

## **CHAPTER 15 SPECIAL LAND USES**

### **SECTION 15.1 INTENT AND PURPOSE**

- A. This Chapter is intended to respond to the functions and characteristics of an increasing number of new land uses, combined with conclusive experience regarding some of the older, familiar uses, which call for a more flexible and equitable procedure for properly accommodating these activities in the city. The special land use process is intended to avoid the need for assigning all uses to individual and limited zoning districts. It is important to provide control and reasonable flexibility in requirements for certain uses that will allow practical latitude for the applicant, but maintain adequate provision for the security of the health, safety, convenience, and general welfare of the city's inhabitants.
- B. In order to accomplish this dual objective, provisions are made in this Ordinance for a more detailed consideration of each specified activity as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.
- C. Land and structure uses possessing these particularly unique characteristics are designated as Special Land Uses and may be authorized by the issuance of a Special Land Use permit containing conditions and safeguards necessary for the protection of the public welfare.
- D. The following sections, together with previous references in other Chapters of this Ordinance, designate uses requiring a Special Land Use Permit. With any noted exceptions, the procedures for obtaining such a Special Land Use Permit shall apply to all Special Land Uses indicated.

### **SECTION 15.2 APPLICATION PROCEDURES**

- A. Application Procedures
  - 1. An application for a Special Land Use deemed to be complete, according to the requirements of Section 15.2, A,2, shall be submitted through the Zoning Administrator at least thirty (30) days prior to the next scheduled Planning Commission meeting. The Zoning Administrator will review the application to ensure that the requirements of this Section are met and transmit it to the Planning Commission.

2. An application for a Special Land Use shall not be considered complete until all of the following materials have been submitted and deemed complete by the Zoning Administrator:
  - a. A completed application form, as provided by the City. The application shall be signed by an owner of, or person having an interest in, the property to be developed, or an authorized representative.
  - b. Twenty (20) copies of the Preliminary or Final Site Plan meeting the requirements of Section 14.3.
  - c. Payment of a fee, in accordance with a fee schedule, as determined by City Commission resolution.
  - d. A legal description, including the permanent parcel number, of the subject property.
  - e. A statement with supporting evidence regarding the required findings as specified in Section 15.4 and the applicable provisions of Section 15.6.
  - f. Other materials as may be required in this Chapter, the Zoning Administrator, Planning Commission, or City Commission.
3. An application shall not be accepted until all required materials are provided. Incomplete applications shall be returned to the applicant with an indication of the items necessary to make up a complete application.

### **SECTION 15.3 REVIEW AND FINDINGS**

- A. Public Hearing
  1. The Planning Commission shall schedule a public hearing notice of which shall be made in accordance with the requirements of the Zoning Act.
  2. The notice shall describe the nature of the request; the location of the property involved, the time and place of the hearing, and indicate when and where the application may be examined and how written comments may be received.
  3. Any person may speak or present documents or evidence in support of a position regarding the application at the public hearing.
- B. Site plan review, in accordance with the procedures of Chapter 14, is required for all Special Land Uses, including consideration of the review standards of Section 14.8.
- C. Upon conclusion of the hearing, and after time for deliberation, the Planning Commission shall make a recommendation to the City Commission for approval, approval with conditions, or denial. The Planning Commission shall state its reasons for the recommendation in its minutes for submission to the City Commission.
- D. Upon receipt of a report and summary of hearing comments from the Planning Commission, the City Commission may hold an additional public hearing, if it deems necessary, using the same hearing requirements as the Planning Commission hearing.

- E. The City Commission shall approve, approve with conditions, or deny the Special Land Uses, stating the reasons for its action in the minutes.
- F. Approval by the the City Commission of an application for Special Land Use Permit authorizes the Zoning Administrator to issue a Special Land Use, permit subject to any conditions specified by the City Commission.

#### **SECTION 15.4 GENERAL STANDARDS FOR MAKING DETERMINATIONS**

- A. The Planning Commission, in making its recommendation, and the City Commission in making its decision shall base their actions on a review the particular facts, circumstances and evidence presented, the General Standards of this Section, and the applicable Specific Requirements of Section 15.6.
- B. The Special Land Use applicant or his representative is responsible for providing documentation and evidence in support of the application, including proof of compliance with the General Standards of this Section and the applicable Specific Requirements of Section 15.6.
- C. General Standards: The following General Standards are basic to all Special Land Uses; the Specific Requirements of Section 15.6 are in addition to these requirements and shall be required in all applicable situations.
  - 1. The proposed use shall comply with the general objectives and land use policies contained in the City of Otsego Master Plan.
  - 2. The proposed use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.
  - 3. The proposed use shall be served by necessary public facilities which are adequate or can be made adequate to serve the proposed use. Specifically, existing streets, storm water drainage, water supply, fire protection, police, emergency medical care, sanitary sewer disposal, solid waste disposal, and public recreation shall be adequate to serve the proposed project.
  - 4. The proposed use shall not be hazardous or disturbing to neighboring uses or cause any conflict to the existing use and quiet enjoyment of surrounding property.
  - 5. No hazardous traffic conditions shall be created or added to existing situations. On-site transportation design requirements, if any, which will be needed to accommodate any traffic effects for the intended use shall be part of the approval, to the extent permitted by law.

6. The proposed use shall not involve activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. The proposed use shall be consistent with the intent and purpose of this Ordinance.

### **SECTION 15.5      CONDITIONS AND SAFEGUARDS**

- A. Before granting a Special Land Use Permit, the City Commission may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the Special Land Use Permit as may be necessary for the protection of the public interest.
- B. Conditions imposed may include those necessary to insure that the General Standards of Section 15.4 and the applicable Specific Requirements contained in Section 15.6 have been satisfied.
- C. The conditions imposed shall be recorded in the minutes of the City Commission and shall remain unchanged except upon mutual consent of the City Commission and the owner of the property affected. The City Commission shall record in its minutes any changes in conditions of approval of Special Land Use Permits.
- D. Conditions and requirements stated as part of Special Land Use Permit authorization, including all plans, specifications and statements submitted with the application for a Special Land Use Permit, shall be a continuing obligation of its holder. The Zoning Administrator shall make periodic investigations of uses authorized by Special Land Use Permits to determine compliance with all requirements.
- E. Certification of Compliance: At final inspection or at other appropriate times the Zoning Administrator shall certify whether all conditions and other requirements of the City Commission in its approval of the Special Land Use have been fulfilled.
- F. A Special Land Use Permit shall be deemed to authorize only the approved Special Land Use and shall expire if not substantially under construction or in operation within twelve (12) months from the date of final approval by the City Commission.
- G. An application for a Special Land Use Permit which had been denied wholly or in part by the City Commission shall not be resubmitted until the expiration of one (1) year or more from the date of denial, except in the case of newly discovered evidence or changed conditions found by the Zoning Administrator to be sufficient to justify reconsideration by the City Commission.

**SECTION 15.6 SPECIFIC REQUIREMENTS** (amended 1/06, 2/06, 6/08)

The requirements set forth in this Section relate to particular Special Land Uses as listed in each Zoning District which must be met in addition to the General Standards of Section 15.4. The provisions of this Section may be subject to a variance as approved by the Zoning Board of Appeals, provided the review standards of Section 17.3, C are all satisfied.

- A. Accessory restaurants, convenience stores, and drug stores, only when operated as part of medical offices and located within the building to which it is accessory.
- B. Adult foster care small group homes.
- C. Adult day care/respice care facilities.
- D. Arcades, billiard parlors and other similar indoor recreation facilities.
- E. Assembly and/or manufacture of vehicles, vehicle bodies, parts and accessories, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus, and hardware.
- F. Vehicle wash establishments, including steam cleaning, but not rust-proofing
- G. Vehicle major and minor repair facilities.
- H. Vehicle minor repair facilities.
- I. Vehicle fuel stations.
- J. Breweries and distilleries.
- K. Cemeteries, private, when adjacent to or an extension of existing cemeteries.
- L. Commercial cellular and personal communication towers.
- M. Dwelling unit conversions.
- N. Eating and drinking establishments, without drive-in windows.
- O. General industrial activities not otherwise noted (see Section 12.3)
- P. Group child day care homes.
- Q. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.
- R. Hotels and motels.
- S. Assisted living, dependent care and senior housing
- T. Indoor theaters with more than two (2) screens.
- U. Junkyards and salvage yards.
- V. Manufactured Home Parks.
- W. Mining, excavating, or other removal of sand, earth, minerals, or other material naturally found in the earth.
- X. New vehicle rental and leasing agency.
- Y. New and used vehicle sales rooms on lots located 500 feet or less from a residential zoning district.
- Z. New and used vehicle sales rooms on lots located more than 500 feet from a residential zoning district.
- AA. Office developments of two (2) or more freestanding main buildings within a single development.
- BB. Open air businesses.
- CC. Outside storage yards of construction contractor's equipment and supplies, building materials, sand, gravel, or lumber.
- DD. Personal service establishments.

- EE. Planned community shopping centers.
- FF. Private parks, country clubs, and golf courses.
- GG. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, not including storage yards.
- HH. Restaurants or other establishments serving food and/or beverage using drive-in windows.
- II. Sexually oriented businesses.
- JJ. Truck terminals.
- KK. Truck, tractor and trailer sales, rental, and repair.
- LL. Two-family dwellings.
- MM. Veterinary clinic.
- NN. Veterinary hospitals.
- OO. Wholesale store, storage facilities, buildings, warehouses, distribution plants, and freezers and lockers.
- PP. Indoor repair of motorcycles, recreational/utility vehicles, personal watercraft, lawn and garden equipment, and similar small vehicles, when ancillary to a related allowed retail use.
- QQ. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit.

**A. Accessory restaurants, convenience stores, and drug stores, only when operated as part of medical offices and located within the building to which it is accessory.**

1. These establishments shall comply with all applicable parking regulations, in addition to those required for the office uses to which they are accessory.
2. No additional signs shall be permitted for the site and/or building for the establishment, except as may be permitted in Chapter 18.
3. All entrances to such establishments shall be from the interior of the office buildings to which they are accessory, unless a separate outside entrance is specifically permitted by the City Commission with the approval of the Special Land Use.

**B. Adult foster care small group homes.**

1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the District and neighborhood in which it is located.

**C. Adult day care facilities.**

1. The definition of "adult" as it pertains to this use shall be a person eighteen (18) years of age or older.
2. The facility shall include a location where one (1) or more adult(s) supervise, for a fee, the daily activities of one (1) or more adults for temporary periods of time at a location other than the patient's home.
3. At no time shall the facility provide permanent living situations or exceed care and/or supervision for a period exceeding twenty-three (23) consecutive hours.

**D. Arcades, billiard parlors and other similar indoor recreation facilities.**

1. For purposes of this Ordinance, an arcade is defined as a building or portion of a building thereof, whose principal use is for the placement and use of four (4) or more mechanical, electronic, video or other similar player-operated amusement devices are operated for gain or compensation for their owner or operator. This definition shall not be construed to include a sexually oriented business.
2. The number of arcade or game machines shall not exceed one (1) machine per each thirty (30) square feet of floor area.
3. The facility shall be fully and adequately lighted for easy observation of all areas of the premises.
4. Walls of the facility shall be soundproofed to absorb the noise generated within.
5. At least one (1) public telephone shall be provided.
6. No amplified music shall be audible on the exterior of the premises.
7. The premises shall be continuously maintained in a safe, clean and orderly condition.
8. More than four(4) arcade or game machines for any commercial business constitutes an arcade which shall be subject to the standards and provisions in this subsection.
9. Bicycle storage racks shall be maintained off the public sidewalk to adequately accommodate bicycles utilized by arcade patrons.

**E. Assembly and/or manufacture of vehicles, vehicle bodies, parts and accessories, cigars and cigarettes, electrical fixtures, batteries and other electrical apparatus, and hardware.**

Overhead doors shall not face any roadway, except as specifically approved by the City Commission for any of the following circumstances:

1. For through garages where doors are provided on the front and rear of the building; or
2. Garages located on corner or through lots; or,
3. Where it is determined that it would be more desirable for the door to face a roadway than a Residential District.

4. These uses shall be setback a minimum of three hundred (300) feet from Residential District or used property, daycare centers and schools.

**F. Vehicle wash establishments, including steam cleaning, but not rust-proofing**

1. Minimum lot size shall be one (1) acre.
2. All washing activities must be carried on within a building.
3. Vacuuming activities may be carried out only in the rear or side yard and at least fifty (50) feet distant from any adjoining Residential District or use.
4. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street, service drive, or alley. An alley or service drive shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
5. All floor drains from wash areas shall be equipped with sand traps before disposal into the sanitary sewer.

**G. Vehicle major and minor repair facilities.**

1. The minimum lot size shall be one (1) acre, with a minimum lot width of one hundred and fifty (150) feet.
2. Except as permitted in this subsection, all storage and activities on the site shall be within a completely enclosed building.
3. The site plan shall include not less than twenty percent (20%) percent of the ground area of the site as a landscaped area.
4. In locations where the use abuts a Residential District or use the City Commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.
5. No outside storage of parts and/or materials shall be allowed unless contained with a totally screened area, six (6) feet in height using an evergreen hedge or other natural landscaping, or if specifically approved by the City Commission, a solid uniformly painted fence or wall. Any screening materials, either landscaping, fence, or wall shall be maintained in good condition.
6. No more than six (6) vehicles shall be within the outdoor storage area. The storage area shall not be located within any required yard.

**H. Vehicle minor repair facilities.**

1. The minimum lot size shall be thirty thousand (30,000) square feet, with a minimum width of one hundred and fifty (150) feet.
2. All services shall be performed within a completely enclosed building.
3. The site plan shall include not less than twenty percent (20%) percent of the ground area of the site as a landscaped area.
4. In locations where the use abuts a Residential District or use the City Commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.

5. No major vehicle repair activities may occur on the premises.
6. When located within an integrated group of establishments served by a common parking area, the use shall be located on the periphery to prevent vehicular obstructions or pedestrian movement conflicts and shall be designed to integrate the use with the site plan and architecture of the other establishments. No additional curb openings onto a public street shall be permitted for this use. 7.No outside storage of parts and/or materials shall be allowed.
7. No overnight outdoor storage/parking of vehicles that have been or are awaiting service or parts is permitted.

#### **I. Vehicle fuel stations.**

1. All lubrication, repair, and servicing equipment, and permanent storage of material, merchandise and equipment other than liquid fuel shall be within the main building or permitted accessory buildings.
2. Accessory buildings permitted in accordance with the provisions of Section 3.4, C, shall be in keeping with the general character of the main building in terms of architectural style, colors, and building materials.
3. All repair work shall be done within the building.
4. The storage of vehicles for a period in excess of twenty-four (24) hours, unless the vehicle is enclosed within the building, is prohibited.
5. The premises shall not be used for the sale of used or new vehicles, or any other activity not directly related to the principal use, unless otherwise approved by the City Commission.
  - a. Other uses related to the facility may include convenience stores, restaurants (provided no drive-through service is permitted), vehicle wash establishments and other similar uses, as determined by the City Commission and included within the Special Land Use approval of the vehicle fuel station.
  - b. Uses added after the initial approval of the vehicle fuel station shall be required to receive a separate Special Land Use approval.
6. Floor drains in the wash area must be equipped with sand traps before disposal into sanitary sewer.
7. No vehicle fuel station shall be erected within twenty five (25) feet of any Residential District or use lot line or within three hundred (300) feet of any of the following uses or structures:
  - a. Public or private school;
  - b. Church or other place of worship;
  - c. Hospital;
  - d. Public library, art museum or other public building;

- e. Theater or other building or structure used or intended to be used for motion picture, theatrical or operatic productions, or for public entertainment;
  - f. Public playground or civic center; or
  - g. Firehouse or fire station.
8. Curb cuts/drive entrances:
- a. Curb cuts/drive entrances: shall have a width of not less than twenty-four (24) and not more than thirty (30) feet at the property line.
  - b. No more than two (2) curb cuts are permitted on any single street.
  - c. No curb opening shall be located nearer than fifty (50) feet to any other curb opening, public or private street, or alley (as measured from the nearest parts of the curb openings).
  - d. No driveway shall be located nearer than ten (10) feet to any abutting properties.
9. All lighting shall comply with Section 3.10.
10. Screening and landscape requirements shall comply with Section 3.9.
11. Lot width shall be a minimum of one hundred (100) feet and the average lot depth shall be at least one hundred (100) feet.
12. The main building shall be set back a minimum of forty (40) feet from the street right-of-way, and not less than twenty-five (25) feet from any side or rear lot line adjoining a Residential District or use.
13. Pump islands shall be located a minimum of twenty-five (25) feet from any public right-of-way and five (5) feet from any side or rear lot line.
14. Driveways, service areas, and parking areas shall be provided with pavement having an asphaltic or cement binder so as to provide a permanent, durable, and dustless surface and shall be so graded and drained as to dispose of all surface water accumulated within the area.
15. An abandoned vehicle service or filling station may be converted to a Principal Permitted Use in the district in which the prior use is located, provided the following conditions are met:
- a. The use shall be in harmony with the architectural of the surrounding neighborhood by reason of its character or quality of development.
  - b. All gasoline pumps and signs shall be removed, and underground gasoline storage tanks shall be abandoned in conformance with prescribed city and state fire safety provisions.
  - c. All buildings shall meet all applicable requirements of the City building code for safety and structural condition.
  - d. There shall be adequate off-street parking provided in accordance with Section 16.2.
  - e. No outside storage areas shall be permitted.

- f. The use shall meet all area, height, bulk, and placement requirements of the district in which such use is located.
- g. The use shall comply with all other requirements of the applicable district unless otherwise provided in this Ordinance.

**J. Breweries and distilleries.**

Breweries and distilleries shall be prohibited within three hundred (300) feet of lots located in a Residential District and schools unless an air quality study completed by a qualified expert shows the use will not result in significant odor impacts on the residential and/or school area.

**K. Cemeteries, private, when adjacent to or an extension of existing cemeteries.**

- 1. The site shall be located with at least one (1) property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto a major thoroughfare.
- 2. Any main or accessory buildings (including mausoleums but not including gravestones and monuments) shall be at least one hundred (100) feet from any lot line.

**L. Commercial cellular and personal communication towers.**

- 1. The provisions of this subsection are intended to provide for the orderly delivery of cellular telephone services and personal communication services through the proper regulation of the construction, maintenance and operation of commercial cellular towers and dishes and other technology that may facilitate the delivery of these services.
- 2. The construction, operation and maintenance of all towers shall conform with those standards as established by the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).
- 3. The construction, operation and maintenance of any tower or dish shall also comply with all state, county and local regulations as they pertain to site location, development and maintenance.
- 4. The City shall have exclusive control over the site location, site development and site maintenance of any parcel within its corporate boundaries that may house a broadcast tower, two-way radio tower, fixed point microwave dish, commercial satellite and/or receiving dish, cellular and personal communication service towers/dish and other technologies that would facilitate the delivery of these services.
- 5. Lot and setback requirements:
  - a. Any commercial tower, dish or facility site must be at least three hundred (300) feet from any Residential District lot line.
  - b. In Nonresidential Districts, the minimum lot size shall be three (3) acres.

- c. The lot shall be so located that at least one (1) property line abuts a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way and the ingress and egress shall be directly upon that thoroughfare.
  - d. The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one-half ( $\frac{1}{2}$ ) the height of each tower above the ground.
6. Unless specifically waived by the City Commission, an open air fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.
7. Co-location
  - a. All towers shall be constructed to provide for a minimum of two (2) additional antennas.
  - b. Any proposed provider included within the provisions of this subsection who wishes to locate a structure or facility within the city, must first make every effort to utilize existing towers, dishes and/or facilities.
  - c. If an acceptable facility is not available, the proposed provider shall submit a signed affidavit outlining the efforts made identifying and utilizing existing facilities, why they could not be utilized for co-location and what standards were utilized for the proposed site location.
8. The provider shall submit scaled site plans, prepared and signed by an engineer duly qualified to practice in the State of Michigan, showing:
  - a. the general area within one (1) mile of the proposed site that may be able to view the tower or facility;
  - b. the area of the proposed site and surrounding properties within five hundred (500) feet;
  - c. a topographical layout of the site and surrounding area to one (1) mile from the edges of the proposed property;
  - d. the lot layout of the proposed site, including landscaping, drainage, access, and parking,
9. The provider shall submit:
  - a. a description of the tower with the technical basis for its design;
  - b. documentation establishing the structural integrity for the tower's proposed uses;
  - c. general capacity of the tower and information necessary to assure that ANSI standards are met;
  - d. a statement of intent that excess space will be leased, proof of ownership of the proposed site or authorization to utilize it;
  - e. copies of any easements necessary; and

- f. an analysis of the area and topographical contours and a visual study depicting from where within a one (1) mile radius any portion of the proposed tower could be seen.
10. All towers, dishes and facilities shall be secured by a chainlink fence of at least eight (8) feet in height and screened with trees placed not more than fifteen (15) feet on-center. In addition, a continuous hedge at least thirty (30) inches high shall be planted around the perimeter of the fence.
11. No lights shall be placed on the facility unless required for security or necessary to comply with FAA regulations. No lights shall shine on abutting property or onto public rights-of-way.
12. No noise or vibrations shall be discernable from surrounding properties or public rights-of-way.
13. Abandonment
  - a. If a tower, dish or facility is to be abandoned or its use discontinued, the owner shall provide the City with a copy of the notice to the FCC of its intent to cease operations.
  - b. The owner shall have ninety (90) days from the date of the notice of intent to abandon, to remove the tower, dish and/or facility.
  - c. If the tower, dish and/or facility is not removed at the end of the ninety (90) day period, the City shall have the right to remove said tower, dish and/or facility and place the cost of the removal as a lien against the property in addition to any amount being an obligation of the provider.

**M. Dwelling unit conversions.**

1. This subsection permits the conversion of a single-family dwelling (within an existing structure) to a limited number of multiple-family dwelling units. It permits privately owned multiple family dwelling units in a principal residence which was previously a single-family dwelling. For purposes of this Ordinance, a "dwelling unit conversion" shall be considered a single-family dwelling which has been partitioned for conversion into a greater number of dwelling units than exists in the dwelling prior to conversion.
2. Permitted conversions increase the housing supply within the city, while, at the same time, preserving the character of the existing dwelling and neighborhood. To this end, this subsection shall limit the number of dwelling units within the single-family house to three (3) and the maximum number of bedrooms per additional dwelling unit to two (2).
3. Any of the dimensional requirements, except minimum unit size, may be lessened if the conversion under the standards of this Chapter and subsection would create no adverse effects for the neighborhood and would not create a precedent which, if followed in similar cases, would result in adverse effects in other areas.

4. Additional or more stringent requirements may be imposed if either of the following conditions apply:
  - a. Conversion under the standards would create adverse effects in the neighborhood, and imposition of additional or more stringent requirements will reduce or eliminate these adverse effects; or
  - b. Conversion under the standards would create one (1) more dwelling unit which would not be supportive of the health, safety and general welfare of the residents of these units.
  
5. Design standards.
  - a. Stairways leading to the second or any higher floor shall be located within the walls of the building wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.
  - b. Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the conversion, and after conversion the building shall retain substantially the same structural appearance it had before the conversion.
  - c. The location of the off-street parking spaces shall be consistent and compatible with existing off-street parking in the neighborhood. Parking should be enclosed or screened from view in accordance with the landscape and screening requirements of Section 3.9, B.
  - d. Where it is not possible to provide the required off-street parking spaces on the premises they may be located on another lot within three hundred (300) feet walking distance of the converted dwelling. This parking arrangement shall be approved only upon submission of a signed lease guaranteeing the availability of the lot for parking for a period of at least five (5) years. Where possible, this parking should be enclosed or screened from view from any public street.
  - e. In no case shall parking be located in the required front yard of any dwelling unit conversion, except in a permissible parking space.
  - f. A building plan of the converted dwelling identifying sleeping areas shall be submitted to the Otsego Fire Department and kept on file.
  
6. Dwelling unit dimensional and parking requirements.
  - a. Minimum gross floor area per unit: efficiency: four hundred (400) square feet; one (1) bedroom: six hundred (600) square feet; two (2) bedroom: eight hundred (800) square feet.

- b. A minimum of one (1) off-street parking space shall be provided for each additional efficiency unit and two (2) off-street parking spaces for each one (1) or two (2) bedroom unit.
7. If the application is approved, the petitioner shall obtain a building permit from the City prior to reconstruction. The conversion of any dwelling shall be in compliance with current applicable building codes as well as the standards set forth in this Chapter. After reconstruction the petitioner shall obtain a certificate of occupancy prior to the rental or use of the additional dwelling units.

**N. Eating and drinking establishments, without drive-in windows.**

1. Sale and service of food outdoors shall be permitted provided it is incidental to, adjacent, and adjoining a similar indoor principal use.
2. Public access to the site shall be located at least fifty (50) feet from any intersection.

**O. General industrial activities not otherwise noted (see Section 12.3)**

The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any Residential District or use property line.

**P. Group child day care homes.**

1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. Non-residential parking setback and screening provisions shall apply.
4. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the Residential District and neighborhood in which it is located, as determined by the City Commission.
5. Documentation of sufficient indoor classroom, crib, play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.
6. There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fence shall be located in a front yard.
7. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
8. The facility may operate a maximum of sixteen (16) hours per day.

**Q. Health and fitness facilities, including indoor tennis, paddle ball, or racquetball courts.**

1. Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting street right-of-way lines to the edge of the driveway.
2. The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.

**R. Hotels and motels.**

1. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets.
2. No more than two (2) driveway openings from a major thoroughfare shall be permitted.
3. Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of GFA.

**S. Assisted living, dependent care and senior housing**

1. Minimum lot size shall be two (2) acres.
2. Accessory services in common use may include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and activity areas.
3. If adjacent to residential zoned land, buildings and structures shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the neighborhood in which it is located. The property shall be developed and maintained consistent with the visible characteristics of the neighborhood.
4. Separation between buildings shall be no less than 20 feet.
5. Developments with multiple buildings or dwellings shall have a common and consistent architectural theme.
6. Walkways shall be provided from the main building entrances to sidewalks along adjacent public streets and an internal system of walkways or pathways for residents shall be provided.
7. All refuse collection facilities and loading areas shall be screened from view by adequate fencing.
8. Facilities shall be adequately screened and buffered from adjacent properties by fences

or planted strips so as not to be a detrimental influence upon the surrounding area.

9. Site lighting shall be directed away from residential areas and not spill over onto adjacent properties. Lighting shall be located to avoid impacts to adjacent property owners and fixtures must be shielded to prevent glare.

10. Adequate indoor recreational space and outdoor open space shall be provided for the enjoyment and use of all residents. The amount of outdoor open space required shall be based upon any applicable state requirements, the number of residents and the capacity of the proposed open space to serve resident needs.

11. Specific requirements for senior housing include the following:

- a. Multi-Family apartment density shall be limited to twenty-four (24) units maximum per acre in C-1 District and each dwelling unit shall contain at least three hundred and fifty (350) square feet of area, not including kitchen and sanitary facilities.
- b. Single-family detached, two-family housing and other single-family attached housing density shall be limited to eight (8) units maximum per acre in the C-1 District.

12. Assisted living and dependent care facilities shall:

- a. Be constructed, maintained and operated in conformance with state and federal laws, as applicable.
- b. Be registered and licensed as required by Michigan Public Health Code.

**T. Indoor theaters with more than two (2) screens.**

1. The principal and accessory uses and buildings shall not be located within one-hundred (100) feet of any Residential District or use.
2. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
3. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

**U. Junkyards and salvage yards.**

1. For this use, the following more restrictive provisions shall take precedence above all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.
2. The site shall be a minimum of five (5) acres in size.
3. There shall be a required yard setback of at least one hundred (100) feet from any

- public street and any lot line. The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored or accumulated in any required yard area.
4. A solid fence or wall at least eight (8) feet in height shall be provided along the setback lines of the entire site in order to screen the site from surrounding property. The fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
  5. All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
  6. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
  7. Wherever a side or rear lot line of such use abuts residential use or a Residential District, the required yard shall be doubled and shall contain plant materials, grass, and structural screens to effectively minimize the appearance of the installation.

#### **V. Manufactured Home Parks.**

1. The site of a manufactured home park must be in accordance with the following site requirements in order to be eligible for a Special Land Use application:
  - a. The site must be within an R-C Multiple Family Residence District or MHP Manufactured Home Park District.
  - b. The site must be a minimum of five (5) acres of contiguous land area.
2. All manufactured home parks shall comply with the requirements imposed by Act No. 96 of the Public Acts of Michigan of 1987, except as such provisions are modified herein, together with any regulations promulgated by the Michigan Manufactured Home Commission.
3. A ten (10) foot wide buffer zone shall be provided along all exterior boundaries of the manufactured home park. The buffer shall be measured from the park property line inward. The buffer shall be planted with evergreens and shrubs not less than four (4) feet in height at the time of planting and which contain foliage throughout the calendar year, sufficiently compact in nature to form a natural buffer or screening between the manufactured homes and adjoining premises. In lieu of landscaping, an opaque artificial wall or fence may be constructed not less than five (5) feet in height along the inner perimeter of the buffer zone. Any wall or fencing shall be commensurate with the character of the adjoining development, and shall be maintained at all times.
4. Within the park boundaries, no manufactured home shall be located nearer than twenty (20) feet to any abutting residential zoning district, nor nearer than twenty (20) feet from any property line abutting a dedicated public road or highway right-of-way.
5. No manufactured home space shall be less than three thousand and sixty (3,060)

- square feet in area, nor less than thirty (30) feet in width. The boundaries of every manufactured home space shall be clearly marked and not more than one (1) manufactured home shall be located on any individual manufactured home space. The balance of the manufactured home space shall be landscaped either naturally or artificially. No manufactured home and accessory buildings shall occupy more than twenty five percent (25%) of the area of the manufactured home site on which it is located.
6. The type of permanent foundation shall be in accordance with Act No. 96 of the Public Acts of Michigan of 1987 and the rules of the Michigan manufactured home commission. However, in the case where environmental or physical conditions dictate, the City reserves the right to invoke a higher standard in order to protect the public health, safety and general welfare of the community, including park tenants.
  7. No manufactured home nor any appurtenances connected thereto shall be located on a manufactured home space closer than twenty (20) feet to any adjoining manufactured home or fifty (50) feet from any permanent building.
  8. All manufactured home spaces shall abut an interior roadway of not less than 16 feet in width as measured from back to back of curb, which shall contain a curb, drainage structure, a two-inch bituminous plant mix surface constructed upon not less than a six-inch compacted gravel base, and shall have unobstructed and safe access to a public street or highway.
  9. Where sidewalks are provided paralleling the driveway, it shall be in addition to the foregoing driveway width.
  10. Not less than two (2) paved parking spaces for vehicles (ten (10) feet by twenty (20) feet each in size) shall be provided within the manufactured home park for every manufactured home.
  11. No manufactured home shall be allowed to be located within a manufactured home park unless the same is [a] self-contained living unit and is connected to the water and sanitary sewer facilities required at each manufactured home space. There shall be a minimum of seven hundred (700) square feet for each manufactured home.
  12. All grass and shrubbery within a manufactured home park shall be landscaped in a neat and attractive manner and maintained.
  13. Each manufactured home park shall be provided with on-site office facilities for park administration.
  14. No retail sales of manufactured homes shall be permitted from a manufactured home park except for those manufactured homes that are located within the park on a developed manufactured home site meeting all of the requirements set forth herein. All such sales must be conducted by a licensed dealer, broker or through private individual-to-individual sale.

**W. Mining, excavating, or other removal of sand, earth, minerals, or other material naturally found in the earth.**

1. No soil, sand, gravel, or other earth material shall be removed from any land within

the City without Special Land Use approval, with the following exceptions:

- a. When the earth removal is incidental to an operation for which a building permit has been issued by the City;
- b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
- c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;
- d. The earth removal involves less than one hundred (100) cubic yards;
- e. The earth removal is for the purpose of construction of a swimming pool.
- f. The soil removal will not be in violation of any other Section of this Ordinance, other City ordinance, Soil Erosion and Sedimentation Control Act, or any other applicable state or federal law.

2. In addition to the materials required by this Chapter, the application for special land use shall include the following:

- a. A written legal description of all of the lands proposed for the use.
- b. Ten (10) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following, at a minimum:
  - (1) A north arrow, scale, and date;
  - (2) shading indicating the extent of land area on which mineral removal operations and activities will take place;
  - (3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
  - (4) the location and nature of all structures on the lands;
  - (5) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
  - (6) existing elevations of the lands at intervals of not more than five (5) feet;
  - (7) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
  - (8) mineral processing and storage areas;
  - (9) proposed fencing, gates, parking areas, and signs;
  - (10) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
    - (a) a map showing access routes between the subject lands and the nearest Primary Arterial road; and
    - (b) areas to be used for ponding.

- c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
  - d. A site rehabilitation plan including the following:
    - (1) A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment and phasing;
    - (2) a plan with final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and
    - (3) a description of the proposed methods or features which will ensure that the end-use(s) are feasible and can comply with all applicable requirements of this Ordinance.
  - e. The Planning Commission or City Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of the extraction if it is believed that the extraction may have a severe adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
3. Each site rehabilitation plan shall be reviewed by the City Commission and shall comply with all of the following standards and requirements:
- a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
  - c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
4. No machinery shall be erected or maintained within one hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sub-lateral support to surrounding property. The City Commission may require greater distances where

- the site is located within two hundred (200) feet of any Residential District.
5. The City Commission shall designate routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the City Commission to minimize dust, mud, and debris being carried onto the public street.
  6. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
  7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas.
  8. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the City Commission may require a lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, located so that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
  9. The City Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, time limits, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
  10. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the City as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
    - a. The performance bond shall not be refunded, reduced, or transferred until the removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and the City Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
    - b. The timely and faithful compliance with all of the provisions of the

performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the City Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

**X. New vehicle rental and leasing agency.**

1. The lot area used for parking display or storage shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
2. The area dedicated for parking and storage of vehicles shall be limited to a maximum of fifty (50) vehicles at any given time.
3. Accessory buildings and uses will not be permitted, including vehicle washes, repair and maintenance facilities or other servicing of vehicles or sales.

**Y. New and used vehicle sales on lots located 500 feet or less from a residential zoning district.**

1. Auto sales facilities will be required to locate on a public street and be separated from other such facilities by at least 250 feet. These facilities must also have a permanent structure on a foundation of 400 square feet minimum, which may include the building square footage of any Permitted or Special Land Use.
2. Auto sales are permitted as an accessory use to any Permitted or Special Land Use subject to a maximum of ten (10) vehicles at any one time displayed outdoors.
3. If located within an integrated or planned cluster of establishments served by a common access and maneuvering lanes, there shall be no additional curb openings onto a public street if suitable access is available by any other means.
4. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site and architecture of the cluster of establishments.
5. All ingress to and egress from the site shall be directly onto a public street, marginal service drive thereof, or private streets serving the integrated or planned cluster of establishments.
6. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas. Outdoor vehicle display areas shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area. No vehicle parking, storage or display associated with such uses shall be permitted to occur on adjacent public rights-of-way. A maximum of ten (10) vehicles at any one time can be displayed outdoors.
7. All off-street parking and loading spaces shall be located not less than thirty five (35) feet from any residential property line and shall be effectively screened from

- view from adjacent residential properties by landscaping, supplemented, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.
8. Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.
  9. Unless the City Commission deems otherwise for security purposes, site lighting used to illuminate vehicle display areas shall be extinguished between the hours of 11:00 p.m. and 9:00 a.m. During regular business hours, outdoor lighting on the property shall not exceed an average of ten foot-candles.
  10. The use shall not be open for business during the hours of 9:00 p.m. through 7:00 a.m.
  11. Not less than twenty percent (20%) of the ground area of the site, excluding roadway easements and rights-of-way shall be landscaped. A maximum of five percent (5%) of the landscaped area may consist of permanent decorative landscape material such as cobblestone, brick, exposed aggregate, paving blocks or similar material.
  12. Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets. The playing of music on any outdoor speaker systems at a volume that can be heard at the property line shall be prohibited.
  13. Temporary or special event signage is permitted in accordance with Section 18.3.B.
  14. Major and minor vehicle repairs shall be permitted. Body repair and painting done on the lot shall be confined to a closed building.
  15. No service bay shall open to or face any public street. Garage bay doors and semi-enclosed vehicle bays shall be screened from direct view from public streets by a combination of landscaping and earthforms. Any berms used shall comply with the requirements for providing sight triangles contained in Section 3.9.
  16. No vehicle storage areas may be located outside of the building.
  17. Maximum lot coverage shall not exceed twenty five percent (25%) of the lot.
  18. The sale and/or storage of trailers, recreational vehicles or boats is prohibited.

**Z. New and used vehicle sales on lots located more than 500 feet from a residential zoning district.**

1. Auto sales facilities must have a permanent structure on a foundation of 400 square

- feet minimum, which may include the building square footage of any Permitted or Special Land Use.
2. If located within an integrated or planned cluster of establishments served by a common access and maneuvering lanes, there shall be no additional curb openings onto a public street if suitable access is available by any other means.
  3. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site and architecture of the cluster of establishments.
  4. The site shall have at least one (1) property line abutting a major thoroughfare, as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare, marginal service drive thereof, or private streets serving the integrated or planned cluster of establishments.
  5. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas. Outdoor vehicle display areas shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area. No vehicle parking, storage or display associated with such uses shall be permitted to occur on adjacent public rights-of-way.
  6. Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.
  7. Unless the City Commission deems otherwise for security purposes, site lighting used to illuminate vehicle display areas shall be extinguished between the hours of 11:00 p.m. and 9:00 a.m. During regular business hours, outdoor lighting on the property shall not exceed an average of ten foot-candles.
  8. Not less than twenty percent (20%) of the ground area of the site, excluding roadway easements and rights-of-way shall be landscaped. A maximum of five percent (5%) of the landscaped area may consist of permanent decorative landscape material such as cobblestone, brick, exposed aggregate, paving blocks or similar material.
  9. Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets. The playing of music on any outdoor speaker systems at a volume that can be heard at the property line shall be prohibited.
  10. Temporary or special event signage is permitted in accordance with Section 18.3.B.
  11. Major and minor vehicle repairs shall be permitted. Body repair and painting done on the lot shall be confined to a closed building.
  12. No service bay shall open to or face any public street. Garage bay doors and semi-enclosed vehicle bays shall be screened from direct view from public streets

- by a combination of landscaping and earthforms. Any berms used shall comply with the requirements for providing sight triangles contained in Section 3.9.
13. Vehicle storage areas, not to be construed as the vehicle display areas, may be located outside of the building when the storage area is completely screened from view on all sides with an opaque screen at the time of planting and/or installation as required in Section 3.9. Illumination of storage areas is permitted subject to the requirements Section 3.10.
  14. Maximum lot coverage shall not exceed twenty five percent (25%) of the lot.
  15. The sale and/or storage of trailers, recreational vehicles or boats is prohibited.

**AA. Office developments of two (2) or more freestanding main buildings within a single development.**

1. Minimum lot size shall be twenty thousand (20,000) square feet.
2. Maximum building coverage shall be thirty five percent (35%).
3. In order to facilitate innovative and attractive design of office uses, office developments shall have exterior walls of opposite or adjacent buildings that are located no closer than one and one-half (1½) times the height of the higher building wall, but in no case closer than fifty (50) feet.
4. Buildings shall be so located and arranged that all structures have access to emergency vehicles.
5. Maximum lot coverage upon lot shall not exceed sixty percent (60%) , including accessory uses and structures (off-street parking, etc.).

**BB. Open air businesses.**

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises, except as provided otherwise in this Ordinance.
4. All open air businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
5. Unless specifically waived by the City Commission, a building of not less than five hundred (500) square feet GFA shall be constructed on the premises for office use in connection with the subject open air business.
6. The City Commission may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the permittee to submit a performance guarantee in accordance with the provisions of Section 19.5 sufficient to cover the cost of rehabilitating the premises upon default of the operator of the use.
7. In the case of indoor-outdoor garden nurseries:
  - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the district.

- b. All loading activity and parking areas shall be provided on the same premises (off-street).
- c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

**CC. Outside storage yards of construction contractor's equipment and supplies, building materials, sand, gravel, or lumber.**

1. All outdoor storage shall be located in the rear yard only and shall be fenced with a six (6) foot high chain link fence or screen wall.
2. All outdoor storage yards shall be paved or provided with a durable, dustless surface approved by the City Commission.
3. Screening of outdoor storage yards shall be provided along all property lines in accordance with the screening requirements of Section 3.9.
4. Outdoor storage yards shall only be permitted in conjunction with a principal use on the property.
5. No flammable or explosive materials shall be stored in bulk above ground.

**DD. Personal service establishments.**

1. The business shall not alter the basic exterior appearance of the dwelling.
2. The business will not create traffic congestion, parking shortages, or otherwise adversely effect [affect] adjacent land uses.
3. Outdoor advertising will be limited to one (1) sign not exceeding twelve (12) square feet.
4. The intent of these regulations is to permit, where feasible, owners fronting on Allegan Street to carry on a commercial enterprise within their dwellings and still retain the appearance of a single-family area. Commercial uses should be limited to, or of similar nature to, the following: antique shops, art galleries, photography studios, dressmaking or tailor shops, real estate, accounting, tax, or legal offices, or specialty shops.

**EE. Planned community shopping centers.**

1. A center shall consist of a group of establishments engaging exclusively in retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking areas and storage facilities.
2. Such center shall occupy a site of not less than ten (10) acres.
3. A minimum building setback from the property line of seventy five (75) feet each for the front and rear of the building and fifty (50) feet each for the sides of the building.
4. No building or structure shall exceed three (3) stories or forty (40) feet in height unless approved by the City Commission.

5. A planting strip of at least twenty (20) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than five (5) feet high shall be constructed along those property lines which abut a Residential District.
6. The proposed site shall have at least one (1) property line abutting a major thoroughfare.
7. All ingress and egress to the site shall be directly from the major thoroughfare. Turning and approach lanes shall be provided when determined necessary by the City Engineer.
8. A landscape plan which includes the entire site shall be submitted for approval with the site plan to determine compliance with screening and planting strips.
9. All signs shall be affixed to the face of the building and shall be a uniform design throughout except that one (1) ground pole sign advertising the name of the shopping center is allowed.
10. All off-street parking shall be within its own area and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic is required.
11. All areas accessible to vehicles shall be paved and maintained so as to provide a durable, smooth, and well-drained surface, and to insure that runoff does not negatively impact adjacent property.
12. All vehicle and pedestrian areas shall be illuminated during business hours of darkness. All lighting fixtures shall be installed in accordance with Section 3.10.

**FF. Private parks, country clubs, and golf courses.**

When located on a parcel larger than five (5) acres in area; any structure on the parcel shall be located at least two hundred (200) feet from the lot line of any adjacent Residential District.

**GG. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, not including storage yards.**

These uses may be permitted when operating requirements necessitate locating within the District to serve the immediate vicinity, and the use is not injurious to the surrounding neighborhood.

**HH. Restaurants or other establishments serving food and/or beverage using drive-in windows.**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular

- circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
  3. Parking areas shall have side and rear yard setbacks of at least ten (10) feet.
  4. Public access to the site shall be located at least one hundred (100) feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of said access.
  5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
  6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

## **II. Sexually oriented businesses.**

1. No sexually oriented business shall be permitted in a location in which any main building or accessory structure, including signs, is within one thousand (1,000) feet of any main building or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be established on a parcel within three hundred (300) feet of any Residential District or any parcel used for a single- or multiple-family residence, public park, school, child care facility, church or place of worship, public library, city hall, police department or fire department, youth center, or commercially operated school attended by children such as, for example, dance schools, gymnastic centers, etc. The distance between a proposed sexually oriented business and any such zoned area or existing use shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of that zoned area or existing use.
4. Any sign or advertising for the sexually oriented business must comply with the provisions of this code. Any sign or advertising may not include photographs, silhouettes, or drawings of any specified anatomical areas or specified sexual activities, or obscene representations of the human form and may not include animated or flashing illumination.
5. The entrances to the proposed sexually oriented business at both the exterior and interior walls, in a location visible to those entering and exiting the business, must be clearly marked with lettering at least two (2) inches in height stating:
  - a. "Persons under the age of eighteen (18) are not permitted to enter the premises;" and
  - b. "No alcoholic beverages of any type are permitted within the premises;" unless specifically allowed pursuant to a license duly issued by the Liquor Control Commission.

6. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
7. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.
8. All off street and on site parking areas shall comply with this Ordinance and shall additionally be illuminated at all times.
9. Any booth, room or cubical available in any sexually oriented business excepting an adult motel used by patrons for the viewing of any entertainment shall:
  - a. Be unobstructed by any door, lock or other entrance and exit control device;
  - b. Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - c. Be illuminated such that a person of normal visual acuity looking into the booth, room or cubical from its entrance adjoining the public lighted aisle can clearly determine the number of people within;
  - d. Have no holes or openings in any side or rear wall not relating to utility, ventilation or temperature control services or otherwise required by any governmental code or authority.

**JJ. Truck terminals.**

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one (1) property line abuts a paved primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
4. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
5. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

**KK. Truck, tractor and trailer sales, rental, and repair.**

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.

4. Outdoor storage areas for trailers and other equipment are not permitted in the front yard of the site and shall meet the side and rear yard setback requirements of the District. Display for sales may be permitted in the front yard of the site.
5. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.

**LL. Two-family dwellings.**

1. A building plan identifying sleeping areas shall be submitted to the Otsego Fire Department and kept on file.
2. No parking shall be allowed in any required front yard, except in a permissible parking space.
3. Parking areas shall be screened in accordance with Section 3.9 and all parking areas shall be paved.

**MM. Veterinary clinic.**

1. Buildings shall be freestanding and not connected to any other building containing any other use.
2. No part of the lot shall abut a Residential District lot line without the use of screening in the form of a six foot privacy fence or a six (6) foot tall landscape buffer pursuant to Section 3.9.B.
3. No overnight boarding of animals shall be permitted.
4. No services shall be provided to large animals, such as horses, cows, and other similar size animals.
5. No cremations or crematory facilities shall be operated on the premises.

**NN. Veterinary hospitals.**

1. The facility shall have a minimum lot size of two (2) acres for the first seventy five (75) animals and one (1) additional acre for each twenty five (25) animals over seventy five (75).
2. The facility, including runs and exercise areas, must be a minimum of five hundred (500) feet from a Residential District or use.
3. The facility shall have frontage on a major thoroughfare for which all ingress and egress from the site shall be made.
4. Outside exercise areas shall be enclosed by at least three (3) sides of the building. In no case, shall the outside exercise area be located in a front or side yard. Fencing of exercise areas shall be sufficient to contain the animals.
6. All kennel areas, runs, cages, and/or exercise areas shall be maintained to create a safe and suitable environment for animals, including the daily elimination of animal waste.
7. Animals shall be kept inside the building between the hours of 9:00 p.m. and 7:00 a.m.

8. The City Commission may require screening up to six (6) feet in height in order to mitigate and/or avoid possible adverse impacts on surrounding property.
9. One (1) parking space for each eight (8) runs of cages, whichever is greater, plus one (1) per employee on the largest working shift shall be provided on site.

**OO. Wholesale store, storage facilities, buildings, warehouses, distribution plants, and freezers and lockers.**

1. Minimum lot area shall be three (3) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator of a storage facility. The residence shall conform to the minimum requirements for a multiple-family dwelling in the R-C District.
3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met within the parking lanes required for the storage area.
4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises of a storage facility.
5. One (1) parking space shall also be required for every twenty (20) storage cubicles for the use of customers, up to a maximum of ten (10) spaces, located adjacent the rental office.
6. Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
7. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
8. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
9. The use shall be located adjacent to a primary road, and access to the use shall be from that road.
10. Access driveways shall be located at least one hundred fifty (150) feet from the nearest part of the intersection of any street or any other driveway.

**PP. Indoor repair of motorcycles, recreational/utility vehicles, personal watercraft, lawn and garden equipment, and similar small vehicles, when ancillary to a related allowed retail use.**

1. The building storefront shall be occupied by an allowed retail use that is related to permitted repair activities. Repair activities shall be ancillary to the allowed retail use and shall not be visible from the storefront.
2. Repair, storage and parking of vehicles under repair shall take place entirely within the same building as the retail activity of the building.
3. The retail storefront shall occupy no less than twenty-five percent (25%) of the GFA of the first floor of the building.
4. No service bay shall open onto or face upon any public street; however, a building

located on a corner lot may have one (1) service bay upon the street side that does not contain the main storefront and entrance to the building.

5. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

**QQ. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit.**

1. The proposed site shall have frontage on a primary street or state highway. All ingress and egress to and from the site shall be directly from this street or highway.
2. No building shall be closer than 50 feet to any side or rear property line on an adjacent property in a residential district. Buildings shall be screened by a landscape buffer meeting the requirements of Section 3.9, B; however, the City Commission, after recommendation by the Planning Commission, may require a more substantial buffer if necessary to provide a transition to adjacent residential uses and protect adjacent uses from the effects of the college use.
3. Athletic fields and outdoor performance areas shall be set back a minimum of 100 feet from any side or rear property line on an adjacent property in a residential district. Lighting fixtures for the athletic fields and/or performance areas shall be specifically mounted and aimed so that their beams fall directly within the play/performance area and its immediate surroundings and does not spill onto adjacent streets or properties. The intensity of lighting shall not exceed 0.1 footcandles at any property line.
4. Parking lots shall be set back a minimum of 25 feet from any side or rear property line on an adjacent property in a residential district. Parking lots in front yards shall comply with Section 16.2, G, 2, b. The setback area shall be screened in accordance with the requirements of Section 16.2, F; however, the City Commission, after recommendation by the Planning Commission, may require a more substantial landscape screen if necessary to protect adjacent uses from the effects of vehicles and traffic.