

## **Amendment Adopted May 11, 2011**

### **(1) Section 1.04**

#### **Amendment adopted : May 11, 2011**

##### **(1) Section 1.04 Application of Regulations**

*This Law enumerates allowable uses within the Town of Otsego, and any use not specifically permitted is prohibited. No building or structure or part thereof shall be erected, moved, altered or demolished or use of land be permitted, unless in conformity with this Law*

**Reason for Amendment:** Section 1.03 states that the Town of Otsego Land Use Law “regulates the use of land in the Town of Otsego...” Section 1.04, the application section, should echo this so the Law is clear.

##### **(2) Appendix B –Table of Off-Street Parking Requirements**

**Delete** “or industrial use” from the “Electrical, plumbing, repair, roofing shops (see retail store)” listing in the COMMERCIAL USES section (page 43 of 55).

**Delete:** “public garages” from the “Service establishments” listing in the COMMERCIAL USES section (page 43 of 55).

**Delete** “Transportation terminal, passenger” (page 43 of 55)

**Delete** the INDUSTRIAL USES section and substitute:

*WAREHOUSING ,*

*Warehousing and Storage Areas, ^1 space per 1,000 sffa*

**Add:**

*Light Assembly (See unspecified uses)*

**Reason for Amendment:** No industrial uses, public garages, transportation terminals, or freight terminals are permitted under the Town of Otsego Land Use Law. Warehouse and Storage Areas, and Light Assembly are Special Permit uses. Appendix B should reflect the uses set forth in the Land Use Law.

##### **(3) Appendix C – Definitions**

**Mineral Extraction:** Operations extracting gravel, rock, stone, sand, fill, topsoil or *unconsolidated* minerals from the surface or below the ground for sale ^but does not include *operations extracting geothermal resources, natural gas, and/or petroleum, or the process of grading a lot preparatory to the construction of a building.*

**Reason for Amendment:** The provision for Mineral Extraction in the RA-2 Residential-Agricultural District was to allow gravel pits under the special permit procedure and was not to permit the generalized extraction of any and all minerals. Section 4.05 of the Town of Otsego Land Use Law makes this crystal clear as it refers to extraction of “750 cubic yards per year” in specified districts. This is a measurement for the mining of sand and gravel, not the extraction of gas and oil. This amendment removes any possible ambiguity in the term “Mineral Extraction.” (unconsolidated minerals is a mining term that refers to the extraction of sand, gravel, and soils)

##### **(4) Add new definitions:**

**Public Facilities/Utilities:** *any use operated by a governmental entity or public utility in connection with any of the following public services: water, water management, public education, parks and recreation, fire and police protection, solid waste management, utilities, hospitals or other public service uses.*

**Unconsolidated minerals:** *loose, unattached, unstratified, particles of earth material such as gravel, sand, or sediment, without combined rigidity or cohesiveness due to a lack of binding or natural mineral cement.*

**Reason for the Amendments:** Public Facilities/Utilities are a special permit use in several districts but there is no definition for such uses in Appendix C. This definition is added to correct that omission. Unconsolidated minerals are referred to in the Mineral Extraction definition and should be defined.