

**RESOLUTION 2018-032**  
**GLADWIN COUNTY ZONING ORDINANCE REVISION**

WHEREAS, Public Act 110 of 2006, being MCLA 125.3101 through 125.3702 as amended, enables a county board of commissioners to adopt a county zoning ordinance to regulate the use of land, and

WHEREAS, Gladwin County adopted a county zoning ordinance pursuant to Public Act 110 of 2006, and such zoning ordinance becoming effective on February 1, 2008, and

WHEREAS, the Gladwin County Planning Commission reviewed zoning district boundaries established by the zoning ordinance and has initiated a revision to change specific boundaries to allow B2-Business Two zoning in certain areas, and

WHEREAS, required notices were published in the *Gladwin County Record*, first class mailings were completed, a public hearing was held by the Gladwin County Planning Commission, and the Planning Commission has presented a summary of the comments received at the public hearing along with its recommendation for revision to the Gladwin County Board of Commissioners,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Gladwin County Board of Commissioners approves the recommended revision to the Gladwin County Zoning Ordinance as follows:

**Revise zoning district from a B-1-Business One to B-2-Business Two zoning district in the following location: Buckeye Township, Section 5, part of the SE1/4 of NE1/4 located on W. M-61 Gladwin MI 48624**

The foregoing resolution was offered by Commissioner Smith, supported by Commissioner Hinman. Upon roll call vote, the following voted "aye":  
5 "nay":

Ø absent: Ø

~~The Chairperson declared the resolution adopted.~~

[Signature]

Clerk, Laura Brandon-Maveal

I, Laura Brandon-Maveal, the duly elected and acting Clerk of Gladwin County, hereby certify that the foregoing resolution, 2018-032 was adopted by the Gladwin County Board of Commissioners at a regular meeting of said Board held on October 9, 2018, at which meeting a quorum was present, by roll call vote of said members as herein before set forth; and that said resolution was ordered to take effect

10-9-2018

[Signature]  
Clerk, Laura Brandon-Maveal

## 2.2 Specific Terms

**ALTERNATIVE ENERGY FARM:** A solar collection system or wind energy conversion system or collection of devices or elements which rely upon direct sunlight or wind as an energy source, and where energy produced is for commercial purposes rather than to serve an individual site.

**ERECTED:** The word "erected" includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered as part of erection.

**GLARE:** The effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

## Special Use Permits

\*Note - This ordinance applies only to Commercial Farms, not residential solar panels.

## 7.26 ALTERNATIVE ENERGY FARMS

- a. **INTENT AND PURPOSE.** To allow and promote the use of alternative energy within the County as a clean alternative energy source and to provide associated placement, land development, installation, and construction regulations for alternative energy farm facilities subject to reasonable conditions that will protect the public health, safety, and welfare. These regulations establish minimum requirements for alternative energy farm facilities, while promoting a renewable energy source in a safe, effective, and efficient manner.
- b. **COMPLIANCE WITH FEDERAL AND STATE REGULATIONS.** All alternative energy farms shall comply at all times with applicable County, State, and Federal requirements, including all necessary permits and licensing. Facilities shall be constructed according to the adopted building code for the State of Michigan. Failure to comply with such regulations shall be considered a violation of this ordinance.
- c. **MINIMUM LOT SIZE.** There is no minimum lot size. Each alternative energy farm is permitted as a special land use which review will consider its compatibility with the surrounding area.

- d. **SETBACK REQUIREMENTS.** The setbacks for Alternative Energy Farms are listed in the table below. The Planning Commission may require additional setbacks as part of a conditional land use approval.

	Solar	Wind
Front	50 ft	1.5 times blade at highest point
Side	50 ft	1.5 times blade at highest point
Rear	50 ft	1.5 times blade at highest point
From Residential Districts or Sites Containing Residential Uses	50 ft	1.5 times blade at highest point
Setback from Residential Structures	50 ft	1.5 times blade at highest point
Distance from Non-Residential Structures	50 ft	1.5 times blade at highest point

e. **HEIGHT RESTRICTIONS.**

1. Freestanding solar collection devices shall not exceed 30 feet in height.
2. Roof mounted solar collection devices shall not extend more than 2 feet from the top of the roof. The total height of the building including the solar collection device shall not exceed 30 feet.
3. Commercial wind energy conversion systems shall not exceed 200 feet in height. Tower blades may not extend closer than 30 feet to the ground.

f. **FENCING AND STORAGE.**

1. All wind energy towers shall be fenced to prevent trespass.
2. Where needed for safety or security, the Planning Commission may require fencing around the entire perimeter of the farm.
3. At a minimum, equipment and materials, whether temporary or permanent, used to maintain or operate the farm shall be housed in a completely enclosed building.
4. The Planning Commission may allow outside equipment where it is necessary to the operation, or where no other feasible alternative exists, such as for solar panels. In such cases, equipment shall be fully enclosed within a fence at least 6 feet in height.
5. Fencing shall be setback far enough off property lines to maintain the property without trespassing on adjacent property.

g. **LANDSCAPING.**

1. The special land use applications shall include a proposed landscaping and screening/buffering plan prepared by a licensed landscape architect.

This plan will be reviewed through the special land use approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road right-of-ways. The use of berms and evergreen plantings along property lines adjacent to residential land uses is strongly encouraged. Trees shall be a minimum of 4 feet tall at time of planting and shall remain in good condition for the life of the Farm.

2. Solar Farms shall include screening, capable of providing year round screening, shall be provided along the non-reflective axis of the solar collection device or collection of devices.
3. Lighting shall be prohibited, except as may be required by another regulating agency, or where the Planning Commission finds it necessary for security or safety purposes.
4. All structures, including those accessory to the operation, shall be constructed in accordance with the requirements for principal structures.
5. Access/Driveways: Access to Alternative Energy Farms shall be paved with a durable hard surface, such as asphalt or concrete. The Planning Commission may modify this requirement for driveways that are not expected to generate more than one service call per day.

**h. PERFORMANCE STANDARDS.**

1. Alternative Energy Farms shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. Where possible, a rust-resistant, non-obtrusive color and finish shall be used on visible towers and equipment.
2. Alternative Energy Farms shall be designed, sited, and operated in such a manner to minimize shadow flicker on a roadway. In addition the Alternative Energy Farm shall be designed, sited, and operated in a manner to prevent shadow flicker on any existing structures located off the property on which the Alternative Energy Farm is erected. The owner and/or operator shall prohibit shadow flicker on any future lawfully constructed structure located off the property on which the Alternative Energy Farm is erected.
3. The applicant shall demonstrate that an alternative energy farm will not unreasonably interfere with the use of or view from, sites of significant public interest, such as a park or civic building.
4. Use of guy wires is prohibited.
5. Alternative energy farm operations shall not exceed 60 dBA as measured from the property line.

**i. REMOVAL OF ABANDONED FACILITIES.**

1. Alternative energy farms not operated for a continuous period of 12 months shall be considered abandoned and the owner shall remove all equipment and materials associated with the operation within 90 days of receiving an abandonment notification from the County. Failure to remove

an abandoned tower or antenna within 90 days shall be grounds for the County to remove such items at the owner's expense.

2. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. If a bond is to be required, the Planning Commission shall include the requirement as a condition of approval.
- J. **SUBMITTAL REQUIREMENTS.** The following information shall be submitted to the County, in addition to the information required for special land use and site plan review.
1. Manufacturer's specification sheets, including specific engineering tests that verify the safety of proposed systems.
  2. Elevation drawings showing the height, color, and design of all buildings, structures, and visible equipment.
  3. Engineering drawings showing compliance with the Building Code and certified by a licensed professional engineer.
  4. Siting elevations, existing photography, and a photo simulation of the proposed visual impacts.
  5. A narrative that explains how the site will not unreasonably interfere with the use of or view from sites of significant public interest, such as a park or civic building.
  6. The Planning Commission may require a visual impact assessment to determine the visual impact of the farm on scenic views.
  7. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated by the facility owner.
  8. Any additional information as may be required by the Planning Commission as appropriate, to demonstrate compliance with the regulations.
  9. Proof of liability coverage naming the County of Gladwin as a certificate holder.
  10. A sound pressure level modeling and analysis study.
  11. An environmental impact analysis.
  12. An avian and wildlife impact analysis.
  13. A shadow flicker analysis.

**County Planning Commission  
Presentation to County Commissioners  
October 9, 2018**

The Gladwin County Planning Commission has determined the need for an amendment to the Gladwin County Zoning Ordinance. The required Public Hearing was held at the October 3, 2018 Planning Commission meeting. Required notices were published in the newspaper as mandated by state statutes. No letters of notification were required. The Planning Commission is recommending to the County Commissioners that amendments be made to the ordinance as listed on the attachments, to be effective October 9, 2018.

**Summary of Change to the ordinance**

The text change will allow commercial Alternative Energy Farms (commercial solar and wind farms) with a Special Use permit.

**Summary of Comments at Public Hearing, October 3, 2018**

Zoning Administrator Justin Schneider presented the proposed text amendment to the Planning Commission. Commission member Richard Christie made a motion to recommend approval of the proposed text change to the Gladwin County Board of Commissioners. Supported by Commission Member Mike Mahaffy. All ayes. Motion carried.

The changes recommended by the Planning Commission are attached.

**Gladwin County Planning Commission  
Recommendation to Gladwin County Commissioners  
October 9, 2018**

The Gladwin County Planning Commission has, at the request of the property owner, Manning Loving Trust, James Manning, reviewed the zoning district at property located on W.M-61, Gladwin, MI, located in Buckeye Township, Section 5, Part of the SE1/4 of NE1/4. The Planning Commission is recommending to the County Commissioners that this property be rezoned from B-1-Business One to B-2-business Two zoning district. The required public hearing was held at the October 3, 2018 regular planning meeting. Required notices were posted, and first-class mailings were sent as mandated by state statutes.

**Summary of Comments at Public Hearing, October 3, 2018**

Zoning Administrator Justin Schneider presented the proposed rezoning amendment to the Planning Commission. Discussion on future use of property to be used for the sale of used cars and sheds and that it will work with the Gladwin Auto Auction. Commission member Birgel moved to recommend to the Board of Commissioners approval of the rezoning request, supported by member Mahaffy. All ayes, motion carried.