

April 23, 2019

The regular meeting of the Otsego County Board of Commissioners was held in Room 100 of 225 West Main Street, Gaylord, Michigan. The meeting was called to order at 9:30 a.m. by Chairman Ken Borton. Invocation by Commissioner Henry Mason, followed by the Pledge of Allegiance led by Commissioner Rob Pallarito.

Roll Call:

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

Excused: Ken Glasser

Consent Agenda:

Motion by Commissioner Paul Liss, seconded by Commissioner Julie Powers, to approve the Regular minutes of April 9, 2019 with attachments and Special Meeting of April 8, 2019. Ayes: Unanimous. Motion carried.

Motion by Commissioner Paul Liss, seconded by Julie Powers, to approve the appointment of Steve Scott to the Otsego County Planning Commission with a term to expire 12-31-2020. Ayes: Unanimous. Motion carried.

Committee Report:

Budget and Finance Committee:

Motion by Commissioner Rob Pallarito, seconded by Commissioner Paul Liss, to award the bid to the lower bidder American Waste and to direct the County Administrator to negotiate a 4-year contract with American Waste that incorporates the pertinent details from their bid document. Ayes: Unanimous. Motion carried.

Motion by Commissioner Rob Pallarito, seconded by Commissioner Julie Powers, to approved Resolution OCR 19-07 Otsego County Bus System Ballot Language.

Roll Call Vote:

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

Nays: Henry Mason.

Excused: Ken Glasser.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Rob Pallarito, seconded by Commissioner Henry Mason, to approve the campsite fee increases as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Rob Pallarito, seconded by Commissioner Duane Switalski, to approve the budget amendment for the Land Use Services/Building Department Fund. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Rob Pallarito, seconded by Commissioner Duane Switalski, to approve the 2018 budget amendments as presented. Ayes: Unanimous. Motion carried. (see attached)

Planning Commission:

Motion by Commissioner Doug Johnson, seconded by Commissioner Rob Pallarito, to approve the text amendments to the Zoning Ordinance, in Section 21.46 Wireless Communications. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Doug Johnson, seconded by Commissioner Julie Powers, to approve the text amendments to the Zoning Ordinance, in Article 27 Township Participation in County Zoning. Ayes: Unanimous. Motion carried. (see attached)

Administrator's Report:

Rachel Frisch thanked Lisa McComb in doing a great job with the Accelerate Otsego Pitch Night Competition that was held at the Gornick Auditorium on April 11, 2019; Sky Hawks Parachute team returning to the Air Show; Reminded the Board of the meeting change from May 14, 2019 to May 7, 2019.

Special Presentations:

Robin Ellis was presented with the Lifetime Achievement Award; she was the only one given this award out of the 83 Counties.

Department Head Reports:

Kyle Ryan reported on the Parks and Recreation; new trail at Irontone Springs received a \$15,000 grant; new beach at the campground, safer access to get into the lake replaced the wooden steps with aluminum; Community Center replaced seats with bleachers; moved ranger station at the park 150 feet to make check in more accessible; construction on new entrance to Groen Nature Preserve to start next week.

City Liaison, Township & Village Representative:

Commissioner Julie Powers reported Frank Claeys is named the new Chief of the Gaylord City Police Department.

Lisa McComb reported 13 businesses applied for the Accelerate Otsego Pitch Night Competition and 9 of them pitched; over 200 people attended despite the weather.

Correspondence:

Rob Pallarito reported that NEMCOG has trainings coming up.

New Business:

Motion by Commissioner Julie Powers, seconded by Commissioner Henry Mason, to approve the April 16, 2019 Warrant in the amount of \$91,860.52. Ayes: Unanimous. Motion carried.

Motion by Commissioner Duane Switalski, seconded by Commissioner Rob Pallarito, to approve the April 23, 2019 Warrant in the amount of \$280,780.01. Ayes: Unanimous. Motion carried.

Chairman Ken Borton opened up the meeting for public comment.

Board Remarks:

Commissioner Rob Pallarito reported on Joint Land Use Study.

Commissioner Bruce Brown had no report.

Commissioner Paul Liss attended a meeting at Livingston Township that discussed the increased power that Marijuana grow buildings use.

Commissioner Doug Johnson reported the Village of Kalkaska put 10 acres of land up for sale for a Marijuana growing facility.

Commissioner Duane Switalski attended the Road Commissioner meeting; rebuilding Heatherton road; motor grader ordered; Road Commission filed a lawsuit against a resident because the resident will not let the road Commission do work that would prevent houses that are getting flooding from run-off.

Commissioner Julie Powers reported on the measles epidemic, encouraging everyone to get vaccinated.

Commissioner Henry Mason had no report.

Commissioner Ken Borton will be attending a MAC meeting on 4-24-19; next week attending a meeting with the Sheriff's Association and the Prosecutor's Association.

Motion by Commissioner Paul Liss, seconded by Commissioner Duane Switalski, move to recess into closed session to review an attorney-client communication exempt from disclosure pursuant to Section 8 of the Open Meetings Act.

Roll Call Vote:

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

Excused: Ken Glasser.

Motion carried.

Entered into closed session at 10:20 a.m.

Returned to open session at 11:15 a.m.

Meeting adjourned at 11:15 a.m.

Kenneth C. Borton, Chairman

Dana Stubli, Deputy Clerk

Minutes of a regular meeting of the Otsego County Board of Commissioners, held in Room 100 at the County Building, 225 W. Main St., Gaylord, Michigan on the 23rd day of April, 2019 beginning at 9:30 a.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Commissioner: _____.

RESOLUTION NO. OCR 19-07

**A RESOLUTION TO APPROVE THE BALLOT LANGUAGE FOR A
MILLAGE PROPOSITION TO PROVIDE FUNDS FOR THE
OPERATION OF THE OTSEGO COUNTY BUS SYSTEM
AND TO SUBMIT THE PROPOSITION TO THE ELECTORATE
AT THE AUGUST 6, 2019 ELECTION**

**OTSEGO COUNTY BOARD OF COMMISSIONERS
April 23, 2019**

Recitals

WHEREAS, Otsego County currently operates the Otsego County Bus System and employs individuals to carry out the functions of the Otsego County Bus System for the benefit of county residents and others visiting the county; and

WHEREAS, the millage previously approved by the County electors to operate and maintain the county bus system expired on December 1, 2018; and

WHEREAS, the Otsego County Board of Commissioners desires to obtain voter approval for a millage levy of 0.60 mills to provide funds for operating the Otsego County Bus System; and

WHEREAS, the Otsego County Board of Commissioners desires to submit this millage proposition to the County electors at the primary election to be held on August 6, 2019; 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 6, 2019 election.

BALLOT LANGUAGE

OTSEGO COUNTY

This millage will allow the County of Otsego, Michigan, to levy 0.60 mills (\$0.60 per \$1,000.00 of taxable valuation) to provide funds for the operation of the Otsego County Bus System, including all costs associated with the operation of the Bus System. A millage to operate the Bus System was previously approved by the county electors which expired on December 1, 2018.

Shall the constitutional tax rate limitation on general ad valorem taxes within the County of Otsego, Michigan, be increased by 0.60 mills (\$0.60 per \$1,000 of taxable value) on the taxable value of such property for a period of five (5) years, 2019 through 2023, both inclusive, to provide funds for the operation of the Otsego County Bus System, including all costs associated with the operation of the Bus System (such increase is estimated to provide revenues of approximately \$740,246 in 2019.

By law, the City of Gaylord Downtown Development Authority (DDA) may capture and retain only that portion of the millage which is collected from the properties located within the defined DDA District boundaries.

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

YES:

NO:

ABSTAIN:

THE RESOLUTION WAS DECLARED ADOPTED.

Ken Borton, Chairman

Susan I. DeFeyter, County Clerk

STATE OF MICHIGAN)

) ss.

COUNTY OF OTSEGO)

The undersigned, being the duly qualified and acting Clerk of the County of Otsego, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted by the Otsego County Board of Commissioners at its regular meeting held on the 23rd day of April, 2019, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the County. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of such meeting were kept and will be or have been made available as required thereby.

Susan I. DeFeyter, County Clerk

DATED: _____, 2019

**EXCERPT OF THE OTSEGO COUNTY FEE SCHEDULE
PARKS & RECREATION**

**PROPOSED
UPDATES IN RED**

Otsego Lake County Park

Otsego County Residents:

Day Park Pass	\$4.00	
Season Park Pass	\$15.00	
Season Park Pass - Seniors (age 60 and over)	\$7.00	
Camping Vehicle Permits - Standard Sites	\$25.00 per night	
Camping Vehicle Permits - Enhanced Sites		\$30.00 per night
Camping Vehicle Permits - Premium Sites		\$ 33.00 per night
Cabin Rental - Small	\$55.00 per night	
\$50.00 refundable security deposit required.		
Cabin Rental - Large	\$85.00 per night	\$90.00 per night
Pavilion Rental	\$65.00	
Special Event Camping Fee (addition to standard fees)	\$10.00 per stay	

Non-Otsego County Residents:

Day Park Pass	\$4.00	
Season Park Pass	\$15.00	
Season Park Pass - Seniors (age 60 and over)	\$7.00	
Camping Vehicle Permits - Standard Sites	\$26.00 per night	
Camping Vehicle Permits - Enhanced Sites		\$31.00 per night
Camping Vehicle Permits - Premium Sites		\$ 34.00 per night
Cabin Rental	\$55.00 per night	
\$50.00 refundable security deposit required.		
Cabin Rental - Large	\$85.00 per night	\$90.00 per night
Pavilion Rental	\$65.00	
Camping Vehicle Permits	\$4.00	
Special Event Camping Fee (addition to standard fees)	\$10.00 per stay	



**OTSEGO COUNTY
BUDGET AMENDMENT**

FUND/DEPARTMENT: Land Use

As provided for in the Uniform Budget and Accounting Act of 1978, as amended, and consistent with Otsego County Policy, the Administrator and Finance Director are hereby authorized to record the following adjustments to the budget.

Fund Type: General Special Revenue Debt Service Capital Project Business-Type (Enterprise or Internal Svc)

DESCRIPTION Increase inspections, hrly pos. not filled

REVENUE

Account Number	Decrease	Increase
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
249-371-703.030 Regular - hourly	\$	\$ 23,399
249-371-704.200 Social security contributions	\$	\$ 1,792
249-371-704.500 Unemployment compensation	\$	\$ 351
249-371-704.600 Workers compensation	\$	\$ 91
249-371-704.110 Hospitalization	\$	\$ 10,936
249-371-704.300 Retirement contributions	\$	\$ 235
Total	\$	\$

Department Head Signature

Date

Rachel Frisch

4.19.19

Administrator's Signature

Date

Finance Department

Entered:

By:

Board Approval Date (if necessary)

Budget Adjustment #

Posting Number



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REVENUE

Account Number	Decrease	Increase
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
249-371-704.140 Life and disability	\$	\$ 595
249-371-801.028 Professional-plumbing inspections	\$ 14,080	\$
249-371-801.027 Professional-mechanical inspections	\$ 11,380	\$
249-050-400.001 Budgeted Use of Fund Balance	\$ 11,939	\$
	\$	\$
	\$	\$
Total	\$ 37,399	\$ 37,399

Department Head Signature _____ Date _____

Administrator's Signature _____ Date _____

Finance Department
Entered:
By:

Board Approval Date (if necessary) _____

Budget Adjustment # _____

Posting Number _____

JOURNAL ENTRY

JE: 29769

Post Date: 12/31/2018

Entry Date: 04/12/2019

Description: 2018 YEAR END ADJUSTMENT

Entered By: mmaier

Journal: BA

GL #	Description	DR	CR
645-172-703.010	REG EMP - DEPT DIR/COMM	1,316.00	
645-172-704.700	PAYMENTS IN LIEU OF INSURANCE		1,271.00
645-172-930.230	CELLULAR		45.00
645-201-703.060	PART-TIME/TEMPORARY		35,408.00
645-201-703.030	REGULAR - HOURLY	35,277.00	
645-201-704.110	HOSPITALIZATION	131.00	
645-202-703.010	REG EMP - DEPT DIR/COMM		36.00
645-202-704.140	LIFE AND DISABILITY		50.00
645-202-704.300	RETIREMENT CONTRIBUTIONS		107.00
645-202-704.110	HOSPITALIZATION	14.00	
645-202-704.200	SOCIAL SEC CONTRIBUTIONS	3.00	
645-202-704.303	RETIREMENT ADDITIONAL PAYMENTS	1.00	
645-202-704.500	UNEMPLOYMENT COMPENSATION	15.00	
645-202-704.600	WORKERS COMPENSATION	1.00	
645-270-704.110	HOSPITALIZATION	159.00	
645-270-704.200	SOCIAL SEC CONTRIBUTIONS		41.00
645-270-704.300	RETIREMENT CONTRIBUTIONS		1,672.00
645-270-704.700	PAYMENTS IN LIEU OF INSURANCE		292.00
645-270-930.450	SHIPPING AND MAILING		15.00
645-270-704.110	HOSPITALIZATION	2,020.00	
637-265-704.300	RETIREMENT CONTRIBUTIONS		177.00
637-265-704.700	PAYMENTS IN LIEU OF INSURANCE		163.00
637-265-726.050	REPAIRS AND MAINT SUPPLIES		1,183.00
637-265-930.230	CELLULAR		45.00
637-265-930.500	TRAVEL		52.00
637-265-930.620-ALPCT00000	ELECTRICITY		9,680.00
637-215-667.050	RENT - MENTAL HEALTH	11,300.00	
617-253-703.070	OVERTIME		1,061.00
617-253-704.700	PAYMENTS IN LIEU OF INSURANCE		31.00
617-253-704.800	SICK PAY BUY OUT		66.00
617-253-703.060	PART-TIME/TEMPORARY	1,158.00	
594-228-700.000	COMP UNIT EXPENSES		1,647.00
594-228-726.000	SUPPLIES - GENERAL		2,900.00
594-806-970.440	PROPERTY - COMPUTER	4,297.00	
594-806-940.010	OUTSIDE CONTRACTED SERVICES	250.00	
516-253-703.060	PART-TIME/TEMPORARY		9,342.00
516-253-703.070	OVERTIME		861.00
516-253-704.700	PAYMENTS IN LIEU OF INSURANCE		30.00
516-253-704.800	SICK PAY BUY OUT		66.00
516-253-801.020	PROFESSIONAL		10,666.00
516-253-930.150	SERVICE CHARGES		42.00
516-999-999.000	TRANSFER OUT		100,000.00
516-170-445.100-TAX2016000	PENALTY & INTEREST/TAXES	81,072.00	
516-170-445.100-TAX2017000	PENALTY & INTEREST/TAXES	39,935.00	
499-901-970.300-ALPCTR-CPT	PROPERTY - IMPROVEMENTS		8,280.00
499-901-970.300-TRAIL_VAND	PROPERTY - IMPROVEMENTS		50,000.00
499-999-999.000	TRANSFER OUT		33,553.00
499-901-970.300-SIDEWALK__	PROPERTY - IMPROVEMENTS	91,833.00	
473-999-999.000	TRANSFER OUT		439,541.00
473-050-400.001	BUDGETED USE OF FUND BALANCE	439,541.00	
471-050-400.001	BUDGETED USE OF FUND BALANCE	787,500.00	
471-999-999.000	TRANSFER OUT		787,500.00
465-449-700.000	COMP UNIT EXPENSES		93,970.00
465-010-411.000	DELINQUENT REAL PROPERTY TAXES	73,487.00	
465-025-664.010	INTEREST - GENERAL	9,895.00	
465-030-675.000	PILT	8,519.00	
465-010-420.000	DELINQUENT PERS PROP TAXES	1,552.00	
465-010-429.000	COMMERCIAL FOREST RESERVE	244.00	
465-010-445.022	INT ON TAXES	246.00	
465-010-420.001	MILITARY-IFT-CF TAXES	27.00	
282-537-930.664	AIRPLANE FUEL		1,490.00
282-999-999.990	CONTRIBUTION TO FUND BALANCE	1,490.00	
281-537-703.010	REG EMP - DEPT DIR/COMM		999.00
281-537-703.030	REGULAR - HOURLY		96.00
281-537-704.200	SOCIAL SEC CONTRIBUTIONS		134.00

Rachel Trisch 4-19-19

281-537-704.300	RETIREMENT CONTRIBUTIONS		1,184.00
281-537-930.100	INSURANCE AND BONDS		3,977.00
281-537-930.150	SERVICE CHARGES		5,404.00
281-537-930.450	SHIPPING AND MAILING		8.00
281-537-940.010	OUTSIDE CONTRACTED SERVICES		1,127.00
281-906-990.201	INTEREST PAYMENT-INTERNAL LOAN		1,117.00
281-537-930.664	AIRPLANE FUEL	14,046.00	
271-790-700.000	COMP UNIT EXPENSES		673,801.00
271-790-703.020	REGULAR - SALARIED	81,164.00	
271-790-703.030	REGULAR - HOURLY	277,000.00	
271-790-704.110	HOSPITALIZATION	53,103.00	
271-790-704.200	SOCIAL SEC CONTRIBUTIONS	27,050.00	
271-790-704.300	RETIREMENT CONTRIBUTIONS	20,950.00	
271-790-704.350	OTHER BENEFITS	4,288.00	
271-790-704.400	EDUCATION AND TRAINING	2,500.00	
271-790-704.600	WORKERS COMPENSATION	1,800.00	
271-790-704.800	SICK PAY BUY OUT	1,873.00	
271-790-726.000	SUPPLIES - GENERAL	9,180.00	
271-790-726.025	SUPPLIES - JANITORIAL	2,040.00	
271-790-726.200	BOOKS AND PERIODICALS	63,500.00	
271-790-726.210	ELECTRONIC SUBSCRIPTIONS	29,160.00	
271-790-801.020	PROFESSIONAL	4,000.00	
271-790-920.200	WATER/SEWAGE	1,200.00	
271-790-920.400	REPAIRS AND MAINTENANCE SVCS	1,000.00	
271-790-920.410	SERVICE CONTRACTS	22,000.00	
271-790-930.100	INSURANCE AND BONDS	5,000.00	
271-790-930.150	SERVICE CHARGES	300.00	
271-790-930.210	TELEPHONE	3,525.00	
271-790-930.230	CELLULAR	2,035.00	
271-790-930.240	DATA/NETWORK SVCS	11,000.00	
271-790-930.300	ADVERTISING	3,500.00	
271-790-930.450	SHIPPING AND MAILING	9,833.00	
271-790-970.430	PROPERTY - FURNITURE & FIXTURE	36,000.00	
261-427-930.100	INSURANCE AND BONDS		391.00
261-427-726.000	SUPPLIES - GENERAL	391.00	
256-215-999.000	TRANSFER OUT		11,077.00
256-941-999.990	CONTRIBUTION TO FUND BALANCE	11,077.00	
249-371-703.050	LONGEVITY		30.00
249-371-704.600	WORKERS COMPENSATION		660.00
249-371-704.700	PAYMENTS IN LIEU OF INSURANCE		328.00
249-371-726.200	BOOKS AND PERIODICALS		71.00
249-371-703.070	OVERTIME	1,089.00	
226-528-930.620-PROG000000	ELECTRICITY		1.00
226-528-726.000	SUPPLIES-GENERAL	1.00	
217-757-700.000	COMP UNIT EXPENSES		852,716.00
217-010-703.020	REGULAR - SALARIED	120,500.00	
217-010-703.030	REGULAR - HOURLY	304,150.00	
217-010-704.200	SOCIAL SEC CONTRIBUTIONS	32,650.00	
217-010-704.300	RETIREMENT CONTRIBUTIONS	7,750.00	
217-010-704.400	EDUCATION AND TRAINING	1,200.00	
217-010-704.500	UNEMPLOYMENT COMPENSATION	7,150.00	
217-010-704.600	WORKERS COMPENSATION	10,000.00	
217-010-726.000	SUPPLIES - GENERAL	54,500.00	
217-010-726.025	SUPPLIES - JANITORIAL	15,400.00	
217-010-726.050	REPAIRS AND MAINT SUPPLIES	12,250.00	
217-010-801.025	PROFESSIONAL SVCS	1,600.00	
217-010-920.200	WATER/SEWAGE	5,100.00	
217-010-920.410	SERVICE CONTRACTS	10,650.00	
217-010-930.100	INSURANCE AND BONDS	20,050.00	
217-010-930.150	SERVICE CHARGES	2,800.00	
217-010-930.210	TELEPHONE	5,800.00	
217-010-930.300	ADVERTISING	12,000.00	
217-010-930.400	PRINTING AND BINDING	100.00	
217-010-930.450	SHIPPING AND MAILING	1,000.00	
217-010-930.500	TRAVEL	1,150.00	
217-010-930.600	MEMBERSHIP AND DUES	1,050.00	
217-010-930.610	NATURAL GAS	55,500.00	
217-010-930.620	ELECTRICITY	162,366.00	
214-806-940.010	OUTSIDE CONTRACTED SERVICES		26,824.00
214-010-441.000	LCL CMT STAB SHPRE TAX (PPT REIMB)	18,864.00	
214-030-675.000	PILT	5,554.00	
214-010-420.000	DELINQUENT PERS PROP TAXES	2,298.00	
214-010-429.000	COMMERCIAL FOREST RESERVE	66.00	
214-010-445.022	INT ON TAXES	42.00	
213-806-930.100	INSURANCE AND BONDS		6,459.00

213-806-940.010	OUTSIDE CONTRACTED SERVICES		457,498.00
213-999-999.000	TRANSFER OUT	320,294.00	
213-010-411.000	DELINQUENT REAL PROPERTY TAXES	40,914.00	
213-010-420.000	DELINQUENT PERS PROP TAXES	321.00	
213-010-420.001	MILITARY-IFT-CF TAXES	24.00	
213-010-429.000	COMMERCIAL FOREST RESERVE	57.00	
213-010-441.000	LCL CMT STAB SHARE TAX (PPT REIMB)	16,252.00	
213-010-445.022	INT ON TAXES	101.00	
213-030-675.000	PILT	4,785.00	
213-050-400.001	BUDGETED USE OF FUND BALANCE	81,219.00	
212-430-703.010	REG EMP - DEPT DIR/COMM		31.00
212-430-703.060	PART-TIME/TEMPORARY		2,043.00
212-430-703.070	OVERTIME		1,867.00
212-430-704.110	HOSPITALIZATION		12,614.00
212-430-704.600	WORKERS COMPENSATION		316.00
212-430-726.000	SUPPLIES - GENERAL		488.00
212-010-411.000	DELINQUENT REAL PROPERTY TAXES	17,359.00	
208-751-703.010	REG EMP - DEPT DIR/COMM		173.00
208-751-703.030	REGULAR - HOURLY		2,494.00
208-751-704.110	HOSPITALIZATION		710.00
208-751-704.300	RETIREMENT CONTRIBUTIONS		1,532.00
208-751-704.500	UNEMPLOYMENT COMPENSATION		59.00
208-751-704.600	WORKERS COMPENSATION		1,193.00
208-751-726.035	SUPPLIES - MEDICAL/PHARMACY		43.00
208-751-930.100	INSURANCE AND BONDS		95.00
208-751-930.620	ELECTRICITY		275.00
208-752-703.010	REG EMP - DEPT DIR/COMM		175.00
208-752-703.030	REGULAR - HOURLY		1,616.00
208-752-703.060	PART-TIME/TEMPORARY		4,436.00
208-752-704.110	HOSPITALIZATION		471.00
208-752-704.200	SOCIAL SEC CONTRIBUTIONS		656.00
208-752-704.300	RETIREMENT CONTRIBUTIONS		3,789.00
208-752-704.600	WORKERS COMPENSATION		126.00
208-752-930.100	INSURANCE AND BONDS		95.00
208-752-930.150	SERVICE CHARGES		1,412.00
208-901-970.420	PROPERTY - VEHICLES		32,521.00
208-010-411.000	DELINQUENT REAL PROPERTY TAXES	18,362.00	
208-010-420.000	DELINQUENT PERS PROP TAXES	835.00	
208-010-420.001	MILITARY-IFT-CF TAXES	10.00	
208-010-429.000	COMMERCIAL FOREST RESERVE	54.00	
208-010-441.000	LCL CMT STAB SHARE TAX (PPT REIMB)	5,471.00	
208-010-445.022	INT ON TAXES	58.00	
208-025-864.010	INTEREST - GENERAL	11,474.00	
208-030-675.000	PILT	2,148.00	
208-030-676.040	REIMBURSEMENT - GENERAL	945.00	
208-440-652.030	ADMISSION - CAMPING FEE	12,514.00	
205-301-703.060	PART-TIME/TEMPORARY		539.00
205-301-704.140	LIFE AND DISABILITY		9.00
205-301-704.800	SICK PAY BUY OUT		100.00
205-301-726.006	RANGE SUPPLIES		245.00
205-301-930.500	TRAVEL		15.00
205-301-930.700	ROOM AND BOARD		865.00
205-301-940.010	OUTSIDE CONTRACTED SERVICES		145.00
205-301-704.110	HOSPITALIZATION	1,918.00	
101-101-703.040	PER DIEM		5,100.00
101-101-704.200	SOCIAL SEC CONTRIBUTIONS		654.00
101-101-704.600	WORKERS COMPENSATION		81.00
101-101-930.230	CELLULAR		820.00
101-101-704.110	HOSPITALIZATION	6,655.00	
101-215-703.030	REGULAR - HOURLY		1,330.00
101-215-704.200	SOCIAL SEC CONTRIBUTIONS		155.00
101-215-704.300	RETIREMENT CONTRIBUTIONS		3,544.00
101-215-704.800	SICK PAY BUY OUT		9.00
101-215-704.110	HOSPITALIZATION	5,038.00	
101-253-703.070	OVERTIME		558.00
101-253-930.450	SHIPPING AND MAILING		102.00
101-253-704.110	HOSPITALIZATION	660.00	
101-257-703.030	REGULAR - HOURLY		1,137.00
101-257-704.200	SOCIAL SEC CONTRIBUTIONS		53.00
101-257-704.300	RETIREMENT CONTRIBUTIONS		100.00
101-257-704.301	POST EMPMT HLTH CARE SAVINGS		240.00
101-257-704.600	WORKERS COMPENSATION		303.00
101-257-704.700	PAYMENTS IN LIEU OF INSURANCE		2,000.00
101-257-703.060	PART-TIME/TEMPORARY	1,294.00	
101-257-704.110	HOSPITALIZATION	1,998.00	

101-257-726.000	SUPPLIES - GENERAL	541.00	
101-261-703.060	PART-TIME/TEMPORARY		188.00
101-261-704.200	SOCIAL SEC CONTRIBUTIONS		21.00
101-261-726.000	SUPPLIES - GENERAL	209.00	
101-262-704.110	HOSPITALIZATION		56.00
101-262-704.140	LIFE AND DISABILITY		1.00
101-262-676.040	REIMBURSEMENT - GENERAL	57.00	
101-267-703.020	REGULAR - SALARIED		406.00
101-267-703.030	REGULAR - HOURLY		474.00
101-267-703.050	LONGEVITY		25.00
101-267-703.060	PART-TIME/TEMPORARY		1,829.00
101-267-703.070	OVERTIME		925.00
101-267-704.110	HOSPITALIZATION	3,661.00	
101-268-704.140	LIFE AND DISABILITY		20.00
101-268-704.300	RETIREMENT CONTRIBUTIONS		523.00
101-268-930.500	TRAVEL		190.00
101-268-704.400	EDUCATION AND TRAINING	733.00	
101-301-703.030	REGULAR - HOURLY		5,689.00
101-301-703.070	OVERTIME		9,600.00
101-301-703.070-SCHOOLDEPT	OVERTIME		4,634.00
101-301-704.110-SCHOOLDEPT	HOSPITALIZATION		946.00
101-301-704.140-SCHOOLDEPT	LIFE AND DISABILITY		7.00
101-301-704.200	SOCIAL SEC CONTRIBUTIONS		13.00
101-301-704.200-SCHOOLDEPT	SOCIAL SEC CONTRIBUTIONS		325.00
101-301-704.300	RETIREMENT CONTRIBUTIONS		3,035.00
101-301-704.300-SCHOOLDEPT	RETIREMENT CONTRIBUTIONS		1,378.00
101-301-704.301-SCHOOLDEPT	POST EMPLMT HLTH CARE SAVINGS		29.00
101-301-704.600-SCHOOLDEPT	WORKERS COMPENSATION		104.00
101-301-704.110	HOSPITALIZATION	13,756.00	
101-301-704.700	PAYMENTS IN LIEU OF INSURANCE	2,000.00	
101-301-704.800	SICK PAY BUY OUT	5,613.00	
101-301-676.040	REIMBURSEMENT - GENERAL	4,391.00	
101-302-703.070	OVERTIME		981.00
101-302-704.110	HOSPITALIZATION		185.00
101-302-704.300	RETIREMENT CONTRIBUTIONS		169.00
101-302-704.301	POST EMPLMT HLTH CARE SAVINGS		6.00
101-302-930.450	SHIPPING AND MAILING		96.00
101-302-703.060	PART-TIME/TEMPORARY	1,337.00	
101-303-703.070	OVERTIME		16.00
101-303-704.600	WORKERS COMPENSATION		370.00
101-303-704.110	HOSPITALIZATION	386.00	
101-331-703.070	OVERTIME		1,707.00
101-331-704.110	HOSPITALIZATION		21.00
101-331-704.140	LIFE AND DISABILITY		1.00
101-331-704.300	RETIREMENT CONTRIBUTIONS		83.00
101-331-704.301	POST EMPLMT HLTH CARE SAVINGS		3.00
101-331-940.010	OUTSIDE CONTRACTED SERVICES		43.00
101-331-703.060	PART-TIME/TEMPORARY	1,858.00	
101-333-703.060	PART-TIME/TEMPORARY		28.00
101-333-704.110	HOSPITALIZATION		259.00
101-333-704.300	RETIREMENT CONTRIBUTIONS		19.00
101-333-704.301	POST EMPLMT HLTH CARE SAVINGS		7.00
101-333-726.050	REPAIRS AND MAINT SUPPLIES	313.00	
101-334-703.030	REGULAR - HOURLY		2,200.00
101-334-703.070	OVERTIME		1,560.00
101-334-704.110	HOSPITALIZATION		6,197.00
101-334-704.200	SOCIAL SEC CONTRIBUTIONS		298.00
101-334-704.300	RETIREMENT CONTRIBUTIONS		1,954.00
101-334-704.600	WORKERS COMPENSATION		122.00
101-334-539.000-SECOND0000	STATE GRANTS	1,184.00	
101-334-704.800	SICK PAY BUY OUT	886.00	
101-334-726.000	SUPPLIES - GENERAL	89.00	
101-334-726.005	RANGE SUPPLIES	27.00	
101-334-726.046	SUPPLIES - UNIFORM/ACC	445.00	
101-334-930.660	GASOLINE	2,452.00	
101-334-704.400	EDUCATION AND TRAINING	105.00	
101-334-704.500	UNEMPLOYMENT COMPENSATION	157.00	
101-334-930.500	TRAVEL	74.00	
101-334-676.040	REIMBURSEMENT - GENERAL	6,912.00	
101-336-703.070	OVERTIME		417.00
101-336-704.300	RETIREMENT CONTRIBUTIONS		133.00
101-336-704.301	POST EMPLMT HLTH CARE SAVINGS		4.00
101-336-703.060	PART-TIME/TEMPORARY	554.00	
101-351-703.050	LONGEVITY		150.00
101-351-703.070	OVERTIME		35,751.00

101-351-704.112	WELLNESS PROGRAM		100.00
101-351-704.200	SOCIAL SEC CONTRIBUTIONS		3,499.00
101-351-704.300	RETIREMENT CONTRIBUTIONS		12,784.00
101-351-930.210	TELEPHONE		1,500.00
101-351-651.070	USE - INMATE TELEPHONE	8,823.00	
101-351-703.030	REGULAR - HOURLY	18,442.00	
101-351-704.110	HOSPITALIZATION	21,716.00	
101-351-930.470	INMATE HEALTH	4,803.00	
101-682-704.300	RETIREMENT CONTRIBUTIONS		92.00
101-682-703.060	PART-TIME/TEMPORARY	92.00	
101-721-703.010	REG EMP - DEPT DIR/COMM		2,854.00
101-721-703.030	REGULAR - HOURLY		28,580.00
101-721-703.070	OVERTIME		2,154.00
101-721-704.110	HOSPITALIZATION		4,986.00
101-721-704.200	SOCIAL SEC CONTRIBUTIONS		537.00
101-721-704.300	RETIREMENT CONTRIBUTIONS		1,576.00
101-721-704.600	WORKERS COMPENSATION		489.00
101-721-726.050	REPAIRS AND MAINT SUPPLIES		106.00
101-721-703.020	REGULAR - SALARIED	16,730.00	
101-721-726.200	BOOKS AND PERIODICALS	1,500.00	
101-721-801.020	PROFESSIONAL	2,000.00	
101-721-920.400	REPAIRS AND MAINTENANCE SVCS	500.00	
101-721-930.230	CELLULAR	96.00	
101-721-930.300	ADVERTISING	62.00	
101-721-930.450	SHIPPING AND MAILING	1,352.00	
101-721-930.500	TRAVEL	1,715.00	
101-721-930.600	MEMBERSHIP AND DUES	380.00	
101-721-930.660	GASOLINE	480.00	
101-721-703.040	PER DIEM	1,934.00	
101-721-703.050	LONGEVITY	30.00	
101-721-703.060	PART-TIME/TEMPORARY	7,816.00	
101-721-451.020	BUS LIC- ZONING PERMITS	4,961.00	
101-721-704.301	POST EMPMNT HLTH CARE SAVINGS	28.00	
101-721-704.400	EDUCATION AND TRAINING	1,389.00	
101-721-704.500	UNEMPLOYMENT COMPENSATION	309.00	
101-864-930.150	SERVICE CHARGES		211.00
101-864-726.000	SUPPLIES - GENERAL	51.00	
101-864-920.410	SERVICE CONTRACTS	26.00	
101-253-704.110	HOSPITALIZATION	134.00	
	Journal Total:	3,865,087.00	3,865,087.00

APPROVED BY: _____



Department of
Land Use Services
1322 Hayes Rd • Gaylord, MI 49735
Phone: 989.731.7400 • Fax: 989.731.7419
www.otsegocounty.mi.gov

To: Otsego County Board of Commissioners

RE: Text Amendment / Section 21.46 Wireless Communications / Article 6 R3, Article 8 PR, Article 9 AR, Article 10 B1, Article 11 B2, Article 12, B3, Article 13 I, Article 14 HX

Motion made by Mr. Hartmann to submit recommendations for proposed amendments to Sections 21.46.2, 21.46.3, 6.2.8, 8.1.16, 8.2.18, 9.1.24, 9.2.21, 10.2.6, 11.1.13, 11.2.11, 12.1.23, 12.2.12, 13.1.10, 13.2.18, 14.1.19 of the Otsego County Zoning Ordinance pertaining to Wireless Communications Towers and Facilities, and a summary of the comments received at the meeting held on January 21, 2019, to the Otsego County Board of Commissioners pursuant to Section 308(1) of the Michigan Zoning Enabling Act; Seconded by Mr. Brown.

Motion approved unanimously.

*** Amendment changes are highlighted in yellow

*** Amendment deletions are double strike

SECTION 21.46 WIRELESS COMMUNICATIONS:

Reference the Telecommunication Act (Act 104 of 1996 as amended) and the Michigan Zoning and Enabling Act (Act 110 of 2006 as amended including Act 143 of 2012). These set forth provisions concerning placement, location and construction of towers and related facilities for wireless services, provide rules for changes to existing towers and set time frames for municipality action. The purpose of this Section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of the section are to:

- (1) Protect residential zoning districts from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the county;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape;
- (7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;
- (8) Consider the public health and safety of communication towers; and

- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Wireless and cellular phone service are specially determined to not be essential services, nor to be public utilities as such terms are used in this Ordinance.

It is not the intent to create "antennae farms" with a number of monopoles and antennae in a small area. Also, it is not the intent to regulate ham radio antennae under this section, or to regulate towers installed at single family dwellings for personal television reception.

SECTION 21.46.1 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 21.46.2 WIRELESS COMMUNICATIONS TOWERS OF ONE HUNDRED SEVENTY-NINE (179) FEET OR LESS AND RELATED FACILITIES:

Construction of Wireless Telecommunication Antenna Towers of one hundred seventy-nine (179) feet or less and Equipment Shelter Buildings are allowed in Otsego County subject to the following provisions:

21.46.2.1 Prior to approval of any new tower to be located within one (1) mile of an existing tower or other structure of equal or greater height than the proposed tower, applicant shall contact owner(s) of all said towers or structures and request permission to locate or co-locate in lieu of construction of a new tower. No new tower request shall be granted until proof of contact(s) has been provided to the zoning administrator.

21.46.2.1.1 As an alternative to contacting owners of all towers or structures, as described in the above paragraph, location or co-location on existing towers or structures shall be approved by the Zoning Administrator under applicable provisions, including 21.46.2.7.1.

An accessory equipment shelter building shall meet all normal requirements of accessory buildings. Any location or co-location shall not result in a height of more than twice the height of the existing structure.

21.46.2.2 Wireless Telecommunication Antenna Towers and Equipment Shelter Buildings shall not be placed in any road right-of-way or in any easement for road purposes.

21.46.2.3 Such towers and facilities shall be placed on parcels (whether the land is owned or leased by the tower owner) that have an area no less than the minimum parcel size for the district, as listed in Article 17. No variances shall be granted to reduce this size limit.

21.46.2.4 All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer than ~~one~~ two hundred percent (200%) of the tower's height from any property line or any residence.

21.46.2.5 A tower proposal of more than thirty-five (35) feet shall be submitted to the Otsego County Airport Manager and FAA for review and approval prior to issuance of a zoning permit.

21.46.2.6 The tower itself must be of monopole design. There shall be no guyed or self-supporting towers. Self-supporting towers may be considered with application to the Planning Commission.

21.46.2.7 All such tower location proposals shall be submitted with a site plan (Section 23.2).

21.46.2.7.1 The following conditions are required for approval of an application.

Antennas may or may not be mounted on existing structures. The tower and antenna are painted or screened as to blend into the background.

The service building shall be constructed of material such as wood, brick, or stucco, and shall be designed to blend into the natural setting and surrounding buildings. In no case will metal exteriors be allowed for service buildings.

Unless technically impossible, all connecting wires from towers to accessory buildings shall be underground.

Unless technically impossible, all electrical and other service wires to the facility shall be underground.

The service building shall be no larger than necessary to house the equipment and shall meet all setback requirements of this Ordinance.

21.46.2.8 Lighting shall be designed in accordance with Section 21.19 in addition to the following:

Lights shall not be permitted on the tower or antennae unless FAA regulations require them.

Light poles and fixtures shall be located as low as practical; a greater number of low "area" lights are favored over higher lights. Incandescent lights are favored over sodium or mercury-type street lighting.

21.46.2.9 The tower and its accessory buildings shall be fenced with no less than a six-foot (6) safety fence with a locked gate.

21.46.2.10 The application shall include a description of security to be posted at the time of receiving a building permit for the tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the security shall, at the selection of the applicant, be in the form of cash or letter of credit to remove the tower in a timely manner as required under Section 21.46.4, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the county in securing removal.

SECTION 21.46.3 WIRELESS TELECOMMUNICATION ANTENNA TOWERS OVER ONE HUNDRED SEVENTY-NINE (190-179) FEET AND RELATED FACILITIES:

Construction of Wireless Communications Towers over one hundred ~~seventy-nine (190-179)~~ feet and Equipment Shelter Buildings are a Permitted Use Subject to Special Conditions under Article 19. Requirements include all those in Section 21.46.2, plus the following:

21.46.3.1 In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on Otsego County, location, co-location, or the provision of more than one (1) antenna on a single tower may be allowed by the Zoning Administrator and/or required by the Planning Commission.

21.46.3.1.1 As an alternative to the provisions of 21.46.3.1.2 below, location or co-location on existing towers or structures shall be approved as a Principal Use Permitted by the Zoning Administrator under applicable provisions, including 21.46.2.7.1. An accessory equipment shelter building shall meet all normal requirements of accessory buildings.

If not locating or co-locating on existing towers or structures, the applicant shall be required to provide information regarding the feasibility of location or co-location as part of the Special Land Use application.

Factors to be considered in determining feasibility or co-sharing include available space on existing structures, towers, the tower owner's ability to lease space, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, the comparative costs of co-location and new construction, and any FCC limitations on tower sharing.

21.46.3.1.2 The applicant shall be required to send a certified mail announcement to all other tower owners in the area, stating their siting needs and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not be denied space on a tower unless mechanical, structural, or regulatory factors prevent sharing.

21.46.3.1.3 Further the applicant may be required to provide a letter of intent to lease excess space on a facility and commit to: Responding to any requests for information from another potential shared use applicant. Negotiating in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable; and making no more than a reasonable charge for a share use lease.

21.46.3.2 Tower heights shall be no more than required according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. The applicant shall provide funds to the county determined by the Planning Commission to be sufficient to acquire an independent technical and engineering evaluation of the need for any tower in excess of one hundred seventy-nine (190-179) feet. Where the independent evaluation shows that service can be provided

by a one hundred seventy-nine (179) foot or lower tower no tower in excess of one hundred seventy-nine (179) feet shall be allowed. The Zoning Board of Appeals shall not grant a variance from this requirement.

SECTION 21.46.4 REMOVAL OF WIRELESS COMMUNICATION TOWERS:

- 21.46.4.1 A condition of every approval of a wireless communication tower shall be adequate provision for removal of all or part of the facility by users and owners when the tower has not been used for a period of twelve (12) months. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations shall be considered as the beginning of a period of non-use.
- 21.46.4.2 At such time that removal is required, the property owner or persons who had used the facility shall immediately apply or secure the application that require demolition or removal and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- 21.46.4.3 If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the County may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and /or enforced from or under the security posted at the time application was made for establishing the facility.

SECTION 21.46.5

All towers in Section 21.46 must comply with FCC and FAA regulations.

ARTICLE 6 R3 RESIDENTIAL ESTATES DISTRICT

INTENT:

The R3 Residential Estates District is established to provide for areas topographically and locationally well suited to meet an increasing market for ten (10) acre lots and larger, which can potentially be re-subdivided into smaller lots. This district is to encourage the orderly transition of land to low density residential use.

SECTION 6.1 PRINCIPAL USES PERMITTED

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

- 6.1.1 All principal uses permitted in the R1 District [See Article 4.1]
- 6.1.2 Fraternal lodges
- 6.1.3 Wildlife, plant and habitat preservation areas
- 6.1.4 Group care facilities meeting applicable state licensing requirements
- 6.1.5 Retail specialty store as permitted in Article 5.1.4
- 6.1.6 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site, and that the parking requirements of Article 21.27 be observed
- 6.1.7 Temporary Recreation Housing/Travel trailers. Permit criteria includes Article 21.33
- 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

SECTION 6.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

- 6.2.1 All principal uses permitted in the R2 District, and all permitted uses subject to special conditions in the R1 District [See Article 4.2] and R2 District [See Article 5.2]
- 6.2.2 Gasoline stations with store
- 6.2.3 Driving range
- 6.2.4 Campgrounds (Commercial or Non-commercial)
- 6.2.5 Manufactured Housing Parks
- 6.2.6 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]
- 6.2.7 Unlisted property uses if authorized under Article 21.44
- 6.2.8 Wireless Telecommunications Towers and Facilities one hundred seventy-nine (179) feet or less in height, without lights [Permit criteria includes Article 21.46]

ARTICLE 8 FR FORESTRY RECREATION DISTRICT

INTENT:

The FR Forestry Recreation District is designed to promote the use of rural areas in a manner that will retain the basic attractiveness and inherent values of natural resources. The intent of the District is to retain rural areas for resource purposes, but recognizing the need to allow multiple uses considered acceptable in a rural environment.

SECTION 8.1 PRINCIPAL USES PERMITTED

- 8.1.1 One (1) family dwellings
- 8.1.2 Growing and harvesting of nursery field stock
- 8.1.3 Farms and agricultural operations of all kinds, including temporary agricultural roadside stands, provided the stands are off the road right-of-way, operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked on site and that the parking requirements of Article 21.27 be observed
- 8.1.4 Tree farms, forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities
- 8.1.5 Public and private parks, playgrounds, passive recreational areas, camping grounds, hunting grounds, fishing sites and wildlife preserves
- 8.1.6 Bed and breakfast/tourist homes
- 8.1.7 Family and group care facilities
- 8.1.8 Duplex dwellings
- 8.1.9 Fraternal lodges
- 8.1.10 Landing strips
- 8.1.11 Wildlife, plant, and habitat preservation areas
- 8.1.12 Cemeteries [Permit criteria includes Article 21.4]
- 8.1.13 Riding academies or stables [Permit criteria includes Article 21.35]
- 8.1.14 Travel trailers (on private property) [Permit criteria includes Article 21.33]
- 8.1.15 Home occupation
- 8.1.16 Wireless Telecommunications Towers and Facilities one hundred ~~ninety seven~~ ~~nine~~ (100-179) or less in height, without lights [Permit criteria includes Article 21.46]
- 8.1.17 Structures for storage of the owner's personal non-farm possessions and non-commercial activities - These structures shall not be used as dwellings. Structures shall meet the size requirements of Section 21.1.3.
- 8.1.18 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use
- 8.1.19 WTG Small: Permitted as an accessory use to an allowed Principal Use
- 8.1.20 WTG Medium: Permitted as an accessory use to an allowed Principal Use

SECTION 8.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

- 8.2.1 All permitted uses subject to special conditions, as permitted and regulated in the R1 District.
- 8.2.2 Sportsmen associations or clubs, including shooting ranges
- 8.2.3 Active recreation areas, stadiums and race tracks

- 8.2.4 Veterinary hospitals, clinics with indoor kennels [Permit criteria include [Article 21.45](#)]
- 8.2.5 Driving ranges
- 8.2.6 Game preserves
- 8.2.7 Gasoline stations with or without store
- 8.2.8 Detention facilities
- 8.2.9 Recreation farms (dude ranches)
- 8.2.10 Restaurants and/or taverns (without drive-through service)
- 8.2.11 Campgrounds (commercial)
- 8.2.12 Dog grooming and kennel facilities [Permit criteria includes [Article 21.45](#)]
- 8.2.13 Golf courses and country clubs [Refer to [Articles 4.2.5](#) and [21.11](#)]
- 8.2.14 Hunt clubs (commercial)
- 8.2.15 Recreation camps or resorts
- 8.2.16 Surface mining of gravel, sand, clay, topsoil or marl [See [Article 21.25](#) for criteria]
- 8.2.17 Travel trailer courts
- ~~8.2.18~~ Wireless Telecommunications Towers and Facilities over one hundred ~~ninety-seven~~ ~~nine~~ ~~seventy-nine~~ (100) feet in height, or with lights [Permit criteria includes [Article 21.46](#)]
- 8.2.19 WTG Large
- 8.2.20 Anemometer Tower
- 8.2.21 Unlisted property uses if authorized under [Article 21.44](#)
- 8.2.22 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

INTENT:

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

SECTION 9.1 PRINCIPAL USES PERMITTED

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

- 9.1.1 One (1) family dwelling unit
- 9.1.2 Two (2) family (duplex) dwellings subject to the one (1) family density requirements with a minimum lot width of three hundred (300) feet
- 9.1.3 Two (2) detached single-family dwelling units may be permitted, subject to the following conditions:
 - 9.1.3.1 There is a separation between the two (2) dwellings so the lot may be divided into two (2) legal lots with each lot having a lawful minimum width and area, with each dwelling still maintaining the front, side and rear setback as regulated in the District.
 - 9.1.3.2 The County Health Department approves the sanitary system.
- 9.1.4 Growing, raising, and harvesting of agricultural products and farm livestock
- 9.1.5 Woodlots, tree farms, nursery field stock, and harvesting activities
- 9.1.6 Buildings for storing or housing machinery, equipment and/or livestock, including repair operations when accessory to agricultural and farm operations
- 9.1.7 Experimental agricultural activities and uses related to farm research
- 9.1.8 Wildlife habitat and plant species preservation areas
- 9.1.9 Farm industries may include saw mills of a permanent or temporary nature, with assembly of green or untreated wood to a usable item for marketing, provided the operation is conducted as an accessory to a farm and that the use is two hundred (200) feet from property lines
- 9.1.10 Bed and breakfast/tourist homes
- 9.1.11 Family and group care facilities
- 9.1.12 Forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities
- 9.1.13 Fraternal lodges
- 9.1.14 Aircraft Landing Strips
- 9.1.15 Churches
- 9.1.16 Cemeteries [Permit criteria include [Article 21.4](#)]
- 9.1.17 Dwellings less than sixteen (16) feet wide [Permit criteria include [Article 21.22](#)]
- 9.1.18 Riding academies or stables [Permit criteria include [Article 21.35](#)]
- 9.1.19 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site and that the parking requirements of [Article 21.27](#) be observed
- 9.1.20 Veterinary hospitals, clinics with indoor kennel [Permit criteria include [Article 21.45](#)]
- 9.1.21 Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]
- 9.1.22 Home occupation

9.1.23 Farm buildings, in existence at the time of the adoption of this amendment and no longer used in support of agricultural interests, may be used as rental property for storage of individually owned items

9.1.23.1 So as to alleviate noise and traffic associated with commercial activities and thus maintain the rural, open space character of the area, the rental shall not be made into commercial enterprises.

9.1.23.2 All applicable sections of the zoning Ordinance apply

9.1.23.3 The Zoning Administrator may opt to refer the application to the Planning Commission if there are unusual circumstances

9.1.24 Wireless Telecommunications Towers and Facilities one hundred ~~ninety seven nine (199 179)~~ feet or less in height without lights [Permit criteria includes [Article 21.46](#)]

9.1.25 Structures for storage of the owner's personal non-farm possessions and non-commercial activities. These structures shall not be used as dwellings. Structures shall meet the size requirements of [Section 21.1.3](#).

9.1.26 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

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

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

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

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

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

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

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

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

9.2.5 Commercial outdoor sport and recreational facilities, outdoor musical entertainment

9.2.6 Driving ranges

9.2.7 Game preserves

9.2.8 Gasoline stations with or without store

9.2.9 Detention facilities

9.2.10 Shooting ranges (outdoor)

9.2.11 Recreation camps, resorts or housekeeping units

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

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

- 9.2.14 Golf courses and country clubs [Refer to Articles 4.2.5 and 21.11]
- 9.2.15 Hunt clubs (commercial)
- 9.2.16 Airport with appurtenant facilities, when approved by the Planning Commission after a hearing, provided the operating characteristics are deemed not to conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.)
- 9.2.17 Surface mining of gravel, sand, clay, topsoil or marl [See Article 21.25 for criteria]
- 9.2.18 Travel trailer courts
- 9.2.19 Campgrounds (commercial)
- 9.2.20 Race tracks
- 9.2.21 Wireless Telecommunications Towers and Facilities over one hundred ~~ninety seven-nine (19979)~~ feet in height, or with lights [See Article 21.46]
- 9.2.22 WTG Large
- 9.2.23 Anemometer Tower [See Article 21.47]
- 9.2.24 Unlisted property uses if authorized under Article 21.44
- 9.2.25 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

ARTICLE 10 B1 LOCAL BUSINESS DISTRICT

INTENT:

The B1 Local Business District establishes a Business District that is more selective than a General Business District. It provides for the establishment of neighborhood shopping areas, personal services, and professional office areas that are compatible with and of service to residential uses, provided the uses are within a completely enclosed building.

SECTION 10.1 PRINCIPAL USES PERMITTED

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

- 10.1.1 Office buildings for administrative, professional, governmental and sales offices
- 10.1.2 Medical and dental offices, including clinics
- 10.1.3 Banks and financial institutions, without drive through
- 10.1.4 Any generally recognized retail business within an enclosed building less than one hundred thousand (100,000) square feet, excluding bars and restaurants serving alcoholic beverages
- 10.1.5 Any personal service establishment which performs such services as, but not limited to: barber, beauty salon, shoe repair, tailor shops, interior decorators and photographers
- 10.1.6 Offices and showrooms of plumbers, electricians, decorators or similar trades, without outdoor storage
- 10.1.7 Rental shops with no outdoor storage
- 10.1.8 Printing establishments, newspaper offices, publishers, and copying services
- 10.1.9 Existing residences
- 10.1.10 Athletic or sports facilities and health clubs, indoor only
- 10.1.11 Churches
- 10.1.12 Convalescent or nursing home care facility
- 10.1.13 Community service facilities (public library, offices operated through public funds, etc.)
- 10.1.14 Educational institutions
- 10.1.15 Commercial Day Care
- 10.1.16 Funeral home and mortuary
- 10.1.17 Family Care Facility
- 10.1.18 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See [Article 21.46](#)]

SECTION 10.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

- 10.2.1 Motels, hotels, motor inns, cabin courts, bed and breakfast facilities, tourist lodging facilities and museums
- 10.2.2 Gasoline service stations for sale of motor fuels, oil and minor accessories
- 10.2.3 Retail uses over one hundred thousand (100,000) square feet
- 10.2.4 Dry cleaners, laundry
- 10.2.5 Utility and essential service buildings when operating requirements necessitate the locating of said facilities within the District in order to serve the immediate vicinity

- 10.2.6 Wireless Telecommunications Towers and Facilities one hundred ~~ninety-seven~~ ~~nine~~ (179) feet or less in height [Permit criteria includes Article 21.46]
- 10.2.7 Nursery sales, garden supply centers and greenhouses with outdoor display areas
- 10.2.8 Recycling Facility
- 10.2.9 WTG Small: Permitted as an accessory use to an allowed Principal Use
- 10.2.10 Unlisted property uses if authorized under Article 21.44
- 10.2.11 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

INTENT:

The B2 General Business District is designed to provide sites for more diversified business types than the B1 Local Business District and often located so as to serve passer-by-traffic. Tourist services are included as being in character with the District.

SECTION 11.1 PRINCIPAL USES PERMITTED

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

11.1.1 All principal uses permitted in the B1 Local Business District

11.1.2 Theaters, halls, and similar places of assembly

11.1.3 Laundromats and dry cleaners

11.1.4 Bowling alleys, pool or billiard parlors or clubs

11.1.5 Equipment rental shops with outside storage

11.1.6 Indoor archery range

11.1.7 Lumber yards and building material suppliers-within enclosed building

11.1.8 Tavern/night clubs

11.1.9 Restaurants serving alcoholic beverages

11.1.10 Public parking garages

11.1.11 Bus stations and passenger terminals

11.1.12 Businesses and restaurants with drive-through service

11.1.13 Wireless Telecommunications Towers and Facilities one hundred ~~ninety seven~~ ~~nine~~ ~~(+90 179)~~ feet or less in height without lights [Permit criteria includes Article 21.46]

11.1.14 Transient Merchants-Tent and open air merchants, for periods of up to ninety (90) days per year, housing retail uses otherwise allowed by the Zoning Ordinance in this district. A single thirty (30) day extension may be applied for. Three (3) or more merchants on a parcel simultaneously must be permitted as a "Flea market".

11.1.15 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use. [See Article 21.46]

SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

11.2.1 All uses subject to special conditions in the B1 Local Business District

11.2.2 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage

11.2.3 Rifle or pistol ranges when within a completely enclosed building

11.2.4 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view

11.2.5 Car wash

11.2.6 Sales, rental, and service centers for vehicles, watercraft, and/or mobile homes, including new or used automobiles, motor bikes, bicycles, boats, ATV's, campers, snowmobiles, trailers, and motor, mobile, modular, manufactured homes, or farm equipment, provided:

- 11.2.6.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two (2) streets
- 11.2.6.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots
- 11.2.6.3 No sales or display shall occupy any public street or road right-of-way; and further, must be set back at least twenty (20) feet from the front property line
- 11.2.6.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department
- 11.2.7 Hospitals
- 11.2.8 Commercial outdoor sport and recreational facilities
- 11.2.9 Flea markets
- 11.2.10 Mini-storage buildings consisting of separate storage rooms rented or leased by the month
- 11.2.11 Wireless Telecommunication Towers and Facilities one hundred ~~ninety seven~~ ~~nine~~ ~~(190)~~ ~~(79)~~ feet or more in height [Permit criteria includes Article 21.46]
- 11.2.12 Solid Waste Hauler
- 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 21.44.
- 11.2.15 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

INTENT:

The B3 District is designed to provide sites for light manufacturing and wholesale storage and as a distribution area to retail stores or industrial users. These sites do not necessarily have to abut or be adjacent to a primary or secondary County road but must have access to these roads without passing through a residential district, provided that the entrance and exit is approved in written form by the County Road Commission.

SECTION 12.1 PRINCIPAL USES PERMITTED

- 12.1.1 Wholesale sales, storage and distribution facilities including accessory retail sales, but excluding storage of flammable or hazardous materials
- 12.1.2 Truck and rail freight terminals, including warehousing
- 12.1.3 Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles
- 12.1.4 Outside storage yards, provided proper fencing is provided per Article 21.10
- 12.1.5 Lumber yards, building and construction material suppliers
- 12.1.6 Bottling works, food packaging and freezer plants
- 12.1.7 Welding, jobbing, plastic, wood, machine and fabrication shops
- 12.1.8 Community service facilities (public library, offices operated through public funds, etc.)
- 12.1.9 Equipment reconditioning indoors on an impervious surface
- 12.1.10 Essential services buildings
- 12.1.11 Flea markets
- 12.1.12 Sawmills and forest product processing
- 12.1.13 Fuel storage and wholesale uses with underground storage tanks
- 12.1.14 Monument and art stone product operations
- 12.1.15 Nursery sales and greenhouses
- 12.1.16 Public works garages
- 12.1.17 Indoor archery range
- 12.1.18 Indoor rifle or pistol ranges
- 12.1.19 Construction and utility service contractors storing heavy equipment
- 12.1.20 Storage buildings consisting of building(s) with the purpose of commercial and/or private storage (A storage building shall not be used in any form as a residence.)
- 12.1.21 Agricultural chemicals and supplies in an enclosed building
- 12.1.22 Veterinary hospitals, clinics with indoor kennels [Permit criteria includes Article 21.45]
- 12.1.23 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ ~~seventy-nine~~ (190-179) feet or less in height [Permit criteria includes Article 21.46]
- 12.1.24 Recycling Facility
- 12.1.25 Solid Waste Hauler
- 12.1.26 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

SECTION 12.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

- 12.2.1 All permitted use or uses subject to special conditions in the B2 General Business District.
- 12.2.2 Auto repair garages or auto body shops, including wrecker service
- 12.2.3 Above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids
- 12.2.4 Concrete and asphalt manufacturing and distribution
- 12.2.5 Detention Facilities
- 12.2.6 Power generation plants
- 12.2.7 Research, experimental, and development establishments
- 12.2.8 Adult Entertainment
- 12.2.9 Industrial Laundries
- 12.2.10 Medical Laboratories
- 12.2.11 Dirt and aggregate storage, sales and processing
- 12.2.12 Wireless Telecommunications Towers and Facilities over one hundred ~~ninety seven~~ ~~nine~~ (100) feet in height [Permit criteria includes Article 21.46].
- 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 21.44
- 12.2.15 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

ARTICLE 13 I INDUSTRIAL DISTRICT

INTENT AND REQUIRED CONDITIONS:

The I Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial operations, subject to certain performance requirements relative to their impact on the community and adjacent non-industrial districts.

Whenever an industrial use permitted in this Article requires the use of a storage area or operational activity which is not within the confines of an enclosed building, then adequate greenbelt, screening devices, and/or buffer walls are required. [See Article 21.10 and 21.18]

The height of industrial structures and uses shall be related to building setbacks. For each foot of building height above twenty (20) feet, the minimum yard setbacks shall be increased by one (1) foot when adjacent to non-industrial districts. Building height shall not exceed thirty-five (35) feet.

Any industrial activity which produces glare, noise, vibrations, smoke, dust, odors and similar or related nuisances, shall confine these nuisances to the industrial district and must conform to State and Federal environmental regulations. Industrial operations involving the manufacture, processing, or packaging of materials which are inherently dangerous or hazardous due to flammability, toxicity, radioactivity, explosiveness, shall require special review by the Planning Commission after a hearing, and any approval shall be contingent upon a showing by the applicant industry that no dangerous, noxious or nuisance conditions will impact any adjacent premises. Whenever there is evidence that municipal treatment plants, or any river, wetland, or groundwater, lake, or other water in the County may be damaged, polluted, or otherwise adversely affected by industrial chemicals, environmental contamination prevention measures, spill containment procedures, surety bonds and other financial guarantees to correct damages, may be required by the County.

SECTION 13.1 PRINCIPAL USES PERMITTED

- 13.1.1 All principal uses permitted in the B3 Business, Light Manufacturing District
- 13.1.2 Contractors' yards, equipment storage, and materials handling operations
- 13.1.3 Major utility service yards and buildings, either public or private
- 13.1.4 Repair operations and/or maintenance activities for vehicles of any kind, including farm implements, conveyors, and other equipment or machinery
- 13.1.5 Concrete and asphalt manufacturing and distribution
- 13.1.6 Grain elevators (commercial)
- 13.1.7 Meat and poultry processing plants
- 13.1.8 Manufacturing facilities within an enclosed building, and excluding uses listed in Section 13.2
- 13.1.9 Auto body shop including wrecker service
- 13.1.10 Wireless Telecommunications Towers and Facilities one hundred ~~ninety-seven~~ ~~nine~~ (100) feet or less in height without lights [Permit criteria includes Article 21.46]
- 13.1.11 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See Article 21.46]
- 13.1.12 WTG Small: Permitted as an accessory use to an allowed Principal Use
- 13.1.13 WTG Medium: Permitted as an Accessory Use to an allowed Principal Use

SECTION 13.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

Under such conditions as the Planning Commission finds the use as not being injurious to the I Industrial District and environs and not contrary to the spirit and purpose of this Ordinance, and subject further to the conditions herein imposed as well as the conditional use standards of [Article 19](#), the following uses may be permitted:

- 13.2.1 All uses subject to special conditions in the [B3](#) Business, Light Manufacturing District.
- 13.2.2 Metal plating, buffing and polishing subject to appropriate measures to control any type of process to prevent noxious results, particularly potential acid spills and waste from plating operations.
- 13.2.3 Manufactured gas, bottled gas and related fuel services or fuel production activities, except the uses specifically exempted by the Michigan Zoning Enabling Act (Public Act 110 of 2006). Petroleum storage tanks, bottled gas or storage tanks for any flammable liquid and production or refining plants for petroleum products when not closer than one thousand (1000) feet from any residential district or residence and three hundred (300) feet from any other district, unless exempt under Act 110 of 2006
- 13.2.4 Junk yards and places so called for the storage, dismantling, wrecking and disposing of junk, and for refuse material or industrial, agricultural and automotive vehicles, upon findings that the use will operate in a reasonable manner and all harmful effects of open storage, smoke, dust, glare, noise, fire and explosive hazards are confined to the premises and are in accord with all other local and state laws - There shall be provided a completely obscuring wall not to be less than eight (8) feet in height as measured from the grade at the property line. Junk yards shall not be located closer than two hundred (200) feet from the boundary of any other zoning district. [Permit criteria includes [Article 21.3](#)]

Such use shall not be closer than forty (40) feet from any lot line. There shall be no outdoor storage of materials, equipment, structures or debris of any kind anywhere outside the designated storage area.
- 13.2.5 Painting, varnishing and undercoating shops when set back at least seventy-five (75) feet from any adjacent residential district and when conducted within a completely enclosed building
- 13.2.6 Heavy manufacturing (assembly, processing or cleaning of heavy bulky durable goods requiring heavy trucks or rail transport; drop forging, heavy stamping, punch pressing, plating, hammering or other similar processing activities)
- 13.2.7 Surface mining of gravel, sand, clay, topsoil or marl [See [Article 21.25](#) for criteria]
- 13.2.8 Manufacturing of explosives, corrosive and other dangerous chemical substances
- 13.2.9 Metal and wood-stripping establishments
- 13.2.10 Airports and landing strips
- 13.2.11 Detention Facilities
- 13.2.12 Power company generation plants
- 13.2.13 Printing and publishing plants
- 13.2.14 Research and development laboratories
- 13.2.15 Chemical processing and metallurgic manufacturing
- 13.2.16 Industrial Laundries
- 13.2.17 Medical Laboratories
- 13.2.18 Wireless Telecommunications Towers and Facilities over one hundred ~~ninety seven~~ ~~nine~~ (179) feet in height [Permit criteria includes [Article 21.46](#)]
- 13.2.19 Unlisted property uses if authorized under [Article 21.44](#)
- 13.2.20 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

ARTICLE 14 HX HIGHWAY INTERCHANGE COMMERCIAL DISTRICT

INTENT:

The Highway Interchange Commercial land use category includes areas designated for commercial development, which are primarily Interstate access dependent. This district primarily serves thru traffic and tourist needs. Uses that are consistent with these areas include, but are not limited to, gasoline stations, lodging facilities, entertainment facilities, restaurant facilities and similar tourist related developments, as well as warehouses, storage buildings, wholesale facilities and other similar uses. This district is intended to serve traffic entering or leaving the Interstate. These areas may require municipal water and sewer services and/or other comparable forms of water and sewer services with approval by the municipality and District Health Department.

SECTION 14.1 PRINCIPAL USES PERMITTED anywhere in the zoning district

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

- 14.1.1 Existing residences
- 14.1.2 Banks and financial institutions, except those with drive-through service
- 14.1.3 Office buildings for administrative, professional, governmental and sales offices
- 14.1.4 Medical and dental offices, including clinics
- 14.1.5 Public Schools under the jurisdiction of the Michigan superintendent of public instruction
- 14.1.6 Indoor theaters, halls and similar places of assembly
- 14.1.7 Bowling alleys, pool parlors or billiard parlors
- 14.1.8 Indoor archery range
- 14.1.9 Tavern/night clubs
- 14.1.10 Restaurants, except those with drive-through service
- 14.1.11 Bus stations and passenger terminals

PRINCIPAL USES PERMITTED in the zoning district only when access is from a service road. Access shall not be off Marlette Road in Otsego Lake Township and Mills Street in Corwith Township.

- 14.1.12 Any generally recognized retail business within an enclosed building under one hundred thousand (100,000) square feet
- 14.1.13 Offices and showrooms of plumbers, electricians, decorators or similar trades, without outdoor storage
- 14.1.14 Rental shops without outdoor storage
- 14.1.15 Athletic or sports facilities and health clubs, indoor only
- 14.1.16 Places of worship
- 14.1.17 Lumber yards and building material suppliers within enclosed building(s)
- 14.1.18 Businesses including those with drive-through service
- 14.1.19 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ ~~seventy-nine~~ (100 179) feet or less in height without lights [Permit criteria include Article 21.46.2]
- 14.1.20 Wholesale sales, storage and distribution facilities including accessory retail sales but excluding storage of flammable or hazardous materials - Outside storage shall be fenced and screened.
- 14.1.21 Truck and rail freight terminals, including warehousing
- 14.1.22 Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles - Outside storage shall be fenced and screened.
- 14.1.23 Lumber yards, building, construction material suppliers and home improvement centers without outside storage
- 14.1.24 Bottling works, food packaging and freezer plants

- 14.1.25 Equipment reconditioning indoors on an impervious surface.
- 14.1.26 Nursery sales and garden supply centers within enclosed building and without outside clay area(s)
- 14.1.27 Construction and utility service contractors storing heavy equipment with inside storage only
- 14.1.28 Storage buildings consisting of building(s) with the purpose of commercial and/or private storage - A storage building shall not be used in any form as a residence.
- 14.1.29 Mini-storage buildings consisting of separate storage rooms rented or leased by the month
- 14.1.30 Utilities - All utilities and service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded) shall be located underground, except where above ground equipment such as transformers, control panels, services connections and meters are required - All above ground equipment shall be located at the rear of the building. [Permitted criteria includes Article 21.10 regarding screening and fences]

EXCERPT - COMMENTS FROM PLANNING COMMISSION MEETING HELD JANUARY 21, 2019:

Unfinished Commission Business:

1. Section 21.46 Wireless Communications – Zoning Districts - *Text amendments*

Chairperson Hartmann welcomed Mr. Biencik and requested a statement from him.

Mr. Biencik stated he had been to previous planning commission meetings in conjunction with a proposed tower installation in Elmira Township. He had discussed it at length with the Elmira Planning Commission and they were on board with the tower; they were waiting on the section amendment to proceed with a special use permit. He commented on the information submitted by the opposition stating it was misleading. He explained the legislation of Section 6409 was designed for equipment modifications and coexistence on towers. It was not meant for companies to come back and randomly increase a tower's height. Towers are designed for a specific height when built and there would need to be significant upgrades in order to increase that. He stated they were fine with the text amendment presented and their special use request would be for a tower height of one hundred seventy-nine feet (179').

Chairperson Hartmann stated he was glad the legislation concerning a 10% or 20' tower height increase was brought to the Planning Commission's attention and that was why they were proposing the height change to one hundred seventy-nine feet (179') instead of one hundred ninety-nine feet (199') as originally proposed. He requested comments from Mr. Churches.

Mr. Churches stated the reason behind the height change was to prevent lighted towers in residential districts so by decreasing the height to one hundred seventy-nine feet (179'), it would ensure any *Eligible Facility Request* would still keep the tower under two hundred feet (200') and unlit.

Mr. Hilgendorf requested reassurance that this increase could only be requested once.

Mr. Churches stated Mr. Kazim had researched this and confirmed the height increase could only be requested once. He had also spoke with him that morning and he recommended other changes to the section's text.

Mr. Kazim stated the proposed height amendments in Section 21.46; he then pointed out the height gap between the two amendments. With this language in place, the concern would be the twenty foot (20') gap that could not be addressed other than with an *Eligible Facility Request*. This request was intended to be sporadic but would become the norm for Otsego County as the only means to build a tower between the two listed uses. He suggested changing Section 21.46.3 from the proposed text height of one hundred ninety-nine feet (199') to one hundred seventy-nine feet (179') to eliminate that gray area.

Chairperson Hartmann thanked him for his clarification and agreed with the change. He requested any other discussion.

Mr. Brown questioned if this language had been sent to townships yet.

Chairperson Hartmann stated it had not but he would be requesting a recommendation.

Vice Chairperson Jarecki stated she had read about the need for shorter towers when moving from 4G to 5G and asked for clarification.

Mr. Bienick stated that would not be an issue in rural areas, it was an urban issue because of the density in population. He continued stating that was the general issue with the proposed tower in Elmira; it needed to be replaced in order to handle the types of upgrades necessary to improve the signal.

Chairperson Hartmann made the following motion to include the changes discussed:

Motion made by Mr. Hartmann to recommend amendment changes to Section 21.46 Wireless Communications and the related zoning district sections be sent to townships for review and input; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Chairperson Hartmann thanked Mr. Bienick for coming.



Otsego
COUNTY
M I C H I G A N

Department of
Land Use Services
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To: Otsego County Board of Commissioners

RE: Text Amendment / Article 27 Township Participation in County Zoning

Motion made by Mr. Brown to submit recommendations for proposed amendments to Article 27 Township Participation in County Zoning pertaining to the type of notifications, persons notified, response timeframe and a summary of the comments received at the meeting held January 21, 2019 to the Otsego County Board of Commissioners; Seconded by Mr. Borton.

Motion approved unanimously.

*** Amendment changes / additions are highlighted in yellow

*** Amendment deletions are double struck

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.

EXCERPT - COMMENTS FROM PLANNING COMMISSION MEETING HELD JANUARY 21, 2019:

New Business:

1. Article 27 Township Participation – Text amendment

Chairperson Hartmann requested comment from Mr. Churches.

Mr. Churches stated the changes being proposed were for quicker distribution of information, notification to multiple parties to ensure government units were well informed and a shortened timeframe for response. An additional change had been made pertaining to the approving government body because the Otsego Lake Township Board has given the decision authority to their planning commission. They would also send text amendments out to townships after a subcommittee meeting instead of being presented to the County Planning Commission first to help accelerate the process.

Chairperson Hartmann stated he had reviewed the By-Laws and did not find anything in them preventing this from becoming procedure.

Mr. Kazim suggested the following changes:

Section 27.1:

- the addition of '*or Otsego County Zoning Board of Appeals...*' in the first sentence after 'the Otsego County Planning Commission'

Section 27.2:

- the addition of '*... supervisor, and Planning Commission Chair*' after 'the township clerk' in the first and third paragraph;
- change 'Township Board's decision' to '*Township's approving government body's decision*' in paragraph two and four and;
- change 'applicable governing body' to '*approving government body*' in paragraph five

Chairperson Hartmann agreed with the changes in addition to the others presented and asked for further discussion. He requested a motion.

Motion made by Mr. Borton to recommend amendment changes to Article 27 Township Participation in County Zoning be sent to townships for review and input; Seconded by Mr. Brown.

Motion approved unanimously.