

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

*****Amendment deletions are double struck**

Proposed Language:

ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING

It having been established that the Township units of government in Otsego County are desirous of actively participating in zoning amendment and zoning procedures; and Otsego County having determined that such participation is needed in the zoning process,

NOW, THEREFORE, IT IS HEREBY DECLARED to be the policy of Otsego County that no zoning decision (with respect to those matters hereinafter set forth) affecting any particular township shall be made without the direct participation of said township so affected in accordance with the following procedures:

27.1 When a Petition is filed with the Otsego County Planning Commission **or Otsego County Zoning Board of Appeals** with respect to any of the four (4) types of requests listed below, ~~and then~~ the procedure specified in [27.2](#) shall be followed prior to a decision being rendered by the County Planning Commission or the County Zoning Board of Appeals:

27.1.1 Changes in zoning district boundaries;

27.1.2 The approval of Uses Subject to Special Conditions, Special Approval Uses, and Special Land Uses;

27.1.3 The approval of Planned Unit Developments, all condominium projects, and all subsequent phases of an approved phased development;

27.1.4 Any appeal of an administrative decision, Ordinance interpretation, or variance.

27.2 Prior to a hearing by the County Planning Commission, the Otsego County Zoning Administrator shall forward by certified, ~~or~~ first class, **or electronic** mail, said written petition to the township clerk, **supervisor, and Planning Commission Chair** of the township within which the property associated with the petition is located and shall execute and file an Affidavit of Mailing such petition.

Upon the approval or disapproval of the petition by the affected township, said township's clerk shall notify, in writing, the petitioning party and the Otsego County Zoning Administrator of the Township's ~~Board's~~ **approving government body's** decision. The Petition shall then be acted upon, with due regard to the affected Township's decision, by the Otsego County Planning Commission in conformance with this Ordinance.

In like manner, and under the same conditions, authority, and rule of policy, the Otsego County Board of Appeals, shall make no rule, interpretation or determination on any matter pertaining to a zoning variance ([Article 26.2](#)) affecting any particular township, without the Otsego County Zoning Administrator first forwarding, by certified, ~~or~~ first class, **or electronic mail**, said written petition to the township clerk, **supervisor, and Planning Commission Chair** of the township to be affected by said petition; the Zoning Administrator shall execute and file an Affidavit of Mailing as to such petition.

Upon the approval or disapproval of the petition by the affected township, said township's clerk shall notify, in writing, the petitioning party and the Otsego County Zoning Administrator of the Township's ~~Board's~~ **approving government body's** decision. The petition shall then be acted upon with due regard to the affected Township's decision by the Otsego County Zoning Board of Appeals in conformance with this ordinance.

The affected township shall take some official action to notify the County Zoning Administrator of its decision **within seven (7) days following the township's next approving government body's meeting (Planning Commission or Township Board), or** within forty (40) days after having received the written petition, **whichever is less**. The township may take an additional thirty (30) days to study the matter and take action thereon; but it

shall file written notice with the Zoning Administrator within the original forty (40) days of its intention to take the additional time. **Exception:** Due to state law time frames for wireless communication towers, an extension beyond the original forty (40) days shall not be permitted. It shall be presumed that the township waives its right to act if no action is taken within the applicable time period(s).

Township participation in the zoning amendment and zoning decision procedures shall only apply to those townships which file notice with the Otsego County Zoning Administrator stating their desire to proceed under the provision of this article.