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## **ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

Amended 5.20.2020

### **SECTION 2.1 CONSTRUCTION OF LANGUAGE**

The following rules of construction apply to the text of this Ordinance:

**2.1.1** The particular shall control the general.

**2.1.2** In case of a difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

**2.1.3** Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

**2.1.4** A "building" or "structure" includes any part thereof.

**2.1.5** The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

**2.1.6** The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

**2.1.7** Terms not herein defined shall have the meaning customarily assigned to them.

**2.1.8** The term "including" means "including but not limited to." It is a term which introduces examples but does not limit the provision to only those examples.

**2.1.9** Terms referring to the Michigan Department of Natural Resources (DNR) shall be understood to refer to the Michigan Department of Environmental Quality (DEQ) where appropriate.

**2.1.10** Reference to Soil Erosion and Sedimentation Control as Part 91 of PA 451 shall be understood to mean MCLA Sections 324.9101 through 324.9123 of the Natural Resources and Environmental Protection Act of 1994.

### **SECTION 2.2 DEFINITIONS**

**ACCESSORY STRUCTURE:** A building, the use of which is incidental to that of the main building, or main use, and which is located on the same lot. Total square footage of accessory structures which includes all levels and any attic area will be used to determine compliance with the lot coverage requirement in Article 17.

**ACCESSORY USE:** A use incidental to the principal use of a building or property as defined or limited by the provisions of this Ordinance.

**ADULT ENTERTAINMENT USE:** Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "specified sexual activities: or "specified anatomical areas."

Adult entertainment uses shall include:

Adult book or video establishment: An establishment having a substantial or significant portion of its stock in trade books, magazines or other publications, video recordings and films which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a segment or section devoted to the sale, rent or display of such material.

Adult cabaret: A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, or similar entertainers, where a significant portion of such performances show, depict, or describe "specified sexual activities" or "specified anatomical areas."

**Adult motel:** A motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**Adult motion picture arcade:** Any place where the public is invited or permitted wherein coin - or slug/token-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images and where a significant portion of images so displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."

**Adult motion picture arcade:** Any place where the public is invited or permitted wherein coin - or slug/token-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images and where a significant portion of images so displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."

**Adult motion picture theater:** An enclosed building or open-air site with any size seating capacity used for presenting motion pictures distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**Adult sexual encounter center:** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "specified sexual activities" or conduct involving "specified anatomical areas."

Adult entertainment use is further defined by these terms:

**Specified anatomical areas:** Less than completely covered human genitals, pubic regions, buttocks, and the areola or nipple of female breasts - Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered

**Specified sexual activities:** Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.

**AGRICULTURE OR AGRICULTURAL USE:** Cultivating or using land for the production of crops for the use of animals or humans including, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. An agricultural building does not include a building used for retail trade.

**ALTERATIONS:** Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

**ANTENNA:** An exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**ANEMOMETER:** An instrument for measuring and recording the speed of the wind.

**ANEMOMETER TOWER:** A structure, including all accessory facilities, temporarily erected, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

**APARTMENTS:** [See [DWELLING, MULTIPLE FAMILY](#)]

**AUTO REPAIR GARAGE:** A place where the following auto services may be carried out: general repair, engine rebuilding, collision service, painting, undercoating, and rust proofing. The sale of engine fuels and lubricants may be included.

**BASEMENT:** That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five feet (5'), such basement shall be rated as a first story.

**BED AND BREAKFAST:** Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family and occupied as a dwelling unit, are rented to the transient public for compensation; this includes establishments that comply with Public or State Statutes. Such a use shall have the appearance of a single-family residence and be consistent with surrounding neighborhood character.

**BILLBOARDS:** A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any sign which does not pertain to the premises, or to the use of premises on which the billboard is located, or to goods sold or services rendered, or activities conducted on such premises.

**BUILDING:** A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

**BUILDING HEIGHT:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and the average height between the eaves and ridge for gable, hip, and gambrel roofs. "A" frame structures shall be measured to the highest point of the building. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

**BUILDING LINE:** A line formed by the face of the building, a building line is not to be used when determining setbacks.

**BUILDING LENGTH:** The greatest overall linear dimension of a building measured at the building footprint.

**BUILDING WIDTH:** The greatest distance between two (2) sides of a building which extend half or more of its length as measured at the building footprint

**BUILD-TO-AREA:** The space within the Build-to-Line and the Lot Line Sides. The Build-to-Area may vary a distance on either side of the Build-to-Line. The distance is determined by measuring the number of feet between the Build-to-Line and the public right-of-way and multiplying the number of feet by ten percent (10%).

**BUILD-TO-LINE:** The line of vertical plane formed by the planned building façade that is parallel to the road right-of-way and extends to and coincides with the plane of the front façade of existing or planned buildings along the same right-of-way.

**CARE FACILITY, COMMERCIAL DAY:** A facility receiving more than twelve (12) minor children or adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meeting, or by a fitness center or similar operation, shall not be considered Commercial Day Care.

**CARE FACILITY, CONVALESCENT OR NURSING HOME:** A facility with sleeping accommodations where persons are housed twenty-four (24) hours a day and furnished with meals, nursing and medical care.

**CARE FACILITY, FAMILY:** A facility required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol, for more than one (1) but less than seven (7) adults. Care for persons related by blood, marriage, or adoption to a member of the family occupying the facility is excluded from this definition. This does not include commercial day care facilities, family child care homes, group child care homes, foster homes, schools, hospitals, jails or prisons.

**CARE FACILITY, GROUP:** A facility required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol, for at least seven (7) but not more than twelve (12) adults. Care for persons related by blood, marriage, or adoption to a member of the family occupying the facility are excluded from this definition. This does not include commercial day care facilities, family child care homes, group child care homes, foster homes, schools, hospitals, jails or prisons.

**CHILD CARE HOME, FAMILY:** A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for compensation for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood,

marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting service for another individual. This definition is intended to be pursuant to the Child Care Organizations Act, MCL 722.111

**CHILD CARE HOME, GROUP:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. This definition is intended to be pursuant to the Child Care Organizations Act, MCL 722.111

**CLIMBING BARRIER:** Material attached to the lowest eight feet (8') of a lattice tower for the prevention of using structural cross members as a ladder; a safety feature to discourage climbing by unauthorized individuals

**CLUB:** An organization of persons for the promulgation of sports, arts, sciences, literature, politics, or the like.

**CO-LOCATION:** The location of two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas with the County.

**COMMERCIAL MOTOR VEHICLE:** Any self-propelled or towed vehicle designed or used on public highways to transport passengers or property, if the vehicle meets one or more of the following:

Has either a gross vehicle weight rating or actual gross weight or gross combination weight rating or an actual gross combination weight of ten thousand and one pounds (10,001 lbs.) or more;

Is designed for carrying sixteen (16) or more passengers, including the driver;

Is used in the transportation of hazardous materials in a quantity that requires the vehicle to be marked or placarded.

**CONDOMINIUM PROJECT:** Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59, 1978).

**CONDOMINIUM SUBDIVISION:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of a condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

**CONDOMINIUM SUBDIVISION PLAN:** The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**CONDOMINIUM UNIT:** Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure.

**COUNTY:** Where used in this Ordinance, shall mean the County of Otsego, State of Michigan.

**COURTYARD:** An unroofed area that is completely or mostly enclosed by the walls of a large building.

**DEVELOPMENT:** The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**DISTRICT:** A portion of the county lying outside the limits of incorporated cities and villages of the county within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (also a zone).

**DRIVE-IN:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking area for vehicles, so customers may receive goods or services for use or consumption on the premises while remaining in their vehicles.

**DRIVE-THROUGH:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach and vehicle service window for vehicle access so customers may receive goods or services for use or consumption off the premises.

**DRIP LINE:** An imaginary line drawn around the base of a tree to connect the points where drips would fall straight down from the outermost tips of the tree's branches. The drip line generally delineates the ground area containing the root system near the surface which is most sensitive to disturbance

**DWELLING UNIT:** A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation

**DWELLING, ONE-FAMILY:** A building containing not more than one (1) dwelling unit designed for residential use

**DWELLING, TWO-FAMILY (DUPLEX):** Dwelling, Two-Family - A building containing two (2) separate dwelling units designed for residential use.

**DWELLING, MULTIPLE-FAMILY:** A building containing three (3) or more dwelling units designed for residential use and including a rooming house, bed and breakfast, tourist home, apartment house, group quarters, or extended care facility for seven (7) or more persons, such as adult foster care or alternative institutional setting home. State-licensed residential facilities shall be considered as single-

family dwellings when questions of overcrowding and safety are addressed by the state agency issuing the license.

**ERECTED:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance of underground, surface, or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety, and general welfare. Provided, however, that wireless telecommunication towers and facilities, alternative tower structures, antennas, wind turbine generators and anemometer towers shall not be considered essential services.

**EXCAVATION:** Any breaking of ground, except common household gardening and ground care.

**FAMILY:** One (1) or two (2) related persons or parents with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than three (3) persons not so related, living together as a single housekeeping unit.

**FARM:** Structures, facilities and lands of twenty (20) acres or more for carrying on of any agricultural use or the raising of livestock or small animals as a source of income. [See also [AGRICULTURE](#)]

**FENCE:** Any permanent or temporary, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure and not part of a structure requiring a building permit.

**FENESTRATION:** The arrangement of windows and doors on the elevations of a building.

**FLOOR AREA, USABLE (FOR COMPUTING PARKING):** That area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area used, or intended to be used, for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded for the computation of "Usable Floor Area" All floor levels shall be counted.

**FLOWAGE:** Body of water impounded by a dam, used interchangeably with reservoir, impoundment, and flood water.

**GARAGE, PRIVATE:** A building used for the non-commercial storage of property owned by the owners of the parcel on which the building is located.

**GARBAGE:** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food. A self-contained compost pile is not considered garbage.

**GASOLINE SERVICE STATION:** A place primarily operated and designed for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories.

**GLAZING:** Furnishing or fitting with glass all surfaces on a fenestration.

**GOLF COURSE POLICY GUIDELINES:** Policy Guidelines for Minimizing Environmental Impacts from Golf Course Development in Otsego County, published by the Otsego County Water Quality Committee and the Northeast Michigan Council of Governments, as adopted by resolution of the Otsego County Planning Commission.

**GRADE:** For the purpose of regulating the number of stories and the height of buildings, the building grade shall be the level of the ground adjacent to the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

**GUEST HOUSE:** A building accessory to the main dwelling constructed under the same standards as those required for the main dwelling used for housing guests - A shared septic system does not by itself qualify the building as a guest house.

**HAZARDOUS SUBSTANCES:** Substances which are toxic, corrosive, flammable, combustible, radioactive, or capable of producing substantial injury through handling, use, or ingestion.

**HOME OCCUPATION:** The partial use of a home for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes. Family or group child care homes shall not be considered a home occupation and shall be regulated by 2006 PA 110, MCL 125.3206 and 1973 PA 116, MCL 722.111 to 722.128.

**IMPERVIOUS SURFACE:** A material incapable of being penetrated by water and other liquids. Under conditions where spills are to be retained, retention capability must be sufficient to contain one hundred twenty-five percent (125%) of any reasonably foreseeable spill for any reasonably foreseeable period necessary and have sufficient strength and durability to remain intact under reasonably foreseeable conditions. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives and parking lots.

**JUNK:** Junk includes, but is not limited to, broken and/or inoperable machinery or vehicles, or parts relating to machinery or vehicles, or broken and unusable furniture, stove, refrigerators, or other appliances.

**JUNK YARD:** An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including scrap iron and other metals, paper, rags, rubber tires, and bottles. Junkyard also includes any area of more than 200 sq. ft. used for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**JUNK YARD - AUTOMOTIVE:** An area or facility for the storage, wrecking, or salvage of parts from inoperable motorized vehicles including cars, trucks, tractors, buses, etc., containing more than four (4) vehicles, or occupying an area of 200 sq. ft. or more.

**KENNEL:** A kennel is a use that includes indoor or outdoor facilities for the boarding, for profit, of dogs or other household pets which are owned by others as a commercial business.

**LIGHTS:** Flashing, intermittent or moving – a light that blinking, flashing, or fluttering lighting, including changes in light intensity, brightness or color except as provided for in 21.38.3.1.

**LOADING SPACE:** An off-street space on the same lot with a building for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials

**LOT:** Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage, open spaces and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the County.

**LOT AREA:** The total horizontal area within the lot lines of the lot, excluding public or private streets, roads, right of ways or easements dedicated for the purpose of vehicle access or transit.

**LOT - CORNER:** A lot which occupies the interior angle at the intersection of two (2) streets, which make an angle of less than one hundred thirty-five degrees (135°).

**LOT - INTERIOR:** Any lot other than a corner lot.

**LOT - THROUGH:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required (also a double frontage lot).

**LOT COVERAGE:** That portion of the lot occupied by main and accessory buildings

**LOT DEPTH:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**LOT LINES:** The lines bounding a lot as defined herein:

**LOT LINE - FRONT:** In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated.

**LOT LINE - REAR:** That lot line opposite the front lot line. In the case of a lot pointed at the rear (pie-shaped), the rear lot line shall be an imaginary line at least ten feet (10') long, parallel to the front lot line, but inside the side lot lines.

**LOT LINE - SIDE:** Any lot line other than the front lot line or rear lot line.

**LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.

**LOT - ZONING:** A contiguous tract of land which at the time of filing for a Zoning Permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A Zoning Lot may or may not coincide with a lot of record as filed with the County Register of Deeds, and may include one (1) or more lots of record.

**MAIN BUILDING:** A building in which is conducted the principal use of the lot upon which it is situated.

**MAIN USE:** The principal use to which the premises are devoted and the principal purpose for which the premises exist.

**MANUFACTURED HOME:** [See [MOBILE HOME](#)]

**MANUFACTURED HOUSING PARK:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home.

**MARINA:** A facility which is owned or operated by a person, extends into or over an inland lake or stream and offers service to the public or members of the marina for docking, loading or other servicing of recreational watercraft.

**MASTER PLAN:** The County Comprehensive Plan as may be amended or updated, including graphic and written proposals indicating general locations for roads, streets, parking, schools, public buildings, and other physical development features, including resource conservation objectives.

**MOBILE HOME:** Means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**MUNICIPAL CIVIL INFRACTION:** The words "municipal civil infraction" means an act or omission that is prohibited by the Otsego County Zoning Ordinance or the Otsego County Municipal Civil Infractions Ordinance, and for which civil sanctions, including fines, damages, expenses and costs, may be ordered. A municipal civil

infraction is not a lesser included offense of a violation of the Otsego County Zoning Ordinance that is a criminal offense.

**NEO-TRADITIONAL:** Reviving traditional methods; combining tradition with newer elements.

**NONCONFORMING BUILDING:** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of the Ordinance in the district in which it is located.

**NONCONFORMING USE:** A use which has lawfully occupied a building or land at the time this Ordinance, or amendments thereto, became effective, that does not conform to the use regulations of the district in which it is located. (Commonly referred to as “grandfathered”)

**NURSERY, PLANT MATERIALS:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.

**NUISANCE FACTORS:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: noise, dust, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, and passenger traffic.

**OFF-STREET PARKING LOT:** A parking area off the street, which may require drives and aisles for maneuvering, for the parking of four (4) or more vehicles.

**ORDINARY HIGH-WATER LINE:** On an inland lake which has a level established by law, it means the high established level. Otsego Lake has a High-Water Line established by law which is a 1273.5 elevation.

The elevation is maintained by the County Road Commission. For other lakes in the County it means the line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

**PARKING SPACE:** An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the storage or parking of permitted vehicles

**PERSONAL WIRELESS SERVICES TELECOMMUNICATIONS TOWERS AND FACILITIES:** Self-supporting or guyed towers of one hundred fifty feet (150’) or less that provide data and internet access within a three to five (3-5) mile radius. These low wattage towers are a Permitted Use Subject to Special Conditions. [See [Section 21.46](#)]

**Section 322(c)(7) of the Federal Communications Act** uses the following definitions: (i) the term “personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term “personal wireless service facilities” means facilities for the provision of personal wireless services; and

(iii) the term “unlicensed wireless service” means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

**PHOTOVOLTAIC SYSTEM (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.**

**PLANNING COMMISSION:** Shall mean the Otsego County Planning Commission

**PLAZA:** A public square in a city or town; an open area usually located near urban buildings and often featuring walkways, trees and shrubs, places to sit and sometimes shops.

**POLLUTING MATERIALS:** Materials which are capable of adversely affecting air or water resources by

altering odor, taste, color, or physical or chemical composition to a degree that public health or biological communities are threatened - Examples of Polluting Materials include fertilizers and pesticides.

**PRACTICAL DIFFICULTY:** A situation whereby a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, while meeting all of the dimensional standards of the zoning district within which the lot is located. Situations occurring due to the property owner’s desire to establish a use greater than the “minimum practical” use or created by an owner subsequent to the adoption date of this Ordinance is not a practical difficulty.

**PUBLIC UTILITY:** A firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

**RACE TRACK:** A way improved, designed, constructed, excavated or ordinarily used for traffic in racing, or training or testing for racing. It includes all racing by motorized vehicles and all racing activities accompanied by spectators but does not include walking or hiking trails used exclusively by humans. Racing means a competitive event in which time is a determining factor.

**RATED NAMEPLATE CAPACITY:** The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

**RESORT:** A recreational camp or facility operated for gain, and which provides overnight lodging and one or more of the following activities: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, non-motorized bicycle trails, boating, swimming and related or similar uses normally associated with recreational resorts.

**ROAD, PRIVATE:** A road or thoroughfare not owned or maintained by Otsego County or the Michigan Department of Transportation that provides the principal means of access for vehicular traffic to more than three lots, parcels, or site condominiums.

**ROAD, PUBLIC:** A road owned and maintained by Otsego County or the Michigan Department of Transportation.

**ROADSIDE STAND:** An accessory and temporary farm structure operated for the purpose of selling local agricultural products.

**SERVICE ROADS:** Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street.

**SETBACK:** The distance required to meet the front, side and rear yard open space requirements of this ordinance as measured from the lot lines or Road Right of Way to the fascia of the roof overhang or to the closest point of a deck or porch, not including steps, whichever is less.

**SHOOTING RANGE:** An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting at targets.

**SHORELAND:** Land paralleling the lake shoreline, fifty feet (50’) wide as measured from the ordinary high-water level. And the land paralleling the banks of all rivers, streams and flowages of water in the County that appear on the most recent U.S. Geological Survey Quadrangle maps, one hundred fifty feet (150’) wide, measured from the ordinary high-water level, landward, at right angles or radial to the shoreline or bank, on a horizontal plane.

**SIGN:** The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to uses, activities or services conducted on the premises where located.

**SIGN FACE:** The part of a sign structure which is used to graphically communicate a message or announcement including a border space of not less than three inches (3”) outside of any lettering or other graphic symbols or depictions.

**SOLAR ACCESS:** The access of a solar energy system to direct sunlight.

**SOLAR COLLECTOR:** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

**SOLAR ENERGY:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**SOLAR ENERGY SYSTEM:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

**SOLAR ENERGY SYSTEM, ACTIVE:** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**SOLAR ENERGY SYSTEM, GRID-INTERTIE:** A photovoltaic system that is connected to an electric circuit served by an electric utility.

**SOLAR ENERGY SYSTEM, GROUND-MOUNTED:** An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

**SOLAR ENERGY SYSTEM, LARGE-SCALE:** An Active Solar Energy System that occupies more than 40,000 square feet of grid surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

**SOLAR ENERGY SYSTEM, MEDIUM-SCALE:** An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of grid surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

**SOLAR ENERGY SYSTEM, OFF-GRID:** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

**SOLAR ENERGY SYSTEM, PASSIVE:** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**SOLAR ENERGY SYSTEM, ROOF-MOUNTED:** An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).

**SOLAR ENERGY SYSTEM, SMALL-SCALE:** An Active Solar Energy System that occupies 1,750 square feet of grid surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

**SOLAR THERMAL SYSTEM:** An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

**STORY:** That part of a building, except a mezzanine and/or basement, between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

**STREET OR ROAD:** A right-of-way, affording the principal means of access to abutting property. Alleys differ in that they offer a secondary means of access to abutting property.

**STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground

**TEMPORARY BUILDING OR USE:** A use of a building or premises permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

**TOURIST HOME:** [See **BED & BREAKFAST**]

**TRAVEL TRAILER AND/OR CAMPER:** Any trailer, trailer coach, motor home, tent camper, truck-mountable camper, or other unit designed as a vacation or traveling unit for short term occupancy, and which unit is legally licensed or licensable for towing or travel over public highways by ordinary domestic vehicle.

**UNNECESSARY HARDSHIP:** A situation whereby a property owner, due to the unique or unusual conditions of a lot or parcel, cannot meet specific standards set by the Ordinance within the subject zoning district. Situations created by an owner subsequent to the enactment of this Ordinance shall not be deemed an unnecessary hardship.

**USE:** The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied. An accessory use is subordinate and clearly incidental to the principal use.

**USES SUBJECT TO SPECIAL CONDITIONS:** Refers to special land uses pursuant to PA 110 of 2006, as amended and also pursuant to uses referred to in this Ordinance as special approvals, special uses, special land uses, or conditional uses authorized by special permit.

**VARIANCE:** A modification of the literal provisions of the Zoning Ordinance which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause practical difficulties or unnecessary hardship for the property owner.

**VEHICLE:** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks and excepting a mobile home as defined in Section 2 of Act No. 419 of the Public Acts of 1976, being section 125.1102 of the Michigan Compiled Laws.

**VEHICLE REPAIR:** Any major activity involving the general repair, rebuilding or reconditioning of vehicles, engines or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

**VEHICLE SERVICE STATION:** A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for vehicles, and including customary space and facilities for the installation of such commodities on or in such vehicles and including space for vehicle storage, minor repair and servicing

**WETLANDS:** Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, marsh, or other areas such as flood plains or environmental areas designated as such in the County Comprehensive Plan or other county, state, or federal documents.

**WIND TURBINE GENERATOR (WTG):** A tower, pylon, or other structure and any, all or some combination of the following:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

**WIND TURBINE GENERATOR HEIGHT:** The distance between the ground and the highest point of the wind turbine generator, regardless whether that point is on a fixed or mobile part of the wind turbine generator.

**WIND TURBINE GENERATOR- BUILDING-MOUNTED:** An on-site Wind Turbine Generator (WTG) used to generate electricity or produce mechanical energy for use on the property where it is located and attached to the building's roof, walls, or other elevated surface.

**WIND TURBINE GENERATOR - LARGE:** A commercial Wind Turbine Generator (WTG) used to generate and provide electricity to the electric utility grid. It may include nearby accessory facilities necessary to supply and transfer the electricity to the utility grid. These WTGs are greater than one hundred twenty feet (120') in height and shall not exceed four hundred feet (400').

**WIND TURBINE GENERATOR - MEDIUM:** An on-site Wind Turbine Generator (WTG) used to generate electricity or produce mechanical energy for use on the property where it is located having a height of greater than sixty feet (60') but less than or equal to one hundred twenty feet (120').

**WIND TURBINE GENERATOR - SMALL:** An on-site Wind Turbine Generator (WTG) used to generate electricity or produce mechanical energy for use on the property where it is located having a height of sixty feet (60') or less.

**YARDS:** The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

**YARD - FRONT:** An open space extending the full width of the lot the depth of which meets the setback requirements of the zoning district. [[See SETBACK](#)]

**Corner Lots:** Shall provide front yard setbacks on all streets, frontages, or future road easements that have or may potentially have adjacent lots fronting on the same street (or across there from).

**YARD - REAR:** An open space extending the full width of the lot, the depth of which meets the setback requirements of the zoning district. In the case of a corner lot, the rear yard may be opposite either street frontage. [[See SETBACK.](#)]

**YARD - SIDE:** An open space which meets the setback requirements of the zoning district, extending from the front yard to the rear yard. [[See SETBACK](#)]

**ZONING ADMINISTRATOR:** The official designated by the County Board of Commissioners to administer and enforce the provisions of the Ordinance - The Zoning Administrator may be the Building Official, Building Inspector or other person charged with the responsibility of administering building, land use and/or other codes in Otsego County

## ARTICLE 4 R1 RESIDENTIAL DISTRICT

Amended 5.12.2020

### INTENT

These districts are designed to provide for one (1) and two (2) family (duplex) dwelling sites and residential related uses. The uses permitted are intended to promote a compatible arrangement of land uses for homes, keeping housing areas free of unrelated traffic, nuisance land uses, and other negative influences on the residential environment.

### SECTION 4.1 PRINCIPAL USES PERMITTED

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

**4.1.1** One (1) family dwellings

**4.1.2** Two (2) family dwellings (duplex) subject to the density standards for one (1) family dwellings and a minimum lot width of one hundred fifty feet (150')

**4.1.3** One detached guest house may be permitted, provided the use is accessory to the main dwelling, is constructed under the same standards as those required for the main dwelling, the parcel is double the minimum required land area for the district in [Article 17 SCHEDULE OF DIMENSIONS](#), and the Health Department approves the sanitary system.

**4.1.4** Publicly owned and operated parks, parkways, and outdoor recreational facilities

**4.1.5** Existing farms and agricultural uses

**4.1.6** Family care facilities meeting applicable state licensing requirements

**4.1.7** Family child care homes and group child care homes

**4.1.8** Cemeteries when developed on sites of ten (10) acres or more [Permit criteria include [Article 21.4](#)]

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

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

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

**4.1.11** Structure for storage of the owner's personal possessions and non-commercial activities - These structures shall not be used as residences. Structures shall meet the size requirements of [Article 21.1.3](#)

**4.1.12** WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

**4.1.13** Roof-Mounted (any-scale) and Small-Scale Ground-Mounted Solar Energy Systems permitted as an accessory use to an allowed Principal Use

### SECTION 4.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

**4.2.1** Churches, public libraries, public buildings (excluding public works garages and storage yards) and uses normally incidental thereto

**4.2.2** Public, parochial, and other private elementary, middle, and/or secondary schools; and all accessory school bus parking lots

- 4.2.3** Colleges, and other institutions of higher learning, public or private, offering courses in general, technical, or religious education, all are subject to the following conditions:
- 4.2.3.1** Any use permitted herein shall be developed only on sites of at least five (5) acres in area
  - 4.2.3.2** No building other than a structure for residential purpose shall be closer than fifty feet (50') to any property line
- 4.2.4** Private, Non-commercial recreational areas and recreational facilities
- 4.2.5** Golf courses, or miniature golf courses, providing that:
- 4.2.5.1** Accessory restaurant and bar uses shall be housed within the club house. Uses strictly related to operation of the golf course itself, such as maintenance garage, or pro shop, may be located in separate structures. No structure, except minor rain shelters, shall be located closer than seventy feet (70') from the lot-line of any adjacent residential land and from any public right-of-way;
  - 4.2.5.2** All parking areas shall be surfaced or so treated as to prevent any dust nuisance;
  - 4.2.5.3** Refer to [Article 21.11](#) for additional conditions pertaining to golf courses
- 4.2.6** Group care facilities meeting applicable state licensing requirements
- 4.2.7** Utility and essential service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded) [Permit criteria include [Article 21.10](#) regarding screening fence]
- 4.2.8** Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty feet (150') or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]
- 4.2.9** WTG Small: Permitted as an accessory use to an allowed Principal Use
- 4.2.10** Unlisted property uses if authorized under [Article 21.44](#)

## ARTICLE 5 R2 GENERAL RESIDENTIAL DISTRICT

Amended 9.24.2019

### INTENT

The R2 General Residential District is designed to provide for multiple-family structures. This district is further intended to be a transitional use district, such as a location between residential districts and non-residential districts.

### SECTION 5.1 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:

- 5.1.1 All principal uses permitted in the R1 District [See [Article 4.1](#)]
- 5.1.2 Multiple family dwellings including rooming houses, bed and breakfast homes, tourist homes, apartment houses, group quarters, housing for the elderly, subject to the requirements of [Article 17](#) SCHEDULE OF DIMENSIONS, and approval of the County Health Department
- 5.1.3 Group care facilities meeting applicable state licensing requirements
- 5.1.4 The following uses provided there is direct access to a county primary or state trunkline highway, as defined by the County Road Commission:
  - 5.1.4.1 Retail specialty stores when operated by the property owner within a completely enclosed building with no outdoor storage or display; to include: apparel, antiques, ceramics, florists, food stores, fruit markets, gifts hobby shops [Permit criteria include [Article 21.12.2](#), [21.12.3](#)]
- 5.1.5 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

### SECTION 5.2 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.]

- 5.2.1 All uses subject to special conditions in the R1 District
- 5.2.2 The following uses provided there is direct access to a County primary or State trunkline highway, as defined by the County Road Commission:
  - 5.2.2.1 Motels and hotels provided there is a minimum lot width of one hundred fifty feet (150')
  - 5.2.2.2 Fraternal halls, sportsmen associations, and athletic clubs within completely enclosed buildings with a minimum lot of five (5) acres with a road frontage of two hundred feet (200')
  - 5.2.2.3 Professional offices for medical, dental, legal, engineering, architectural, or accounting services
  - 5.2.2.4 Convenience retail establishments
- 5.2.3 Churches
- 5.2.4 Manufactured Housing Parks
- 5.2.5 Hospitals, Convalescent or Nursing Home Care Facilities
- 5.2.6 Commercial day care facilities
- 5.2.7 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty feet (150') or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]
- 5.2.8 WTG Small: Permitted as an accessory use to an allowed Principal Use
- 5.2.9 Unlisted property uses if authorized under [Article 21.44](#)

## ARTICLE 6 R3 RESIDENTIAL ESTATES DISTRICT

Amended 4.23.2019

### 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 (1) 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 include 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 feet (150') 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 feet (179') or less in height, without lights [Permit criteria include Article 21.46]
- 6.2.9 Small-Scale Ground-Mounted Solar Energy Systems as an ~~Principal~~ Accessory Use
- 6.2.10 Medium-Scale Ground-Mounted Solar Energy Systems as an Accessory ~~or Principal~~ Use

## ARTICLE 7 RR RECREATION RESIDENTIAL DISTRICT

Amended 5.12.2020

### INTENT

The Recreation Residential District is designed to accommodate cottage and vacation home developments. It is intended that the vacation home areas be reasonably homogeneous by discouraging the mixing of recreation home areas with commercial resorts, business services and major institutional or community services.

### SECTION 7.1 PRINCIPAL USES PERMITTED

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

**7.1.1** One (1) family dwellings

**7.1.2** One detached guest house may be permitted, provided the use is accessory to the main dwelling, is constructed under the same standards as those required for the main dwelling, the parcel is double the minimum required land area for the district in [Article 17 SCHEDULE OF DIMENSIONS](#), and the Health Department approves the sanitary system.

**7.1.3** Accessory boat launching ramps, minor docks and accessory facilities provided they are developed as part of a residential lot. [Permit criteria include [Article 18 LOTS NEAR WATER](#)]

**7.1.4** Public parks, parkways, scenic trails, playgrounds, recreation lands and forests, including accessory shelters and apparatus, and historical structures or display areas

**7.1.5** Existing farms and agricultural uses

**7.1.6** Home businesses or occupations and personal services as permitted in [Article 4.1.8](#) and [5.1.4](#)

**7.1.7** Family care facilities meeting applicable state licensing requirements

**7.1.8** Family child care homes and group child care homes

**7.1.9** Bed and Breakfast/Tourist Homes

**7.1.10** Travel trailers [Permit criteria include [Article 21.33](#)]

**7.1.11** Structure for storage of the owner's possessions and non-commercial activities - These structures shall not be used as residences. Structures shall meet the size requirements of [21.1.3](#).

**7.1.12** WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

**7.1.13** Roof-Mounted (any-scale) and Small-Scale Ground-Mounted Solar Energy Systems permitted as an accessory use to an allowed Principal Use

### SECTION 7.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

**7.2.1** Community boat launching ramps, docks and accessory facilities

**7.2.2** Golf courses as regulated in the R1 District [See [Articles 4.2.5](#) and [21.11](#)]

**7.2.3** Private recreational areas and facilities

**7.2.4** Marinas

**7.2.5** Restaurants without drive-through service, which are of an appearance and character consistent with permitted uses

**7.2.6** Recreation camps or resorts

**7.2.7** Utility and essential service structures when their operating requirements necessitate locating the facilities within the district in order to serve the immediate vicinity (storage yards excluded). [Permit criteria include [Article 21.10](#) regarding screening fences]

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

**7.2.9** Churches

**7.2.10** WTG Small: Permitted as an accessory use to an allowed Principal Use

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

## ARTICLE 8 FR FORESTRY RECREATION DISTRICT

Amended 5.12.2020

### INTENT

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

### SECTION 8.1 PRINCIPAL USES PERMITTED

**8.1.1** One (1) family dwellings

**8.1.2** One detached guest house may be permitted, provided the use is accessory to the main dwelling, is constructed under the same standards as those required for the main dwelling, the parcel is double the minimum required land area for the district in [Article 17 SCHEDULE OF DIMENSIONS](#), and the Health Department approves the sanitary system.

**8.1.3** Growing and harvesting of nursery field stock

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

**8.1.5** Tree farms, forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities

**8.1.6** Public and private parks, playgrounds, passive recreational areas, camping grounds, hunting grounds, fishing sites and wildlife preserves

**8.1.7** Bed and breakfast/tourist homes

**8.1.8** Family and group care facilities meeting applicable state licensing requirements

**8.1.9** Family child care home and group child care homes

**8.1.10** Duplex dwellings

**8.1.11** Fraternal lodges

**8.1.12** Landing strips

**8.1.13** Wildlife, plant, and habitat preservation areas

**8.1.14** Cemeteries [Permit criteria include [Article 21.4](#)]

**8.1.15** Riding academies or stables [Permit criteria include [Article 21.35](#)]

**8.1.16** Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]

**8.1.17** Home occupation

**8.1.18** Wireless Telecommunications Towers and Facilities one hundred seventy-nine feet (179') or less in height, without lights [Permit criteria include [Article 21.46](#)]

**8.1.19** 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](#).

**8.1.20** WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

**8.1.21** WTG Small: Permitted as an accessory use to an allowed Principal Use

**8.1.22** WTG Medium: Permitted as an accessory use to an allowed Principal Use

**8.1.23** Roof-Mounted (any-scale) and Small and Medium-Scale Ground-Mounted Solar Energy Systems permitted as an Accessory or 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 include [Article 21.45](#)]
- 8.2.13** Golf courses and country clubs [Refer to [Articles 4.2.5](#) and [21.11](#)]
- 8.2.14** Hunt clubs (commercial)
- 8.2.15** Recreation camps or resorts
- 8.2.16** Surface mining of gravel, sand, clay, topsoil or marl [See [Article 21.25](#) for criteria]
- 8.2.17** Travel trailer courts
- 8.2.18** Wireless Telecommunications Towers and Facilities over one hundred seventy-nine feet (179') in height, or with lights
- 8.2.19** WTG Large
- 8.2.20** Anemometer Tower
- 8.2.21** Unlisted property uses if authorized under [Article 21.44](#)
- 8.2.22** Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty feet (150') or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]
- 8.2.23** Large-Scale Ground-Mounted Solar Energy Systems **permitted** as an Accessory or Principal Use

## ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

Amended 9.24.2019

### INTENT

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

### SECTION 9.1 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 feet (300')

**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 feet (200') from property lines

**9.1.10** Bed and breakfast/tourist homes

**9.1.11** Family and group care facilities meeting applicable state licensing requirements

**9.1.12** Family child care homes and group child care homes

**9.1.13** Forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities

**9.1.14** Fraternal lodges

**9.1.15** Aircraft Landing Strips

**9.1.16** Churches

**9.1.17** Cemeteries [Permit criteria include [Article 21.4](#)]

**9.1.18** Dwellings less than sixteen feet (16') wide [Permit criteria include [Article 21.22](#)]

**9.1.19** Riding academies or stables [Permit criteria include [Article 21.35](#)]

**9.1.20** 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

- 9.1.21** Veterinary hospitals, clinics with indoor kennel [Permit criteria include [Article 21.45](#)]
- 9.1.22** Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]
- 9.1.23** Home occupation
- 9.1.24** 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
- 9.1.24.1** 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.
- 9.1.24.2** All applicable sections of the zoning Ordinance apply
- 9.1.24.3** The Zoning Administrator may opt to refer the application to the Planning Commission if there are unusual circumstances
- 9.1.25** Wireless Telecommunications Towers and Facilities one hundred seventy-nine feet (179') or less in height without lights [Permit criteria include [Article 21.46](#)]
- 9.1.26** 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](#).
- 9.1.27** WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use
- 9.1.28** WTG Small: Permitted as an accessory use to an allowed Principal Use
- 9.1.29** WTG Medium: Permitted as an accessory use to an allowed Principal Use
- 9.1.30** Roof-Mounted (any-scale) and Small and Medium-Scale Ground-Mounted Solar Energy Systems **permitted as an Accessory or Principal Use**

## **SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

Amended 4.9.2013

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

- 9.2.1** Public and private parks, recreational facilities and public or private non-profit schools offering courses in general education when the use is not, to the extent practical, placed on soils predominantly rated as having high agricultural productivity in comparison with other farm lands in Otsego County
- 9.2.2** Recreation farms, dude ranches (so called) and sportsmen's clubs provided the farm land base remains essentially intact, that the number of new and/or expanded buildings be limited in scale, in so far as is practical, to that typical of a farm, and further, no activities shall cause the depletion or erosion of agricultural soils (dust, vehicle tracks, stream bank breakdown, etc.)
- 9.2.3** Permanent forest industries, including permanent sawmills, planing mills, veneer mills and related operations, provided:
- 9.2.3.1** There is a complete clean-up of discarded wastes following the cessation of activity;
- 9.2.3.2** There are no nuisances imposed upon tourist service facilities or outdoor recreation uses in the immediate vicinity;
- 9.2.3.3** The site of the proposed use encompasses an area of at least five (5) acres.
- 9.2.4** Auction yards for livestock and/or agricultural equipment with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred feet (600'), provided that there is no nuisance imposed upon the surrounding farms or dwellings

- 9.2.5 Commercial outdoor sport and recreational facilities, outdoor musical entertainment
- 9.2.6 Driving ranges
- 9.2.7 Game preserves
- 9.2.8 Gasoline stations with or without store
- 9.2.9 Detention facilities
- 9.2.10 Shooting ranges (outdoor)
- 9.2.11 Recreation camps, resorts or housekeeping units
- 9.2.12 Restaurants and/or taverns (without drive-through service)
- 9.2.13 Dog grooming and kennel facilities [Permit criteria include [Article 21.45](#)]
- 9.2.14 Golf courses and country clubs [Refer to [Articles 4.2.5](#) and [21.11](#)]
- 9.2.15 Hunt clubs (commercial)
- 9.2.16 Airport with appurtenant facilities, when approved by the Planning Commission after a hearing, provided the operating characteristics are deemed not to conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.)
- 9.2.17 Surface mining of gravel, sand, clay, topsoil or marl [See [Article 21.25](#) for criteria]
- 9.2.18 Travel trailer courts
- 9.2.19 Campgrounds (commercial)
- 9.2.20 Race tracks
- 9.2.21 Wireless Telecommunications Towers and Facilities over one hundred seventy-nine feet (179') in height, or with lights [See [Article 21.46](#)]
- 9.2.22 WTG Large
- 9.2.23 Anemometer Tower [See [Article 21.47](#)]
- 9.2.24 Unlisted property uses if authorized under [Article 21.44](#)
- 9.2.25 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty feet (150') or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]
- 9.2.26 Large-Scale Ground-Mounted Solar Energy Systems permitted as an Accessory or Principal Use

## ARTICLE 10 B1 LOCAL BUSINESS DISTRICT

Amended 9.24.2019

### 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 100,000 sq. ft., 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 and group care facilities meeting applicable state licensing requirements
- 10.1.18 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See [Article 21.46](#)]
- 10.1.19 ~~Roof-Mounted (any-scale) and Ground-Mounted Small and Medium-Scale Solar Energy Systems~~ permitted as an Accessory or Principal Use

### 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 100,000 sq. ft.

**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 seventy-nine feet (179') or less in height [Permit criteria include [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 feet (150') or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

**10.2.12** ~~Large~~ **Medium**-Scale Ground-Mounted Solar Energy Systems **permitted** as an Accessory ~~or Principal~~ Use

## ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

Amended 4.23.2019

### 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 seventy-nine feet (179') 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 feet (60') 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 feet (20') 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 seventy-nine feet (179') 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 feet (150') or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

## ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

Amended 4.23.2019

### 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 seventy-nine feet (179') 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
- 12.1.27 Roof-Mounted (any-scale) and Small, Medium, and Large-Scale Ground-Mounted Solar Energy Systems permitted as an Accessory or 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 seventy-nine feet (179') 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 feet (150') or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

## ARTICLE 13 I INDUSTRIAL DISTRICT

Amended 4.23.2019

### 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 feet (20'), the minimum yard setbacks shall be increased by one foot (1') when adjacent to non-industrial districts. Building height shall not exceed thirty-five feet (35').

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 seventy-nine feet (179') 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 feet (1000') from any residential district or residence and three hundred feet (300') 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 feet (8') in height as measured from the grade at the property line. Junk yards shall not be located closer than two hundred feet (200') from the boundary of any other zoning district. [Permit criteria includes [Article 21.3](#)]  
  
Such use shall not be closer than forty feet (40') 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 feet (75') 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 seventy-nine feet (179') 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 feet (150') or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

## ARTICLE 14 HX HIGHWAY INTERCHANGE COMMERCIAL DISTRICT

Amended 4.23.2019

### 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

14.1.12 Roof-Mounted (any-scale) and Small-Scale Ground-Mounted Solar Energy Systems permitted as an Accessory or Principal Use

**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~~13 Any generally recognized retail business within an enclosed building less than 100,000 sq. ft.

~~14.1.13~~14 Offices and showrooms of plumbers, electricians, decorators or similar trades, without outdoor storage

~~14.1.14~~15 Rental shops without outdoor storage

~~14.1.15~~16 Athletic or sports facilities and health clubs, indoor only

~~14.1.16~~17 Places of worship

~~14.1.17~~18 Lumber yards and building material suppliers within enclosed building(s)

~~14.1.18~~19 Businesses including those with drive-through service

~~14.1.19~~20 Wireless Telecommunications Towers and Facilities one hundred seventy-nine feet (179') or less in height without lights [Permit criteria include [Article 21.46.2](#)]

~~14.1.20~~21 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~~**22** Truck and rail freight terminals, including warehousing
- 14.1.~~22~~**23** Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles - Outside storage shall be fenced and screened.
- 14.1.~~23~~**24** Lumber yards, building, construction material suppliers and home improvement centers without outside storage
- 14.1.~~24~~**25** Bottling works, food packaging and freezer plants
- 14.1.~~25~~**26** Equipment reconditioning indoors on an impervious surface
- 14.1.~~26~~**27** Nursery sales and garden supply centers within enclosed building and without outside clay area(s)
- 14.1.~~27~~**28** Construction and utility service contractors storing heavy equipment with inside storage only
- 14.1.~~28~~**29** 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~~**30** Mini-storage buildings consisting of separate storage rooms rented or leased by the month
- 14.1.~~30~~**31** 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]

**SECTION 14.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS** anywhere in the zoning district.

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.]

- 14.2.1 Motels, hotels, motor inns, cabin courts, bed and breakfast facilities, tourist lodging facilities and museums
- 14.2.2 Gasoline service stations for sale of motor fuels, oil and minor accessories
- 14.2.3 Car wash subject to waste water treatment conditions
- 14.2.4 Sales, rental, and service centers for vehicles, watercraft, and/or motor homes and travel trailers, including new or used automobiles, motor bikes, bicycles, watercraft, ATV's, campers, snowmobiles, and utility trailers provided:
  - 14.2.4.1 Ingress and egress to the use shall be at least sixty feet (60') from the intersection of any two (2) streets.
  - 14.2.4.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.
  - 14.2.4.3 No sales or display shall occupy any public street or road right-of-way and further, must be set back at least twenty feet (20') from the front property line.
  - 14.2.4.4 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.
  - 14.2.4.5 Emergency access routes must be maintained in the display area.
- 14.2.5 Medium and Large-Scale Ground-Mounted Solar Energy Systems permitted as an Accessory or Principal Use

**PERMITTED USES SUBJECT TO SPECIAL CONDITIONS** in the zoning district only when access is from a service road. Access shall not be off Marlette Road in Otsego Lake Township and Mill Street in Corwith Township.

**14.2.56** Retail uses over 100,000 sq. ft.

**14.2.67** Offices and showrooms of plumbers, electricians, decorators or similar trades, with outdoor storage

**14.2.78** Rental shops with outdoor storage

**14.2.89** Nursery sales and garden supply centers with outdoor display areas

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

**14.2.1011** Rifle or pistol ranges when within a completely enclosed building as an accessory use

**14.2.1112** 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

**14.2.1213** Sales, rental, and service centers for mobile home, modular home, manufactured homes, or farm equipment provided:

**14.2.12.13.1** Ingress and egress to the use shall be at least sixty feet (60') from the intersection of any two (2) streets.

**14.2.12.13.2** The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off street parking lots.

**14.2.12.13.3** No sales or display shall occupy any public street or road right-of-way and further must be set back at least twenty feet (20') from the front property.

**14.2.1314** Above-ground storage of flammable or hazardous material provided:

**14.2.13.14.1** Aggregate storage above 5000 gallons up to 20,001 gallons shall be in a single tank

**14.2.13.14.2** Signage on the tank shall be limited to that which is statutorily required by law. Advertising signage of any type will be prohibited on the tank.

**14.2.13.14.3** Tank location is to be a minimum of fifty feet (50') from the traffic pattern on the site

## **SECTION 14.3 DEVELOPMENT REQUIREMENTS**

**14.3.1 Mechanical Equipment:** All units and appliances for air conditioning, HVAC systems, high voltage electrical systems, exhaust pipes or stacks, elevator housing and satellite dishes or telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roofline elements, penthouse-type screening devices or landscaping. Outdoor wood burning equipment (stoves/furnaces) is prohibited.

**14.3.2 Services Access:** A designated loading space shall be reserved at the rear of the building. The Planning Commission may permit loading from secondary streets if applicant demonstrates that traffic flow and access to neighboring uses will not be disrupted.

**14.3.3 Landscaping:** Landscaping is an integral part of this district and shall complement the district and surrounding uses. Landscaping shall comply with the provisions elsewhere in this ordinance.

**14.3.4 Sidewalks:** The property owners shall provide sidewalks. Sidewalks shall conform to placement and level of adjacent neighborhood sidewalks or be located one foot (1') inside the street right-of-way along all streets abutting the property. Sidewalks shall be a minimum of sixty inches (60") wide, or the width of adjoining sidewalks as approved during site plan review. Greater width may be required during site plan review.

## **ARTICLE 15 MUZ MULTIPLE USE ZONING DISTRICT**

Adopted 9.13.2016

### **MUZ MAIN STREET MULTIPLE USE ZONING**

#### **INTENT**

Main Street Multiple Use Zoning (MUZ) is established for the purpose of accommodating the highest concentration of retail and service establishments. It is designed with the intent to promote a pedestrian-oriented and accessible, central commercial service district where a variety of mutually supporting retail, office, commercial, civic and limited residential uses are permitted. Collectively, the uses permitted in this district are intended to provide a convenient and attractive retail and service center for the community, its rural trade area and tourist traffic. A prime characteristic of this district is the offering of a variety of goods and comparison-shopping opportunities directed primarily at the pedestrian shopper.

Each use shall be complementary to the stated function and purpose of the district and shall not have adverse impact upon street capacity, safety and utilities. In an effort to encourage this type of character and provide for the health, welfare and safety of the pedestrian in the area, drive-in and drive-through operations are excluded from this district.

The Main Street MUZ is further designed and intended to:

- A.** Encourage innovative, traditional and neo-traditional commercial and mixed-use developments
- B.** Encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented setting, with on-street customer parking
- C.** Extend greater opportunities for traditional community living, working, housing and recreation to all citizens, residents and visitors of the community
- D.** Encourage a more efficient use of land and public services and to reflect changes in technology of land development by directing new development in a traditional, compact and consolidated pattern of mixed use
- E.** Promote a walkable community and blend land uses to minimize traffic congestion
- F.** Prohibit the development of drive-in and drive-through facilities which contribute to traffic congestion and pose a threat to the pedestrian environment
- G.** Promote the creation of community places which are oriented to the pedestrian, thereby promoting citizen security and social interaction
- H.** Promote structures that are harmonious in overall design and development pattern
- I.** Encourage development of a community "Main Street" with mixed land uses, on-street customer parking and a continuous series of building façades and store fronts, which not only serves the needs of the immediate neighborhood but also the surrounding areas

#### **SECTION 15.1 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 specific uses:

##### **15.1.1 Art galleries**

**15.1.2** Business establishments which perform services on premises such as, but not limited to, banks, savings and loans and credit unions, pedestrian oriented automated teller machine facilities

**15.1.3** Dry cleaning establishments or pick-up stations dealing directly with the consumer, limited to 2,000 sq. ft. of floor area; Central dry-cleaning plants serving more than two (2) retail outlets shall be prohibited.

- 15.1.4** Hotels, bed and breakfast inns and bed and breakfast houses with more than four (4) rooms must meet off street parking requirements of [Article 21.18.6.4](#).
- 15.1.5** Professional offices: Office for medical, dental, legal, engineering, architectural, accounting services, brokerage houses, insurance, real estate or travel agencies with a footprint of up to 7,000 sq. ft.
- 15.1.6** Mixed-use buildings with business, commercial or service uses on the ground floor and residential or office uses on upper floors - Where there is mixed business/office and residential use in a building, there shall be provided a separate, private pedestrian entranceway for the residential uses.
- 15.1.7** Newspaper offices and publishers and commercial printers with a footprint of up to 7,000 sq. ft.
- 15.1.8** Restaurants, including those with outdoor eating areas, carry-out and open front restaurants, subject to the following site design standards:
- 15.1.8.1** Outdoor eating areas may be on a public right-of-way, on a building roof top, as part of a patio or deck or within the boundaries of a parcel or lot.
- 15.1.8.2** A minimum of four feet (4') of public sidewalk along the entire eating area and leading to the entrance of the establishment shall be maintained free of tables and other encumbrances. The pedestrian area shall also be free from benches, waste receptacles, fire hydrants and similar structures. If the sidewalk is not wide enough to allow for a four foot (4') wide clearance for circulation, the outdoor eating area shall not be permitted on a public sidewalk.
- 15.1.8.3** The outdoor eating area shall be kept clean, litter-free within and immediately adjacent to the area of the tables and chairs. Additionally, all waste generated on site shall be contained by the owner, which may require outdoor waste receptacles. Owners are responsible for all wastes so generated. Written procedures for cleaning and waste containment and removal responsibilities must be included with all applications.
- 15.1.8.4** Tables, chairs, planters, waste receptacles and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall complement building colors. All tables, chairs, umbrellas and other furniture and fixtures must be stored inside the building or in an alternate location other than a public sidewalk, except thirty (30) minutes prior to opening until sixty (60) minutes after closing.
- 15.1.8.5** Such areas are permitted seasonally between April 1<sup>st</sup> and October 31<sup>st</sup>; the hours of operation for the outdoor eating area shall be established and noted with the application.
- 15.1.8.6** The owner of an outdoor eating area may apply for two (2) event permits outside of the normal season of not more than ten (10) days combined; all other outdoor eating area requirements apply.
- 15.1.8.7** The issuance of a permit for an outdoor eating area does not constitute a separate business
- 15.1.9** Personal service establishments within a completely enclosed building, provided each occupies a total usable floor area of not more than 7,000 sq. ft., including but not limited to such uses as: repair shops (watches, radio, television, shoes, etc.), tailor and dressmaking shops, beauty parlors and styling salons, barber shops, photographic studios, film processing outlets, copy centers, interior decorators, postal centers and computer services
- 15.1.10** Public, quasi-public and institutional uses such as, but not limited to, municipal buildings and offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities, parks and playgrounds, post offices and civic centers and schools but excluding storage yards
- 15.1.11** Retail businesses which supply commodities on the premise with a footprint of up to 7,000 sq. ft., such as but not limited to: groceries, meats, fruits and produce, dairy products, baked goods, candies, wine (specialty wine shops only) and other specialty food products (such products can be produced on the premises as an accessory use provided they are sold on the site at retail prices); and stores selling drugs, dry goods, flowers, clothing, notions, books and magazines, toys, sporting goods, shoes, tobacco products, musical instruments, recorded music, video rentals and sales, gifts and souvenirs, antiques, furniture and hardware

- 15.1.12** Retail sales with a footprint of up to 7,000 sq. ft. in which both a workshop and retail outlet or showroom are required, such as plumbing, electrical, interior decorating, upholstering, printing, photographic-reproducing, radio, and home appliance and similar establishments of similar character subject to the provision that not more than eighty percent (80%) of the total useable floor area of the establishment shall be used for servicing, repairing or processing activities and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located
- 15.1.13** Cocktail lounges, bars, taverns (pubs) and brewpubs (excluding drive-in restaurants and those with drive-through facilities), where the patrons are served within the building occupied by such establishment
- 15.1.14** Studios for art, music, dance or theatrical instruction or fitness centers with footprint of up to 7,000 sq. ft.
- 15.1.15** The following in-home uses provided no more than twenty-five percent (25%) of floor area is used for such purpose:
- 15.1.15.1** Offices and home occupations when operated within the confines of a single-family dwelling as an accessory to living quarters [Permit criteria for these uses include [Article 4 R1 Residential District.](#)]
- 15.1.16** Existing Residences
- 15.1.17** Roof-Mounted (any-scale) and Small-Scale Ground-Mounted Solar Energy Systems permitted as an accessory use to an allowed Principal Use

## **SECTION 15.2 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 4.2](#) and only after the review and approval of the site plan by the Otsego County Planning Commission. See [Article 21](#) for applicable SPECIFIC REQUIREMENTS FOR CERTAIN USES, if any and [Article 23](#) for SITE PLAN REQUIREMENTS.

- 15.2.1** Indoor recreational centers, including the following: bowling alleys, roller and ice-skating rinks, pool or billiard halls, pinball and mechanical amusement device arcades and other general indoor recreation facilities, with a footprint of up to 7,000 sq. ft.
- 15.2.2** Hardware, equipment rental and building supplies where the size is limited to 7,000 sq. ft. total, of which less than 2,000 sq. ft. is outdoor storage; The Otsego County Planning Commission may permit outdoor storage for such uses provided it determines the design, placement and screening of such outdoor storage complies with the requirements of this ordinance.
- 15.2.3** Mortuaries and funeral homes with a footprint of up to 7,000 sq. ft.
- 15.2.4** Party stores (convenience stores) with a footprint of up to 7,000 sq. ft.
- 15.2.5** Senior housing, assisted living facilities or assisted day care facilities with a footprint of up to 7,000 sq. ft.
- 15.2.6** Accessory buildings with a footprint not greater than 800 sq. ft.
- 15.2.7 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, service connections and meters are required. All above ground equipment shall be located at the rear of the building. [Permit criteria includes Article 21.10 regarding screening and fence]
- 15.2.8** Wireless telecommunications towers and facilities one hundred fifty feet (150') or less in height. [Permit criteria included in [Article 21.46](#)]
- 15.2.9** Unlisted property uses if authorized under [Article 21.44](#)

## **SECTION 15.3 DEVELOPMENT REQUIREMENTS**

Buildings in the Main Street MUZ should possess architectural variety and must enhance the overall cohesiveness of the Main Street MUZ character and appearance as determined and described herein. Except as otherwise noted, buildings and uses in the Main Street MUZ shall comply with the following requirements:

**15.3.1** The ground floor use shall be considered the main use of the building.

**15.3.2 Building Placement:** Buildings shall be built so that the front building line is within the Build-to-Area. The Otsego County Planning Commission may require greater setbacks if such space, in their determination, is needed for other requirements.

**15.3.2.1** Buildings shall have the greatest portion of front coverage along the primary street(s).

**15.3.2.2** Buildings may have up to forty percent (40%) or forty feet (40'), whichever is less, of front façade recessed from the Build-to-Area to allow for courtyards and plazas.

**15.3.2.3** Cantilevered or self-supporting awnings, signs or lights may extend into the setback area; however, they must be a minimum of four feet (4') away from curbs and shall not be within eight feet (8') of the side property lines.

**15.3.3 Building Height:** New buildings shall contain at least two (2) stories unless the Otsego County Planning Commission determines a single story will not detract from the character and appearance of the Main Street MUZ.

**15.3.4** Not more than forty percent (40%) of any given floor other than the basement, may be used for bathrooms, closets, halls, utility or storage spaces and only where incidental to the primary use. All of the basement (100%) may be used for these incidental uses. Storage areas shall be in the rear one-half (1/2) of the building.

**15.3.5 Façade Design:** All visible building façades from a public right-of-way or public land shall conform to the following design criteria:

**15.3.5.1 Architectural Features:** Building façades greater than thirty-three feet (33') in length shall contain architectural features, details and ornaments. Elements such as wall clocks, decorative light fixtures and door or window canopies are recommended. Blank, windowless walls are prohibited.

**15.3.6** All non-residential buildings must have interior downspout and gutter systems. Exterior downspouts and gutters are not permitted for non-residential buildings, except for those originally constructed for single-family residential purposes.

**15.3.7 Fenestration:** All façades visible from the street must contain glazed glass windows. Spaces between windows shall be formed by columns, mullions or material found elsewhere on the façade. Clear window glass is recommended; green, blue, bronze or smoke tints are permitted.

**15.3.7.1** Glazing on the first floor shall occupy a minimum twenty-five percent (25%) of the façade; No glazing on first floor shall be placed less than two feet-six inches (2'6") above the sidewalk.

**15.3.7.2** Glazing on the second or higher floors shall be a minimum of twenty percent (20%).

**15.3.8 Building Materials:** Building materials must be consistent with the surrounding neighborhood character. Building materials on the front façade or any façade visible from a public right-of-way must be primarily of natural materials (brick, stone, wood, cast-stone or other approved material). Each front façade, any façade visible from a public right-of-way and any façade with a dedicated public entrance into the building, should contain at least sixty percent (60%) of the recommended materials listed below, excluding window areas:

**15.3.8.1 Recommended Materials:** Brick, stone, wood and cast stone

**15.3.8.2 Acceptable Materials:** Split face, scored or ground face block; beveled wood siding (lap, board and batten, shake); exterior finish insulation systems (EIFS)

**15.3.8.3** Other synthetic or highly-reflective materials should not be used, except for decorative or accent features and limited to a maximum of ten percent (10%) of any face of a story

**15.3.8.4** The following materials are prohibited within ten feet (10') of the building grade: Smooth faced block, smooth concrete, vinyl or metal siding

**15.3.8.5 The following materials are prohibited:** Opaque and reflective glass, T-111 panels, metal siding including aluminum siding and standing seam panels

**15.3.9 Side or Rear Façade Design:** All sides of a building shall be similar in design and material to present a cohesive appearance to neighboring properties. Wherever a side or rear façade is visible from a public right-of-way or if parking is located at the side or rear of a building, the façade shall be designed to create a pleasing appearance or as described within this Article.

**15.3.10 Building Entrances:** All buildings shall have at least one (1) primary public customer entrance that faces a public street unless a building does not face a public street. Rear entrances are permitted only if there is a primary entrance from a public street.

**15.3.11 Mechanical Equipment:** All units and appliances for central air conditioning, high voltage electrical (HVAC) systems, exhaust pipes or stacks, elevator housing and satellite dishes or other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fences, roofline elements, penthouse-type screening devices or landscaping. Outdoor burning equipment is prohibited.

**15.3.11.1** Fire escapes shall not be permitted on a building's front façade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

**15.3.11.2** Solid metal security gates or solid roll-down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed from inside, within the window or door frames; or if installed on the outside, if the coil box is recessed and concealed behind the building wall. Security grills shall be recessed and concealed during normal business hours.

**15.3.12 Service Access:** A designated loading space shall be reserved at the rear of the building. Loading from secondary streets may be permitted by the Otsego County Planning Commission upon demonstration by the applicant that through traffic flow and access to neighboring uses will not be disrupted.

**15.3.13 Landscaping:** Landscaping is an integral part of this district and shall compliment this district and surrounding uses. Landscaping shall comply with the provisions elsewhere in this ordinance.

**15.3.14 Courtyards and Plazas:** Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed for function, enhance surrounding buildings and provide amenities for users in the form of textured paving, landscaping, lighting, trees, benches, trash receptacles and other items of street furniture as appropriate. Courtyards shall have recognizable edges defined on at least three (3) sides by buildings, walls, elements of landscaping and elements of street furniture in order to create a strong sense of enclosure.

**15.3.15 Sidewalks:** Sidewalks shall be provided, maintained, repaired and/or replaced by the property owner. Sidewalks shall conform to placement and level of adjacent neighborhood sidewalks or be located one foot (1') inside of the street right-of-way along all streets abutting the property. Sidewalks shall be a minimum of forty-eight inches (48") wide or the width of adjoining sidewalks as approved during site plan review. Greater width may be required during site plan review. Sidewalk sections shall be maintained, repaired or replaced when they are deemed hazardous. Such maintenance, repair or replacement shall be completed within forty-five (45) days of written notice by Otsego County Building and Zoning.

**15.3.16 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, service connections and meters are required. All above ground equipment shall be located at the rear of the building. [Permit criteria includes Articles 21.10, 21.18.5 and 21.18.6 regarding screening and fencing]

**15.3.17 Enclosed Buildings:** Within the Main Street MUZ, all activities, unless specifically provided for herein, shall be conducted entirely within an enclosed building.

**15.3.18 Parking Requirements:** Parking in this district, except for hotels and bed and breakfast inns with more than four (4) rental rooms, is not subject to the parking requirements elsewhere in this ordinance for land uses that comply with the requirements of this district. On-street parking is encouraged in this district. Off-street parking may be provided to the rear of a building or in publicly owned designated lots.

## MUZ TOWN CENTER MULTIPLE USE ZONING

### INTENT

Town Center Multiple Use Zoning (MUZ) is established for the purpose of accommodating moderately heavy residential density with some retail and service business. Collectively the uses permitted in this district are intended to provide a convenient and attractive living community. It is designed and intended to be walkable, thus enhancing the Main Street MUZ and providing a transition from the Main Street MUZ to other land uses. It is further intended to be residential in appearance and character with primarily off-street parking. Streets are intended to have sidewalks.

### SECTION 15.4 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:

**15.4.1 Single-family and duplex dwellings:** These shall be built to the Build-to-Lines in a traditional residential style.

**15.4.2 Apartment buildings:** Apartment buildings may contain up to eight (8) units per building.

**15.4.3 Churches:** Churches, temples and similar places of worship, limited to a footprint of 3,500 sq. ft.

**15.4.4 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, service connections and meters are required. All above ground equipment shall be located at the rear of the building. [Permit criteria includes [Articles 21.10, 21.18.5 and 21.18.6](#) screening and fence]

**15.4.5 Laundromats (self-service or coin operated)** up to a footprint of 1,000 sq. ft.

**15.4.6 Parks**

**15.4.7 Community centers or similar places of assembly** when conducted completely with enclosed buildings with a footprint of up to 7,000 sq. ft.

**15.4.8 Senior housing, licensed residential care facilities** with a footprint of up to 7,000 sq. ft.

**15.4.9** The following in-home uses provided no more than twenty-five (25%) of the floor area is used for such a purpose:

**15.4.9.1** Offices and home occupations when operated within the confines of a single-family dwelling as an accessory to living quarters [Permit criteria for these uses include [Article 4 R1 Residential District](#)]

**15.4.10** Roof-Mounted (any-scale) and Small-Scale Ground-Mounted Solar Energy Systems permitted as an accessory use to an allowed Principal Use

### SECTION 15.5 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 4.2 and only after the review and approval of the site plan by the Otsego County Planning Commission. See Article 21 for applicable SPECIFIC REQUIREMENTS FOR CERTAIN USES, if any and Article 23 for SITE PLAN REQUIREMENTS.

**15.5.1** Apartment buildings with greater than eight (8) units per building

**15.5.2 Transitional Shelters:** Temporary shelters, overnight shelters and temporary residences

**15.5.2.1** A minimum of 120 sq. ft. of area per individual occupant shall be provided

**15.5.2.2** Up to six (6) non-related occupants may be allowed

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

## SECTION 15.6 DEVELOPMENT REQUIREMENTS

Buildings in the Town Center MUZ shall possess residential style architectural variety but must enhance the overall cohesiveness of the Town Center MUZ's character and appearance as determined and described herein. Except as otherwise noted, buildings and uses in the Town Center MUZ shall comply with the following requirements:

- 15.6.1 Building placement:** Buildings shall be built so that the front building line is within the Build-to-Area. The Otsego County Planning Commission may require greater setbacks if such space, in their determination, is needed for other requirements.
- 15.6.2 Building Design:** Buildings shall be of traditional residential home architecture and style.
- 15.6.2.1** A porch at the main floor level shall be on the front street façade measuring 120 sq. ft. or ten percent (10%) of the main floor area, whichever is greater.
- 15.6.2.2** Main floor level shall be elevated thirty-two inches (32") to forty-eight inches (48") above the grade at the Build-to-Line.
- 15.6.3 Building Materials:** Building materials that produce the traditional style look are required. The following materials are prohibited on the exterior walls: Exposed concrete or cement blocks above the foundation, asbestos siding, tar, or felt paper, T-111 panels and standing seam panels.
- 15.6.4 Sidewalks:** Sidewalks shall be provided, maintained, repaired and/or replaced by the property owner. Sidewalks shall conform to placement and level of adjacent neighborhood sidewalks or be located one foot (1') inside of the street right of way along all streets abutting the property. Sidewalks shall be a minimum of forty-eight inches (48") wide or the width of adjoining sidewalks or as approved during site plan review. Greater width may be required during site plan review. Sidewalk sections shall be maintained, repaired or replaced when they are deemed hazardous. Such maintenance, repair or replacement shall be completed within forty-five (45) days of written notice by Otsego County Building and Zoning.
- 15.6.5 Mechanical Equipment:** All mechanical equipment and appliances for central air conditioning, telecommunications and other such devices shall be located in the rear of the building. Outdoor burning units (stoves/furnaces) are prohibited.
- 15.6.6 Landscaping:** Landscaping is an integral part of this district and shall compliment the district and surrounding uses. [Permit criteria are included in [Article 21.18](#)]
- 15.6.7 Utilities:** All utilities and service structures shall be located underground except such equipment as transformers, control panels, service connections and meters. All above ground equipment shall be located at the rear of the building. [Permit criteria includes [Article 21.10](#) regarding screening and fence]
- 15.6.8 Shared driveways:** Sharing of driveways is allowed with a written agreement that is recorded at Otsego County on all applicable deeds. [Permit criteria includes [Article 25.3](#)]

## **SECTION 21.48 SOLAR ENERGY SYSTEMS**

Otsego County promotes allows for the effective and efficient use of solar energy systems. It is the intent of the County to permit these systems by regulating their siting, design, and installation to protect public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Solar energy systems shall comply with the provisions of this section and are only permitted as authorized by this section. [Ref: State of Michigan Battery Storage Regulations]

### **21.48.1 Solar Energy Systems Classification**

Solar energy systems shall be classified as follows:

- Small-Scale Solar Energy System: An Active Solar Energy System that occupies 1,750 square feet of grid surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).
- Medium-Scale Solar Energy System: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of grid surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).
- Large-Scale Solar Energy System: An Active Solar Energy System that occupies more than 40,000 square feet of grid surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar energy systems shall not be included in the maximum lot coverage calculation as detailed in Article 17.

All Ground-Mounted Solar Energy Systems located in a R1, R2, R3, RR, FR, or AR Zoning District must meet a 30-foot setback from any residential structure as well as all other setback requirements detailed in Article 17.

### **21.48.2 Small Scale Roof or Ground Mounted Solar Systems:**

The requirements for Small-Scale Roof or Ground-Mounted Solar Energy Systems shall be as follows:

**21.48.2.1 Roof-Mounted Solar Energy Systems** – For all small-scale roof-mounted systems, the applicant shall provide:

- The shortest distance between the solar collector, associated components and all edges of the roof
- The distance between the solar collector, associated components and any other existing rooftop features such as chimneys, spires, access points, etc.
- The height of the solar collector and all associated components both from finished grade and where applicable, from the finished surface of the roof. [Ref Article 23]

**21.48.2.2 Small-Scale Ground-Mounted Solar Energy Systems** – For all small ground-mounted systems, the applicant shall provide:

- The distance between the proposed solar collector, associated components and all property lines and existing on-site buildings and structures.
- The tallest finished height of the solar collector and associated components.
- Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. [Ref Article 23]

**21.48.2.3 System Components** – The Site Plan must include documentation of the major system components to be used, for example the panels, mounting system, and inverter.

**21.48.2.4 Installer Details** – The Site Plan must include the name, address, and contact information for proposed system installer.

**21.48.2.5 Utility Notification** - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning Commission or Zoning Administrator that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

**21.48.2.6 Emergency Access** - Solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities,

and provide emergency egress from the roof.

- a. For buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of one three-foot wide clear access pathway from the eave to the ridge on each roof slope where solar energy systems are located as well as one three-foot smoke ventilation buffer along the ridge.
- b. Residential rooftops that are flat shall have a minimum three-foot wide clear perimeter and commercial buildings that are flat shall have a minimum four-foot wide clear perimeter between a solar energy system and the roofline, as well as a three-foot wide clear perimeter around roof-mounted equipment such as HVAC units.
- c. To the extent practicable, the access pathway shall be located at a structurally strong location on the building (such as a bearing wall).

**21.48.2.7 Safety** – No roof-mounted solar energy system shall be located in a manner that would cause the shedding of ice or snow from the roof into a porch, stairwell or pedestrian travel area.

### **21.48.2.8 Abandonment or Decommissioning**

#### **21.48.2.8.1 Removal Requirements**

Any small-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned consistent with Section 21.48.2.8.2 of this Ordinance shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Commission or Zoning Administrator by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and Hazardous waste in accordance with local, state, and federal waste disposal regulations
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Commission or Zoning Administrator may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

#### **21.48.2.8.2 Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the small-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Commission or Zoning Administrator. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the County retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned small-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation. Any cost which results from the removal of abandoned or decommissioned solar energy system components will be charged to party responsible for the system. Per Section 25.6, the County may require the submittal of a performance guarantee at the time of application to cover the estimated cost of removing system should it be abandoned.

### **21.48.3 Medium-Scale Roof or Ground Mounted Solar Systems:**

Medium-scale roof or ground mounted solar energy systems shall undergo the Site Plan Review process as detailed in Article 23. In addition, standards for medium-scale roof or ground-mounted solar energy systems are as follows:

Site Plans for ground and roof-mounted Solar Energy Systems shall contain the following:

**21.48.3.1 Roof-Mounted Solar Energy Systems** – For all roof-mounted systems, the applicant shall provide:

- a. The shortest distance between the solar collector, associated components and all edges of the roof.

- b. The distance between the solar collector, associated components and any other existing rooftop features such as chimneys, spires, access points, etc.
- c. The height of the solar collector and associated components both from finished grade and, where applicable, from the finished surface of the roof.

**21.48.3.2 Ground-Mounted Solar Energy Systems** – For all ground-mounted systems, the applicant shall provide:

- a. The distance between the outermost proposed solar collector(s) and associated components and all property lines and existing on-site buildings and structures.
- b. The tallest finished height of the solar collector(s) and associated components.
- c. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. [Ref Article 23]

**21.48.3.3 System Components** – The Site Plan must include documentation of the major system components to be used, for example the panels, mounting system, and inverter.

**21.48.3.4 Installer Details** – The Site Plan must include the name, address, and contact information for proposed system installer

**21.48.3.5 Utility Notification** - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning Commission or Zoning Administrator, that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

**21.48.3.6 Utility Connections** - Reasonable efforts, as determined by the Planning Commission or Zoning Administrator, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

**21.48.3.7 Safety** - The **medium-scale ground-mounted** solar energy system owner or operator shall provide a copy of the Site Plan Review application to the local fire chief. All means of shutting down the solar installation shall be clearly marked.

**21.48.3.8 Visual Impact** – Reasonable efforts, as determined by the Planning Commission or Zoning Administrator, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.

**21.48.3.9 Land Clearing, Soil Erosion and Habitat Impacts** - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and bylaws/ordinances.

**21.48.3.10 Site Operation & Maintenance Plan** - The project proponent shall submit a plan for the site operation and maintenance of the large-scale ground-mounted solar energy system, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

**21.48.3.11 Emergency Access** – Roof-mounted solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof.

- a. For buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of one three-foot wide clear access pathway from the eave to the ridge on each roof slope where solar energy systems are located as well as one three-foot smoke ventilation buffer along the ridge.

- b. Residential rooftops that are flat shall have a minimum three-foot wide clear perimeter and commercial buildings that are flat shall have a minimum four-foot wide clear perimeter between a solar energy system and the roofline, as well as a three-foot wide clear perimeter around roof-mounted equipment such as HVAC units.
- c. To the extent practicable, the access pathway shall be located at a structurally strong location on the building (such as a bearing wall).

**21.48.3.12 Safety** – No roof-mounted solar energy system shall be located in a manner that would cause the shedding of ice or snow from the roof into a porch, stairwell or pedestrian travel area.

### **21.48.3.13 Abandonment or Decommissioning**

#### **21.48.3.13.1 Removal Requirements**

Any medium-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned consistent with Section 21.48.3.13.2 of this Ordinance shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the **Planning Commission or Zoning Administrator** by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and Hazardous waste in accordance with local, state, and federal waste disposal regulations
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The **Planning Commission or Zoning Administrator** may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

#### **21.48.3.13.2 Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the **medium ground-mounted** solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the **Planning Commission or Zoning Administrator**. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the County retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned medium-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation. Any cost which results from the removal of abandoned or decommissioned solar energy system components will be charged to party responsible for the system. Per Section 25.6, the County may require the submittal of a performance guarantee at the time of application to cover the estimated cost of removing system should it be abandoned.

### **21.48.4 Large-Scale Roof or Ground Mounted Solar Systems:**

Large-scale roof or ground-mounted solar energy systems shall undergo the Site Plan Review process as detailed in Article 23. In addition, standards for large-scale roof or ground-mounted solar energy systems are as follows:

Site Plans for ground and roof-mounted Solar Energy Systems shall contain the following:

#### **21.48.4.1 Roof-Mounted Solar Energy Systems** – For all roof-mounted systems, the applicant shall provide:

- a. The shortest distance between the solar collector, **associated components** and all edges of the roof.
- b. The distance between the solar collector, **associated components** and any other existing rooftop features such as chimneys, spires, access points, etc.
- c. The height of the solar collector and **associated components** both from finished grade and, where applicable, from the finished surface of the roof. [Ref Article 23]

**21.48.4.2 Ground-Mounted Solar Energy Systems** – For all ground-mounted systems, the applicant shall provide:

- a. The distance between the outermost proposed solar collector(s), associated components and all property lines and existing on-site buildings and structures.
- b. The tallest finished height of the solar collector(s) and associated components.
- c. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. [Ref Article 23]

**21.48.4.3 System Components** – The **Site** Plan must include documentation of the major system components to be used, for example the panels, mounting system, and inverter.

**21.48.4.4 Installer Details** – The **Site** Plan must include the name, address, and contact information for proposed system installer

**21.48.4.5 Site Control** - The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system.

**21.48.4.6 Site Operation & Maintenance Plan** - The project proponent shall submit a plan for the **site** operation and maintenance of the large-scale ground-mounted solar energy system, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

**21.48.4.7 Utility Notification** - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Site Plan Review Authority that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

**21.48.4.8 Lighting** - Lighting of large-scale ground-mounted solar energy systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

**21.48.4.9 Signage** - Signs on large-scale ground-mounted solar energy systems shall comply with the **County's** sign ordinance and be visible from the site access point. A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.

**21.48.4.10 Utility Connections** - Reasonable efforts, as determined by the **Planning Commission or Zoning Administrator**, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

**21.48.4.11 Emergency Services** – The large-scale ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

**21.48.4.12 Land Clearing, Soil Erosion and Habitat Impacts** - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of solar energy system or otherwise prescribed by applicable laws, regulations, and bylaws/ordinances.

**21.48.4.13 Emergency Access** – Roof-mounted solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof.

#### **21.48.4.14 Monitoring and Maintenance**

- a. Solar Energy System Conditions - The large-scale ground-mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief, Emergency Management Director, and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s), unless accepted as a public way.
- b. All material modifications to a large-scale ground-mounted solar energy system made after issuance of the required building permit shall require approval by the **Planning Commission or Zoning Administrator**

#### **21.48.4.15 Abandonment or Decommissioning**

##### **21.48.4.15.1 Removal Requirements**

Any large-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned consistent with Section 21.48.4.15.2 of this bylaw/Ordinance shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the **Planning Commission or Zoning Administrator** by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

##### **21.48.4.15.2 Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the **Planning Commission or Zoning Administrator**. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the County retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned large-scale ground-mounted solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation. Any cost which results from the removal of abandoned or decommissioned solar energy system components will be charged to party responsible for the system. Per Section 25.6, the County may require the submittal of a performance guarantee at the time of application to cover the estimated cost of removing system should it be abandoned.

## **ARTICLE 22 GENERAL EXCEPTIONS FOR AREA, HEIGHT, AND USE**

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

### **SECTION 22.1 ESSENTIAL SERVICES**

Essential Services as defined in this Ordinance and as interpreted to be local scale services shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to exempt such essential services from the application of this Ordinance.

### **SECTION 22.2 VOTING PLACES**

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

### **SECTION 22.3 HEIGHT LIMIT**

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

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

**22.3.1.1** WTG height greater than allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS and/or [Section 21.47](#) or

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

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

### **SECTION 22.4 PROJECTIONS INTO REQUIRED OPEN PLACES**

**22.4.1** Outside stairways, fire escapes, vestibules, balconies, and similar projections from the face of a building shall be considered part of the building and shall not extend into any required yard or open spaces.

**22.4.2** Architectural features such as, but not limited to, window sills, cornices, eaves, and may extend or project into a required yard not more than four (4) inches for each one (1) foot of width of such side yard.

**22.4.3** Unenclosed paved areas, such as driveways and sidewalks may occupy a required yard but shall not be nearer than two (2) feet from a paralleling lot line.

**22.4.4** Accessory utility systems necessary to meet on site health standards may occupy a required yard.