1.6 A member of the Zoning Board of Appeals may be removed by the Board of County Commissioners for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. [Sec. 3601 (9)]

23.1.7 The terms of office for members appointed to the Zoning Board of Appeals shall be for staggered three (3) years, except for members serving because of their membership on the County Planning Commission or Board of County Commissioners, whose terms shall be limited to the time they are members of those bodies. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. [Sec. 3601 (10)]

23.1.8 Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. [Sec. 3601 (11)]

SECTION 23.2 JURISDICTION

23.2.1 The Zoning Board of Appeals shall have all the powers and duties granted by State law and this Ordinance, including the following specific powers:

23.2.1.1 **Interpretation of the Zoning Ordinance Text and Map:** To hear and decide requests for interpretation of the zoning map and zoning text, as well as for decisions on other special questions on which this Ordinance specifically authorizes the Zoning Board of Appeals to pass. [Sec. 3603 (1)]

23.2.1.2 **Administrative Review:** To hear and decide appeals where it is alleged by the appellant that there is an error in any administrative order, requirement, decision, or determination made by the Planning Commission or a Land Use Services officer charged with enforcement of this Ordinance. [Sec. 3603 (1)]

23.2.1.3 **Variances:** To grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this Ordinance or to any other nonuse-related standard in the ordinance. [Sec. 3604 (8)]

23.2.2 **Exceptions:** The Otsego County Zoning Ordinance does not provide for appeals to the Zoning Board of Appeals for special land use or planned unit development decisions.

23.2.2.2 The Zoning Board of Appeals shall have no jurisdiction over decision of the Planning Commission in regard to matters concerning the granting of special use permits. [Sec. 16.13 of the current Zoning Ordinance]

SECTION 23.3 MEETINGS

23.3.1 The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present. [Sec. 3601 (12)]

23.3.2 Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at other times as the Zoning Board of Appeals in its rules of procedure may specify. [Sec. 3602 (1)]

23.3.3 All meetings conducted by the Zoning Board of Appeals shall comply with the Open Meetings Act.

23.3.4 The Zoning Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the County Clerk. [Sec. 3602 (2)]

SECTION 23.4. PROCEDURES

23.4.1 The Zoning Board of Appeals shall establish and adopt its own rules of procedures. [Sec. 3603 (1)]

23.4.2 The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. [Sec. 3602 (1)]

23.4.3 An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or local unit of government. In addition, a variance in the zoning ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54. [Sec. 3604 (1)]

23.4.4 An appeal to the Zoning Board of Appeals must be filed within 21 days of the date the decision or order being appealed was communicated in writing by the Land Use Services officer to the aggrieved party. The applicant shall specify the grounds for the appeal on the appropriate application form along with the payment of established fees with the Land Use Services officer. The Land Use Services officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken. Sec. 3604. (2)

23.4.5 An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from unless the County Land Use Services officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the County Land Use Services officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or a circuit court. Sec. 3604. (3)

23.4.6 Following receipt of a written request for a variance, interpretation of the zoning ordinance, or an appeal of an administrative decision, the Zoning Board of Appeals shall fix a reasonable time for the public hearing and give notice as provided in MCL 125.3103 and described in Section 16.5 Public Hearing Requirements of this Ordinance. Sec. 3604. (4)

23.4.7 At the hearing, a party may appear in person or by an authorized agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. Sec. 3604. (6)

23.4.8 The Zoning Board of Appeals shall only hear and decide a specific case that must include a public hearing.

23.4.9 The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative

official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance. [Sec. 3603 (2)] The Zoning Board of Appeals shall state the grounds of any determination made by the board. [Sec. 3604 (2)]

23.4.10 A member of the Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same issue as a member of both bodies. However, the member may consider and vote on other unrelated matters involving the same property. [Sec. 3601 (13)]

SECTION 23.5 USE VARIANCE

Nothing herein contained shall be construed to give the Zoning Board of Appeals the power or authority to change the Zoning Ordinance or the Zoning Map so as to allow a use of land that is not permitted in the district in which the property is located.

SECTION 23.6 DIMENSIONAL OR NON-USE VARIANCE

Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve "practical difficulties" within the meaning of this Ordinance, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears that there is clear and convincing evidence that all the following facts and conditions exist:

23.6.1 That the requested variance will not be detrimental to the public welfare or otherwise injurious to other properties in the same zoning district.

23.6.2 That the requested variance is necessary for the applicant to receive a right available to other properties in the same zoning district.

23.6.3 That special physical conditions or unique circumstances exist with this property and do not generally apply to other properties in the same zoning district.

23.6.4 That the special conditions or circumstances are not the result of actions by the applicant or predecessor in title.

23.6.5 That the requested variance is the minimum variance necessary that will make possible the reasonable use of the land.

SECTION 23.7 TIME LIMITS

Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a County zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.

RESOLUTION NO. OCR 10-11

**A RESOLUTION TO APPROVE THE BALLOT LANGUAGE FOR A
MILLAGE PROPOSITION TO PROVIDE FUNDS FOR THE OPERATION AND
MAINTENANCE OF ALL PROGRAMS, PARKS AND FACILITIES
UNDER THE JURISDICTION OF THE OTSEGO COUNTY PARKS AND
RECREATION COMMISSION AND TO SUBMIT THE PROPOSITION TO
THE ELECTORATE IN THE PRIMARY ELECTION ON AUGUST 3, 2010**

**OTSEGO COUNTY BOARD OF COMMISSIONERS
March 9, 2010**

Recitals

WHEREAS, the Otsego County Parks and Recreation Commission currently operates and maintains county parks and the Otsego County Community Center for the benefit of county residents and others visiting the county; and

WHEREAS, the funds to operate and maintain the programs, parks and facilities under the jurisdiction of the Otsego County Parks and Recreation Commission, including the Community Center, are currently provided by a millage of 0.1875 mills previously approved by the county electors; and

WHEREAS, the millage previously approved by the county electors to operate and maintain the programs, parks and facilities, including the Community Center, expires on December 1, 2011; and

WHEREAS, the Otsego County Board of Commissioners desires to again obtain voter approval for the same millage amount (0.1875 mills) to provide funds for operating and maintaining all programs, parks and facilities under the jurisdiction of the Otsego County Parks and Recreation Commission, including the Community Center; and

WHEREAS, the Otsego County Board of Commissioners wishes to submit this millage proposition to the county electors at the primary election to be held on August 3, 2010; now

THEREFORE BE IT RESOLVED, that the following proposition, the language of which is hereby approved by the Otsego County Board of Commissioners and certified to the Otsego County Clerk, shall be submitted to the electors of Otsego County for a vote at the August 3, 2010 primary election.

BALLOT LANGUAGE

OTSEGO COUNTY

This proposal is a renewal of the previously approved millage and will permit the County to levy up to 3/16 of one mill (\$.1875 per \$1,000.00 of taxable valuation) to provide funds for the operation and maintenance of all programs, parks and facilities under the jurisdiction of the Otsego County Parks and Recreation Commission, including the Community Center.

Shall the tax limitation imposed under Article IX, Section 6 of the Michigan Constitution on the amount of ad valorem taxes which may be levied by the County of Otsego, State of Michigan, against taxable property in the County be increased by up to *three-sixteenths (3/16) of one mill (\$.1875 per \$1,000 of taxable value)* on the taxable value of such property for a period of five (5) years, 2012 through 2016, inclusive, for the purpose of providing funds for the continued operation and maintenance of all programs, parks and facilities under the jurisdiction of the Otsego County Parks and Recreation Commission, including the Community Center, and shall the Otsego County Board of Commissioners be authorized to levy such millage for these purposes? If approved and levied in its entirety, this millage would raise an estimated \$227,201 for Otsego County in 2012.

RESOLUTION NO. OCR 10-09
MARCH IS RED CROSS MONTH
OTSEGO COUNTY BOARD OF COMMISSIONERS
March 9, 2010

WHEREAS, each year during the month of March we formally recognize the American Red Cross and its essential humanitarian role in Otsego County. We honor the role of the Red Cross's contribution to making Otsego County a better place. Every day, Red Cross volunteers and employees carry out the mission by providing essential services to people in their communities with the help of generous donors in Otsego County; and

WHEREAS, for more than 100 years, Otsego County residents have relied on the expertise of the American Red Cross in disaster relief. Each year, Otsego County volunteers respond to disasters including house or apartment fires, and other natural and human caused disasters; and

WHEREAS, The American Red Cross in Otsego County makes every effort to save lives long before tragedy strikes by helping individuals and entire communities learn to prepare for disasters. It prepares people to save lives through first aid and CPR training, water safety, and use of automated external defibrillators (AEDs) to save victims of sudden cardiac arrest. Over the past year, 564 people have enrolled in American Red Cross of Health and Safety Courses in Otsego County; and

WHEREAS, under its charter, the American Red Cross is entrusted with providing volunteer aid in time of war to the sick and wounded of the armed forces. Staff members deploy with our Armed Forces to provide emergency communications and a caring presence to service men and women separated from their families. The American Red Cross in Otsego County has sent emergency messages to active duty personnel and their families, the American Red Cross also reaches out to the members of the National Guard and Reserves and their families who reside in nearly every community in Otsego County; and

WHEREAS, without the help of the American Red Cross volunteers, the American Red Cross would not be able to fulfill the humanitarian mission that is the cornerstone of the organization. We are grateful for the tireless work of the volunteers and employees of the American Red Cross in Otsego County and during the month of March, we pay tribute to this remarkable organization and all those who have answered the call to serve a cause greater than self and offered support and healing in times of need, now, therefore, be it

RESOLVED, that the Otsego County Board of Commissioners, by virtue of the authority vested by the Constitution and laws of Michigan do hereby proclaim March 2010 as American Red Cross Month. Especially during this extraordinary time for our country, we encourage all Americans to support this organization's noble humanitarian mission.

OCR 10-10
GEMS ELECTION MANAGEMENT SYSTEMS

Otsego County Board of Commissioners
March 9, 2010

WHEREAS, the State of Michigan has entered into contract pricing for software license fees established for the GEMS Election Management Systems; and

WHEREAS, the pricing is the same for all who utilize the software regardless of whether the County performs the programming, or a vendor performs the programming and the County only utilizes the software for uploading local election results; and

WHEREAS, Otsego County does not program for elections and utilizes a vendor to provide the programming for elections, and already pays for this service; and

WHEREAS, Otsego County only utilizes the software to upload local election results, so as to compile reports required by the State of Michigan; and

WHEREAS, Otsego County would be required to pay an estimated \$6,000.00 plus per year simply to upload local election results on election night; and

WHEREAS, the cost of this license renewal is an unfunded mandate required by the State of Michigan; and

WHEREAS, the original agreement distributed by the State of Michigan in 2004, never mentioned these exorbitant fees, now, therefore, be it

RESOLVED, that the Otsego County Board of Commissioners objects to the contract license cost for GEMS Election Management Systems in the current structure, and encourages the State of Michigan to negotiate a fee structure which incorporates a prorated payment schedule for counties who do not utilize the entire programming element of the GEMS software; and, be it further

RESOLVED, that copies of this resolution be forwarded to Governor Jennifer Granholm, Senator Tony Stamas, Representative Kevin Eisenhelmer, and the County Clerks of the State of Michigan, for their consideration.