

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

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

*Proposed Language:*

## **SECTION 21.46 WIRELESS COMMUNICATIONS:**

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

- (1) Protect residential zoning districts from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the county;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, sighting, landscape;
- (7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;
- (8) Consider the public health and safety of communication towers; and
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

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

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

### **SECTION 21.46.1 DEFINITIONS:**

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

1. Antenna means any exterior transmitting or receiving device mounted on a tower, building structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
2. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
3. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting (lattice) towers, guyed towers, or monopole towers (including telephone poles). The term includes radio and television transmission towers, microwave towers, common carrier towers,

cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

4. Co-location shall mean the location by two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the County.

**SECTION 21.46.2 WIRELESS COMMUNICATIONS TOWERS OF ONE HUNDRED ~~NINETY SEVENTY-NINE~~ (199 179) FEET OR LESS AND RELATED FACILITIES:**

Construction of Wireless Telecommunication Antenna Towers of one hundred ~~ninety seventy-nine~~ (199 179) feet or less and Equipment Shelter Buildings are allowed in Otsego County subject to the following provisions:

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

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

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

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

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

21.46.2.4 All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer than ~~one~~ two hundred percent (~~100~~ 200%) of the tower's height from any property line or any residence.

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

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

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

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

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

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

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

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

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

21.46.2.8 Lighting shall be designed in accordance with [Section 21.19](#) in addition to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

tower in excess of one hundred ~~ninety~~ **seventy-nine** (~~190~~**179**) feet shall be allowed. The Zoning Board of Appeals shall not grant a variance from this requirement.

#### **SECTION 21.46.4 REMOVAL OF WIRELESS COMMUNICATION TOWERS:**

21.46.4.1 A condition of every approval of a wireless communication tower shall be adequate provision for removal of all or part of the facility by users and owners when the tower has not been used for a period of twelve (12) months. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations shall be considered as the beginning of a period of non-use.

21.46.4.2 At such time that removal is required, the property owner or persons who had used the facility shall immediately apply or secure the application that require demolition or removal and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

21.46.4.3 If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the County may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and /or enforced from or under the security posted at the time application was made for establishing the facility.

#### **SECTION 21.46.5**

All towers in [Section 21.46](#) must comply with FCC and FAA regulations.

## **ARTICLE 6 R3 RESIDENTIAL ESTATES DISTRICT**

### **INTENT**

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

### **SECTION 6.1 PRINCIPAL USES PERMITTED**

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

- 6.1.1 All principal uses permitted in the R1 District [See Article 4.1]
- 6.1.2 Fraternal lodges
- 6.1.3 Wildlife, plant and habitat preservation areas
- 6.1.4 Group care facilities meeting applicable state licensing requirements
- 6.1.5 Retail specialty store as permitted in Article 5.1.4
- 6.1.6 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site, and that the parking requirements of Article 21.27 be observed
- 6.1.7 Temporary Recreation Housing/Travel trailers. [Permit criteria 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 (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]
- 6.2.7 Unlisted property uses if authorized under Article 21.44
- 6.2.8 Wireless Telecommunications Towers and Facilities one hundred seventy-nine (179) feet or less in height, without lights [Permit criteria include [Article 21.46](#)]

## ARTICLE 8 FR FORESTRY RECREATION DISTRICT

### INTENT

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

### SECTION 8.1 PRINCIPAL USES PERMITTED

- 8.1.1 One (1) family dwellings
- 8.1.2 Growing and harvesting of nursery field stock
- 8.1.3 Farms and agricultural operations of all kinds, including temporary agricultural roadside stands, provided the stands are off the road right-of-way, operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked on site and that the parking requirements of [Article 21.27](#) be observed
- 8.1.4 Tree farms, forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities
- 8.1.5 Public and private parks, playgrounds, passive recreational areas, camping grounds, hunting grounds, fishing sites and wildlife preserves
- 8.1.6 Bed and breakfast/tourist homes
- 8.1.7 Family and group care facilities
- 8.1.8 Duplex dwellings
- 8.1.9 Fraternal lodges
- 8.1.10 Landing strips
- 8.1.11 Wildlife, plant, and habitat preservation areas
- 8.1.12 Cemeteries [Permit criteria include [Article 21.4](#)]
- 8.1.13 Riding academies or stables [Permit criteria include [Article 21.35](#)]
- 8.1.14 Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]
- 8.1.15 Home occupation
- 8.1.16 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ **seventy-nine** (~~190~~ **179**) or less in height, without lights [Permit criteria include [Article 21.46](#)]
- 8.1.17 Structures for storage of the owner's personal non-farm possessions and non-commercial activities - These structures shall not be used as dwellings. Structures shall meet the size requirements of [Section 21.1.3](#).
- 8.1.18 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use
- 8.1.19 WTG Small: Permitted as an accessory use to an allowed Principal Use
- 8.1.20 WTG Medium: Permitted as an accessory use to an allowed Principal Use

## SECTION 8.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

8.2.1 All permitted uses subject to special conditions, as permitted and regulated in the R1 District.

8.2.2 Sportsmen associations or clubs, including shooting ranges

8.2.3 Active recreation areas, stadiums and race tracks

8.2.4 Veterinary hospitals, clinics with indoor kennels [Permit criteria include [Article 21.45](#)]

8.2.5 Driving ranges

8.2.6 Game preserves

8.2.7 Gasoline stations with or without store

8.2.8 Detention facilities

8.2.9 Recreation farms (dude ranches)

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

8.2.11 Campgrounds (commercial)

8.2.12 Dog grooming and kennel facilities [Permit criteria 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 ~~ninety~~ **seventy-nine** (~~100~~ **179**) feet 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 (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

## **ARTICLE 9 AN AGRICULTURAL RESOURCE DISTRICT**

### **INTENT**

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

### **SECTION 9.1 PRINCIPAL USES PERMITTED**

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

9.1.1 One (1) family dwelling unit

9.1.2 Two (2) family (duplex) dwellings subject to the one (1) family density requirements with a minimum lot width of three hundred (300) feet

9.1.3 Two (2) detached single-family dwelling units may be permitted, subject to the following conditions:

9.1.3.1 There is a separation between the two (2) dwellings so the lot may be divided into two (2) legal lots with each lot having a lawful minimum width and area, with each dwelling still maintaining the front, side and rear setback as regulated in the District.

9.1.3.2 The County Health Department approves the sanitary system.

9.1.4 Growing, raising, and harvesting of agricultural products and farm livestock

9.1.5 Woodlots, tree farms, nursery field stock, and harvesting activities

9.1.6 Buildings for storing or housing machinery, equipment and/or livestock, including repair operations when accessory to agricultural and farm operations

9.1.7 Experimental agricultural activities and uses related to farm research

9.1.8 Wildlife habitat and plant species preservation areas

9.1.9 Farm industries may include saw mills of a permanent or temporary nature, with assembly of green or untreated wood to a usable item for marketing, provided the operation is conducted as an accessory to a farm and that the use is two hundred (200) feet from property lines

9.1.10 Bed and breakfast/tourist homes

9.1.11 Family and group care facilities

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

9.1.13 Fraternal lodges

9.1.14 Aircraft Landing Strips

9.1.15 Churches

9.1.16 Cemeteries [Permit criteria include [Article 21.4](#)]

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

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

9.1.19 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site and that the parking requirements of [Article 21.27](#) be observed

- 9.1.20 Veterinary hospitals, clinics with indoor kennel [Permit criteria include [Article 21.45](#)]
- 9.1.21 Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]
- 9.1.22 Home occupation
- 9.1.23 Farm buildings, in existence at the time of the adoption of this amendment and no longer used in support of agricultural interests, may be used as rental property for storage of individually owned items
- 9.1.23.1 So as to alleviate noise and traffic associated with commercial activities and thus maintain the rural, open space character of the area, the rental shall not be made into commercial enterprises.
- 9.1.23.2 All applicable sections of the zoning Ordinance apply
- 9.1.23.3 The Zoning Administrator may opt to refer the application to the Planning Commission if there are unusual circumstances
- 9.1.24 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ **seventy-nine** (~~190~~ **179**) feet or less in height without lights [Permit criteria include [Article 21.46](#)]
- 9.1.25 Structures for storage of the owner's personal non-farm possessions and non-commercial activities. These structures shall not be used as dwellings. Structures shall meet the size requirements of [Section 21.1.3](#).
- 9.1.26 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use
- 9.1.27 WTG Small: Permitted as an accessory use to an allowed Principal Use
- 9.1.28 WTG Medium: Permitted as an accessory use to an allowed Principal Use

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

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

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

- 9.2.6 Driving ranges
- 9.2.7 Game preserves
- 9.2.8 Gasoline stations with or without store
- 9.2.9 Detention facilities
- 9.2.10 Shooting ranges (outdoor)
- 9.2.11 Recreation camps, resorts or housekeeping units
- 9.2.12 Restaurants and/or taverns (without drive-through service)
- 9.2.13 Dog grooming and kennel facilities [Permit criteria 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 ~~ninety~~ **seventy-nine** (~~179~~) feet in height, or with lights [See [Article 21.46](#)]
- 9.2.22 WTG Large
- 9.2.23 Anemometer Tower [See [Article 21.47](#)]
- 9.2.24 Unlisted property uses if authorized under [Article 21.44](#)
- 9.2.25 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

## **ARTICLE 10 B1 LOCAL BUSINESS DISTRICT**

### **INTENT**

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

### **SECTION 10.1 PRINCIPAL USES PERMITTED**

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

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

### **SECTION 10.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

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

- 10.2.1 Motels, hotels, motor inns, cabin courts, bed and breakfast facilities, tourist lodging facilities and museums
- 10.2.2 Gasoline service stations for sale of motor fuels, oil and minor accessories

10.2.3 Retail uses over one hundred thousand (100,000) square feet

10.2.4 Dry cleaners, laundry

10.2.5 Utility and essential service buildings when operating requirements necessitate the locating of said facilities within the District in order to serve the immediate vicinity

10.2.6 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ **seventy-nine** (~~190~~ **179**) feet 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 (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

## **ARTICLE 11 B2 GENERAL BUSINESS DISTRICT**

### **INTENT**

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

### **SECTION 11.1 PRINCIPAL USES PERMITTED**

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

- 11.1.1 All principal uses permitted in the [B1](#) Local Business District
- 11.1.2 Theaters, halls, and similar places of assembly
- 11.1.3 Laundromats and dry cleaners
- 11.1.4 Bowling alleys, pool or billiard parlors or clubs
- 11.1.5 Equipment rental shops with outside storage
- 11.1.6 Indoor archery range
- 11.1.7 Lumber yards and building material suppliers-within enclosed building
- 11.1.8 Tavern/night clubs
- 11.1.9 Restaurants serving alcoholic beverages
- 11.1.10 Public parking garages
- 11.1.11 Bus stations and passenger terminals
- 11.1.12 Businesses and restaurants with drive-through service
- 11.1.13 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ **seventy-nine** (~~190~~ **179**) feet or less in height without lights [Permit criteria includes [Article 21.46](#)]
- 11.1.14 Transient Merchants-Tent and open air merchants, for periods of up to ninety (90) days per year, housing retail uses otherwise allowed by the Zoning Ordinance in this district. A single thirty (30) day extension may be applied for. Three (3) or more merchants on a parcel simultaneously must be permitted as a "Flea market".
- 11.1.15 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See [Article 21.46](#)]

### **SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

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

- 11.2.1 All uses subject to special conditions in the [B1](#) Local Business District
  - 11.2.2 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage
  - 11.2.3 Rifle or pistol ranges when within a completely enclosed building
  - 11.2.4 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view
  - 11.2.5 Car wash

- 11.2.6 Sales, rental, and service centers for vehicles, watercraft, and/or mobile homes, including new or used automobiles, motor bikes, bicycles, boats, ATV's, campers, snowmobiles, trailers, and motor, mobile, modular, manufactured homes, or farm equipment, provided:
  - 11.2.6.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two (2) streets
  - 11.2.6.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots
  - 11.2.6.3 No sales or display shall occupy any public street or road right-of-way; and further, must be set back at least twenty (20) feet from the front property line
  - 11.2.6.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department
- 11.2.7 Hospitals
- 11.2.8 Commercial outdoor sport and recreational facilities
- 11.2.9 Flea markets
- 11.2.10 Mini-storage buildings consisting of separate storage rooms rented or leased by the month
- 11.2.11 Wireless Telecommunication Towers and Facilities one hundred ~~ninety~~ **seventy-nine** (~~190~~**179**) feet or more in height [Permit criteria includes [Article 21.46](#)]
- 11.2.12 Solid Waste Hauler
- 11.2.13 WTG Small: Permitted as an accessory use to an allowed Principal Use
- 11.2.14 Unlisted property uses if authorized under [Article 21.44](#).
- 11.2.15 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

## **ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT**

### **INTENT**

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

### **SECTION 12.1 PRINCIPAL USES PERMITTED**

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

## SECTION 12.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

12.2.1 All permitted use or uses subject to special conditions in the [B2](#) General Business District.

12.2.2 Auto repair garages or auto body shops, including wrecker service

12.2.3 Above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids

12.2.4 Concrete and asphalt manufacturing and distribution

12.2.5 Detention Facilities

12.2.6 Power generation plants

12.2.7 Research, experimental, and development establishments

12.2.8 Adult Entertainment

12.2.9 Industrial Laundries

12.2.10 Medical Laboratories

12.2.11 Dirt and aggregate storage, sales and processing

**12.2.12** Wireless Telecommunications Towers and Facilities over one hundred ~~ninety~~ **seventy-nine** (~~190~~ **179**) feet in height [Permit criteria includes [Article 21.46](#)]

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

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

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

## **ARTICLE 13 I INDUSTRIAL DISTRICT**

### **INTENT AND REQUIRED CONDITIONS**

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

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

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

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

### **SECTION 13.1 PRINCIPAL USES PERMITTED**

- 13.1.1 All principal uses permitted in the [B3](#) Business, Light Manufacturing District
- 13.1.2 Contractors' yards, equipment storage, and materials handling operations
- 13.1.3 Major utility service yards and buildings, either public or private
- 13.1.4 Repair operations and/or maintenance activities for vehicles of any kind, including farm implements, conveyors, and other equipment or machinery
- 13.1.5 Concrete and asphalt manufacturing and distribution
- 13.1.6 Grain elevators (commercial)
- 13.1.7 Meat and poultry processing plants
- 13.1.8 Manufacturing facilities within an enclosed building, and excluding uses listed in [Section 13.2](#)
- 13.1.9 Auto body shop including wrecker service
- 13.1.10 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ **seventy-nine** (~~190~~ **179**) feet or less in height without lights [Permit criteria includes [Article 21.46](#)]
- 13.1.11 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See [Article 21.46](#)]
- 13.1.12 WTG Small: Permitted as an accessory use to an allowed Principal Use
- 13.1.13 WTG Medium: Permitted as an Accessory Use to an allowed Principal Use

### **SECTION 13.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

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

- 13.2.1 All uses subject to special conditions in the [B3](#) Business, Light Manufacturing District.
- 13.2.2 Metal plating, buffing and polishing subject to appropriate measures to control any type of process to prevent noxious results, particularly potential acid spills and waste from plating operations.
- 13.2.3 Manufactured gas, bottled gas and related fuel services or fuel production activities, except the uses specifically exempted by the Michigan Zoning Enabling Act (Public Act 110 of 2006) Petroleum storage tanks, bottled gas or storage tanks for any flammable liquid and production or refining plants for petroleum products when not closer than one thousand (1000) feet from any residential district or residence and three hundred (300) feet from any other district, unless exempt under Act 110 of 2006
- 13.2.4 Junk yards and places so called for the storage, dismantling, wrecking and disposing of junk, and for refuse material or industrial, agricultural and automotive vehicles, upon findings that the use will operate in a reasonable manner and all harmful effects of open storage, smoke, dust, glare, noise, fire and explosive hazards are confined to the premises and are in accord with all other local and state laws - There shall be provided a completely obscuring wall not to be less than eight (8) feet in height as measured from the grade at the property line. Junk yards shall not be located closer than two hundred (200) feet from the boundary of any other zoning district. [Permit criteria includes [Article 21.3](#)]
- Such use shall not be closer than forty (40) feet from any lot line. There shall be no outdoor storage of materials, equipment, structures or debris of any kind anywhere outside the designated storage area.
- 13.2.5 Painting, varnishing and undercoating shops when set back at least seventy-five (75) feet from any adjacent residential district and when conducted within a completely enclosed building
- 13.2.6 Heavy manufacturing (assembly, processing or cleaning of heavy bulky durable goods requiring heavy trucks or rail transport; drop forging, heavy stamping, punch pressing, plating, hammering or other similar processing activities)
- 13.2.7 Surface mining of gravel, sand, clay, topsoil or marl [See [Article 21.25](#) for criteria]
- 13.2.8 Manufacturing of explosives, corrosive and other dangerous chemical substances
- 13.2.9 Metal and wood-stripping establishments
- 13.2.10 Airports and landing strips
- 13.2.11 Detention Facilities
- 13.2.12 Power company generation plants
- 13.2.13 Printing and publishing plants
- 13.2.14 Research and development laboratories
- 13.2.15 Chemical processing and metallurgic manufacturing
- 13.2.16 Industrial Laundries
- 13.2.17 Medical Laboratories
- 13.2.18** Wireless Telecommunications Towers and Facilities over one hundred ~~ninety~~ **seventy-nine** (~~490~~**179**) feet in height [Permit criteria includes [Article 21.46](#)]
- 13.2.19 Unlisted property uses if authorized under [Article 21.44](#)
- 13.2.20 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

## **ARTICLE 14 HX HIGHWAY INTERCHANGE COMMERCIAL DISTRICT**

### **INTENT:**

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

### **SECTION 14.1 PRINCIPAL USES PERMITTED** anywhere in the zoning district

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

14.1.1 Existing residences

14.1.2 Banks and financial institutions, except those with drive-through service

14.1.3 Office buildings for administrative, professional, governmental and sales offices

14.1.4 Medical and dental offices, including clinics

14.1.5 Public Schools under the jurisdiction of the Michigan superintendent of public instruction

14.1.6 Indoor theaters, halls and similar places of assembly

14.1.7 Bowling alleys, pool parlors or billiard parlors

14.1.8 Indoor archery range

14.1.9 Tavern/night clubs

14.1.10 Restaurants, except those with drive-through service

14.1.11 Bus stations and passenger terminals

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

14.1.12 Any generally recognized retail business within an enclosed building under one hundred thousand (100,000) square feet

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

14.1.14 Rental shops without outdoor storage

14.1.15 Athletic or sports facilities and health clubs, indoor only

14.1.16 Places of worship

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

14.1.18 Businesses including those with drive-through service

14.1.19 Wireless Telecommunications Towers and Facilities one hundred ~~ninety~~ **seventy-nine** (~~190~~ **179**) feet or less in height without lights [Permit criteria include [Article 21.46.2](#)]

14.1.20 Wholesale sales, storage and distribution facilities including accessory retail sales but excluding storage of flammable or hazardous materials - Outside storage shall be fenced and screened.

14.1.21 Truck and rail freight terminals, including warehousing

14.1.22 Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles - Outside storage shall be fenced and screened.

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

# **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 two thousand (2,000) square feet 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 seven thousand (7,000) square feet
- 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 seven thousand (7,000) square feet
- 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 (4) feet 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 (4) foot 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 seven thousand (7,000) square feet, 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 seven thousand (7,000) square feet, 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 seven thousand (7,000) square feet in which both a workshop and retail outlet or showroom are required, such as plumbing, electrical, interior decorating, upholstery, 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 seven thousand (7,000) square feet

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

## **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 seven thousand (7,000) square feet

15.2.2 Hardware, equipment rental and building supplies where the size is limited to seven thousand (7,000) square feet total, of which less than two thousand (2,000) square feet 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 seven thousand (7,000) square feet

15.2.4 Party stores (convenience stores) with a footprint of up to seven thousand (7,000) square feet

15.2.5 Senior housing, assisted living facilities or assisted day care facilities with a footprint of up to seven thousand (7,000) square feet

15.2.6 Accessory buildings with a footprint not greater than eight hundred (800) square feet

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 Personal Wireless Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height [Permit criteria included in [Article 21.46](#) ]

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