

CHAPTER 6

SPECIAL USE PERMITS

SECTION 601. INTENT, PURPOSE AND PROCESS.

- (1) **INTENT.** In contrast to the clear cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly subjective. It relies upon the judgement of the Planning Commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site of a proposed Special Use. The Special Uses which are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole.
- (2) **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as use "Special Use Permit" for each Zoning District in the Uses Table found in Chapter 3 of this Ordinance. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
- (3) **PROCESS.** Regulation of Special Uses includes two separate steps. First is the review of the Site Plan for the proposed use. Second is the decision of whether a Special Use Permit will be granted.
 - (a) **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements which must always be met.
 - (b) **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
 - (c) **PRECAUTION.** No person should think that compliance with the standards defined by this Chapter automatically grants them the right to establish a Special Use in a given Zoning District. Rather, the privilege of establishing a Special Use is granted or denied by the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on neighboring parcels, the

input of neighboring residents or property owners is a legitimate factor for the Village Council to consider when deciding whether to allow such uses.

- (d) PERMANENCE. Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that is transferred when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may be revoked..

SECTION 602. PERMIT PROCEDURES.

- (1) SUBMISSION OF APPLICATION. The application package is to be submitted to the Village of Lakewood Club Zoning Administrator.
 - (a) CONTENTS. The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Council and a site plan.
 - (b) APPLICATION DEADLINE. The complete application package must be submitted to the Zoning Administrator at least twenty (20) days before the Planning Commission meeting at which it will be considered.
- (2) SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT. In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
 - (a) SEPARATE. The rezoning shall be considered separately from the Special Use Permit.
 - (b) PROCEDURES. The Ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Board.
 - (c) STANDARDS. All standards required by this Ordinance shall be observed for each action.
 - (d) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- (3) VILLAGE COUNCIL REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and

Special Use Permit considered at a single Village Council meeting, the following process occurs:

- (a) PUBLIC HEARING ON SPECIAL USE. The Village Council shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
 - (1) NOTICE. A notice of public hearing shall be mailed to all parties specified by law and published in a newspaper of general circulation in the Village not less than five (5) nor more than fifteen (15) days before the date of such hearing.
 - (2) DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask for consideration of the Special Use Permit, including the public hearing to be postponed. However, postponing the hearing requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.
- (b) CONSIDERATION OF SPECIAL USE PERMIT. Following the close of the public hearing, consideration of the Special Use permit shall take place.
 - (1) OPEN MEETING. Note that the Open Meetings Act requires this vote to take place in an open public meeting.
 - (2) PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Village Council shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Village Council to be held on a specific date which is identified in the motion to table.
 - (3) ISSUANCE OF ZONING PERMIT. Only upon approval of a Special Use Permit by the Village Council may a Zoning Permit for the proposed use be issued by the Zoning Administrator.
- (c) SITE PLAN REVIEW. The Village Council shall conduct a Site Plan Review for the proposed use. The Village Council may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
 - (1) PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Village Council may choose to accept public comments or questions relating only to design considerations of the site plan.

- (2) **IF THE SITE PLAN IS DENIED.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
- (4) **REAPPLICATION.** An application for a Special Use Permit which has been denied, may not be resubmitted until one (1) year after the date of denial has passed.
- (5) **TERMS OF PERMIT.** A Special Use Permit issued pursuant to this Chapter consists of a Zoning Permit which specifies the Special Use which is to be allowed and any conditions which were attached by the Village Council. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
- (6) **REVOCAION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item (5), the permit remains valid as long as all of those conditions are met. However, the Village , via the Village Council, shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated. The Special Use Permit is a condition of the approval of the Zoning Permit, and revocation of it shall void the Zoning Permit.
- (a) **FIRST NOTICE.** The Zoning Administrator shall send written notice of a violation to the holder of the Zoning Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Village Council will revoke the Special Use Permit and order the use to cease.
- (b) **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use. Actions specified by the Regulation of Nonconformities Table shall be taken whenever they apply.
- (c) **VILLAGE COUNCIL ACTION.** The Zoning Administrator shall notify the Village Council of the violation of conditions of the Special Use Permit at the next regular Village Council meeting, and revocation of the Special Use Permit shall be considered then. The Village Council's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.

- (d) **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
- (e) **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

SECTION 603. PERMIT STANDARDS.

- (1) **STANDARDS ATTACHED TO SITE PLAN REVIEW.** Before approving or denying a Special Use Permit Application, the Village Council reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards and any applicable standards from this Chapter. Standards are included in the Table of Special Use Permit Standards and in supplementary sections that follow the Table.
- (2) **ADDITIONAL CONDITIONS.** The Village Council may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Village Council's minutes, written on the site plan itself, and communicated to the applicant in writing. The permit will not take affect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Village Council chairman.
- (3) **ENFORCEMENT OF CONDITIONS.** The breach of any condition shall be cause for the Village Council to revoke a Special Use Permit.

SECTION 604. BED AND BREAKFASTS.

- (1) **AUTHORIZATION.** Due to the growing popularity of bed and breakfast establishments in single family dwellings, it is of evermore importance that any potentially adverse impacts resulting from such developments be property addressed. It is the intent of the Village to permit the development of such operations when developed in a way which emphasizes the protection of detrimental change in the single family character of any site proposed for a bed and breakfast operation.
- (2) **USES THAT MAY BE PERMITTED.** Bed and breakfast establishments where provided and as permitted under the appropriate zoning district.

- (3) **DEVELOPMENT REQUIREMENTS.** The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
- (a) The residence is the principal single family detached dwelling unit on the property and is owner-occupied at all times.
 - (b) The rooms utilized for the sleeping area are part of the primary residential use and not specifically constructed or significantly remodeled or altered for rental purposes.
 - (c) The maximum stay for any occupants of bed and breakfast operations shall be seven (7) days.
 - (d) Paved parking shall be provided at a ratio of spaces to bedrooms as set by the Zoning Administrator.
 - (e) Occupancy of any bed and breakfast operation is limited to eight (8) or fewer guests, and the use is further limited to not more than two (2) rental sleeping rooms.
 - (f) Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. Such list shall be available for inspection by Village officials at any time.
 - (g) Breakfast is the only meal that may be served to overnight bed and breakfast guests, and this meal shall comply with restrictions of the State and County Health Departments for nonresidential uses. There shall be no separate cooking facilities for use by the bed and breakfast guests.
 - (h) A minimum lot width of one hundred (100') feet will be required for all bed and breakfast operations.
 - (i) Bed and breakfast operations shall not be permitted on any premises where there exists any violation of a Village Ordinance or in any building or on any parcel of land which does not conform to the requirements of the Village Zoning Ordinance and adopted Construction Codes.
 - (j) No bed and breakfast operation shall be established without prior approval by the Village Council, in accordance with the Special Use Permit requirements of Chapter 6. Two sets of floor plans of the establishment, drawn to a scale of not less than one eighth inch (1/8"=1') foot shall also be submitted to the Zoning Administrator. One set shall remain on file in the Village Offices, and one set shall be filed with the Fire Department.

SECTION 605. CAR WASHES.

- (1) **DRAINAGE.** Adequate provisions shall be made to keep all water from washing operations on the site. Where mechanical or manual drying is not done, a mechanical

device shall be provided to insure that each vehicle shall wait on the site a minimum of sixty (60) seconds following the end of each washing operation.

- (2) **OFF STREET VEHICLE WAITING AREA.** A vehicle waiting area shall be provided on the site which will accommodate a number of vehicles, under actual operating conditions, equal to fifty (50%) percent of the maximum hourly capacity of the washing facility. In determining the number of vehicle waiting spaces available to meet requirements, the number of vehicles normally accommodated within the building can be counted.
- (3) **BUILDING EXIT.** The building exit shall be no closer than two hundred thirty (230') feet to the nearest street intersection, measured according to how a vehicle would be forced to travel. If there is a drying operation associated with the car wash, either mechanical or hand operated, no minimum footage from a street intersection is required.

SECTION 606. INDUSTRIAL PARK.

- (1) **PERMITTED USES IN INDUSTRIAL PARK.** Uses primarily engaged in research and light manufacturing activities.
 - (a) Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the Village Council.
 - (b) Distribution and Warehousing Plants
 - (c) Administrative professional and business offices associated with and accessory to a permitted use.
 - (d) Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.
- (2) **DEVELOPMENT STANDARDS.**

SETBACKS. No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:

- (a) **Front Yard Setback.** Twenty (20') feet, except that unsupported roofs or sun screens may project six (6') feet into the setback area.
- (b) **Side Yard Setback.** Ten (10) feet provided that if a single building is constructed on two or more Lots. No fences shall be constructed within the required side yard.
- (c) **Rear Yard Setback.** No rear yard setback is required except where a lot abuts a residential district, the rear yard shall be thirty (30') feet.

- (3) **SITE COVERAGE.** Maximum building coverage of fifty (50%) percent of a Site is allowed. Parking structures shall not be calculated as a building area; however, said structures shall be used only for the parking of company vehicles, employee's vehicles, or vehicles belonging to persons visiting the subject firm.
- (4) **BUILDING HEIGHT.** The maximum building height shall be thirty-five (35') feet.
- (5) **BUILDINGS PER LOT.** One building, other than a parking structure shall be erected on any one lot, unless the erection and use of more or less than one building on any one lot is specifically approved and consented to by the Village of Lakewood Club in writing.
- (6) **BUILDING CONSTRUCTION AND MATERIALS.** All buildings shall create a credible and acceptable appearance on all four sides. Buildings, including ancillary buildings, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls. All appurtenant equipment, including roof mounted units, shall be screened from view from any public street. At least thirty-five (35%) percent of the wall area on the front of the building shall be of facing brick, stone, exposed aggregate or of other architectural masonry of equal standard.

The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.

- (7) **SIGNS.** No sign shall be erected or maintained on the Park except in conformity with the following:
 - (a) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion.
 - (b) All signs attached to the building shall be flush mounted.
 - (c) Only one (1) single faced or double faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.
 - (d) No ground signs shall exceed five (5') feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single face) shall not be erected in the first twenty (20') feet, as measured from the property line, of any street side set back area.
 - (e) A wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area closed by such line.

- (8) **PARKING.** Each owner of a parcel shall provide adequate off-street parking to accommodate all parking needs for the parcel. Required off-street parking shall be provided on the parcel of the use served, or on a contiguous parcel or within eight hundred (800') feet of the subject parcel. Where parking is provided on other than the parcel concerned, a recorded document shall be filed with the Village and signed by the owners of the alternate parcel stipulating to the permanent reservation of the use of the parcel for said parking.

The following guide shall be used to determine parking requirements: Office, Manufacture, Research and Assembly: One (1) space for each full time employee (per shift) and one space per two thousand (2,000) square feet of total office space (excluding such areas as pedestrian corridors, restrooms, elevator shafts, equipment areas). Warehouse: One (1) parking space for each full time employee (per shift).

- (9) **LANDSCAPING.** The front yard setback area of each site shall be landscaped with an effective combination of street trees, trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.
- (a) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
- (b) Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.
- (10) **LOADING AREAS.** No loading shall be allowed which is visible from adjacent streets. Street side loading shall be allowed provided the loading dock is set back a minimum of seventy (70') feet from the street right-of-way line, or one hundred ten (110') feet from the street center line, whichever is greater. Said loading area must be screened from view from adjacent streets.
- (11) **STORAGE AREAS.** No outdoor storage shall be allowed.
- (12) **REFUSE COLLECTION AREAS.** All outdoor refuse collection areas shall be visually screened from access streets, freeways, and adjacent property by a complete opaque screen made of materials compatible with the buildings materials used in the principal structure. No refuse collection areas shall be permitted between a frontage street and building line.
- (13) **LIGHTING.** All employee, public and loading entrances shall be lighted. Lights shall be deflected in such a way as to not create a traffic hazard.

- (14) TELEPHONE AND ELECTRICAL SERVICE. All on site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view streets and adjacent properties.
- (15) NUISANCES. No portion of the Park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

SECTION 607. MINISTORAGE/INDIVIDUAL STORAGE FACILITIES.

- (1) DISTRICT REGULATIONS. All district regulations of the B-2 district shall apply to Individual Storage Facilities/Ministorage.
- (2) DIMENSIONAL REQUIREMENTS. Multiple buildings on one site must be at least fifteen (15') feet apart. All internal circulation must be on hard surfaces, at least fifteen (15') feet in width.
- (3) SETBACKS. The minimum front, side and rear yards shall conform to all district regulations. All sites abutting residential uses shall be developed so that access to storage facilities on the sides abutting residential uses face the interior of the site. No access to the rear of the building, by vehicle, shall be allowed on sides abutting residential uses. Where lights from vehicles can shine on residential uses from anywhere on the site, the residential use shall be screened by a completely obscuring fence, berm or landscaping, at least four (4') feet in height.
- (4) USE OF BUILDING. All Individual Storage/ Ministorage must be entirely contained within the building and in no way visible or otherwise apparent from outside the building. No retail commercial, manufacturing or rehearsing operations of any kind may be carried out inside or outside of the building.
- (5) MATERIALS ALLOWED TO BE STORED. No hazardous, toxic, flammable or refrigerated products may be stored inside or outside the building, excluding gas tanks attached to and intended to fuel vehicles and tanks of propane or kerosene, intended as fuel for appliances attached to the vehicle.
- (6) LIGHTING. All access points to each storage space and driveway must be lighted.

SECTION 608. OUTDOOR USES.

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the Uses Table in Chapter 3.

These uses are: **Outdoor Assembly, Assembly buildings, Mobile Home Sales and Service and Race Tracks.**

- (1) **DRIVEWAYS REMOTE FROM INTERSECTIONS.** All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200') feet from the intersection of any two (2) streets or highways.
- (2) **SIGHT DISTANCE.** All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100') feet of the street for a sight distance of five hundred (500') feet in either direction along the street.

SECTION 609. PLANNED UNIT DEVELOPMENT.

- (1) **INTENT.** This Section is intended to encourage innovation in land use patterns and variety in design for development of large Parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.
- (2) **APPLICABILITY.** Planned Unit Developments are identified as Special Uses in the R-1, R-2, B-1, and B-2 Zoning Districts. This Section provides additional standards used in the Special Use Permit process. Note that Site Condominiums, one type of Planned Unit Development, are permitted only in the R-1 or R-2 Zoning Districts.
- (3) **PERMITTED USES AND STANDARDS.** A Planned Unit Development (PUD) may include all Uses By Right and Special Uses listed for the Zoning District which applies to its site, AND for the Zoning Districts which immediately precede and follow it in the Uses Table in Chapter 3. Excluding all uses in the Industrial district. For example, a PUD proposed for a Parcel zoned R-2 could include all Uses identified for the R-1, R-2, and B-1 Zoning Districts.

When a Use is listed only as a Special Use for the applicable Zoning Districts, all Special Use Permit Standards for said Use will apply. When a Use is listed as a Special Use in one of the applicable Zoning Districts, and as a Use By Right in another, it may be treated as a Use By Right for the PUD.

- (4) **USE DENSITY AND PARCEL COVERAGE.** Parcel Coverage limits for the applicable Zoning District must be met overall, with the following additions.
 - (a) **RESIDENTIAL COVERAGE IN COMMERCIAL ZONING DISTRICTS.** For a PUD located in the B-1 or B-2 Zoning Districts, up to fifty (50%) percent of the allowable Parcel Coverage may be devoted to structures for residential Uses.
 - (b) **NONRESIDENTIAL COVERAGE IN RESIDENTIAL ZONING DISTRICTS.** For a PUD located in the R-1 or R-2 Zoning Districts, up to twenty (20%) percent of the allowable Parcel Coverage may be devoted to structures for nonresidential Uses.
- (5) **DIMENSIONAL REQUIREMENTS.** Front Yard Setback requirements for the applicable Zoning District shall apply to all boundaries of the PUD. Building Height

limitations and minimum Yards between Dwelling structures shall be as specified for the B-1 Zoning District by the DIMENSIONS Table in Chapter 3.

- (6) **BUFFERING FOR RESIDENTIAL USES.** When a PUD contains a mix of residential and other Uses, the following provisions shall be enforced.
 - (a) **SEPARATE BUILDINGS.** In any PUD, a Building devoted to nonresidential use must be separated from adjacent residential Buildings by a Yard area not less than thirty (30') feet across, developed as landscaped open space and not used for parking or circulation of motor vehicles. This area may apply toward satisfaction of the PUD's Open Space requirement, as noted below.
- (7) **OPEN SPACE.** At least twenty (20%) percent of any Parcel containing a PUD must be devoted to landscaped open space. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may Yard areas of individual residential lots be included. However, landscaped Yard areas for Multiple Dwellings or nonresidential Uses may be included. If the PUD includes Multiple Dwellings, it must have at least one thousand (1,000) square feet of open space per Dwelling Unit.
- (8) **SIGNS.** Sign regulations as described in Chapter 5 shall apply for the PUD.
- (9) **PARKING AND CIRCULATION.** Parking for Uses in a PUD shall conform to the requirements of individual uses as required in Chapter 4. Roadways in a PUD are intended to be Public Streets, and must be built to the standards of the applicable public agency.

SECTION 610. OUTDOOR RECREATIONAL FACILITIES, COMMERCIAL.

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the Uses Table in Chapter 3.

These uses are: **Public or private Golf Courses and Driving Range. This section does not include uses that are accessory uses to a residential use.**

- (1) **SITE LOCATION.** Site location should be allowed which enhance the natural environment and amenities of urban life.
- (2) **DEVELOPMENT REQUIREMENTS.** The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.
 - (a) Minimum site shall be one (1) acre and access shall be so designed as to provide all ingress and egress directly onto or from an arterial or principal collector thoroughfare.

- (b) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

SECTION 611. RESTAURANTS WITH ENTERTAINMENT AND BARS

- (1) **SITE LOCATION PRINCIPLES.** The following principles shall be utilized to evaluate the proposed location of any restaurant within a permitted district. The principles shall be applied by the Village Council as general guidelines to help assess the impact of the use upon the district in which such use is proposed.
 - (a) Uses should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes will not be disturbed.
 - (b) Restaurants should be located on sites which will not significantly increase the noise, air pollution, and traffic congestion levels of a neighborhood.
- (2) **SITE DEVELOPMENT REQUIREMENTS.** The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
 - (a) **ACCESS DRIVES.** No more than one (1) driveway approaches shall be permitted directly from any major or minor thoroughfare not more than one (1) driveway approach from any minor street, each of which shall not exceed thirty-five (35') feet in width at the property line. Drive-in restaurants shall be allowed no more than two (2) driveways per site. All other developments shall be allowed one driveway per site.
 - (1) The driveways shall be located as far from the street intersection as practicable, but no less than fifty (50') feet.
 - (2) Joint access and parking shall be provided with adjacent properties whenever physically possible.
 - (b) **CURBING AND PAVING.** A raised curb at least six (6") inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
 - (c) **FENCING.** An opaque fence or wall, a minimum of five (5') feet in height, shall be erected along all property lines abutting any lot within a residential district.
 - (d) **LIGHTING.** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets as set forth in Chapter 4.
 - (e) **LANDSCAPING.** The front yard setback area of each site shall be landscaped with an effective combination of street trees, trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The

entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.

- (1) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
- (2) Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.

(3) **DRIVE-THRU ESTABLISHMENTS.**

(a) **USES THAT MAY BE PERMITTED.** Accessory drive-thru uses to financial institutions, fast food businesses, automatic teller machines, dry cleaners, convenience stores, or other uses as may be determined by the Village Council.

(b) **DEVELOPMENT REQUIREMENTS.** The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

- (1) The drive designated for the drive-thru shall have a minimum width of twelve (12') feet and a minimum length of one hundred (100') feet. Said drive length shall not interfere with on-site traffic flow or parking arrangements.
- (2) Curbing of at least seven (7") inches in height and/or steel concrete bumper poles must be installed between the drive-thru lane and any structure.
- (3) All pedestrian walkways crossing the drive shall be accessible to handicapped persons, properly painted and posted with signs warning drivers of pedestrians.
- (4) Lighting shall be installed so as to provide adequate illumination of any walkways intersecting with said drive.
- (5) An opaque fence or wall a minimum of five (5') feet in height shall be erected along all property lines where a drive-thru lane or associated structure are within forty (40') feet of any residential district or property.
- (6) No drive-thru lane may be closer than five (5') feet to any residential property or district.
- (7) Drive-thru lane shall not result in an additional curb cut unless approved by the Village Council as necessary to ensure the safety of motorists and/or pedestrians.

SECTION 612. RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND.

- (1) **TEMPORARY OCCUPANCY ONLY.** Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short term housing or shelter

arrangements. Spaces shall be rented by the day or week only, and no occupant of such spaces shall remain in the same park or campground more than sixty (60) days.

- (2) **RESIDENT MANAGER.** Each RV park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented. The manager's residence shall include the business office for the park and at least one thousand (1,000) square feet of living area for the manager's family.
- (3) **REGULATORY COMPLIANCE REQUIRED.** RV parks or campgrounds must maintain compliance with all regulations of the Michigan State Health Department and the Michigan Department of Natural Resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance, subject to enforcement action as provided by Chapter 9.
- (4) **GREENBELT, FENCE AND SETBACK.** Further, there shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All individual campsites are to be setback at least seventy five (75') feet from any street right-of-way or neighboring property line.
- (5) **ACCESS AND CIRCULATION.** Each park shall be served by not more than one (1) point of access to each abutting street or road. Clear vision areas shall be maintained for drivers, extending one hundred fifty (150') feet in each direction on any abutting road and for twenty five (25') feet on the park entrance road. Roadways within the park shall be hard-surfaced, dust-free, and at least twenty four (24') feet wide for two-way traffic or twelve (12') feet wide for one-way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.
- (6) **PERSONAL CARE FACILITIES.** Each RV park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, wash basins, toilets, showers and waste containers. These facilities shall be provided uniformly through out the park at a ratio not less than one (1) toilet and sink for each eight (8) camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.
- (7) **OTHER PUBLIC FACILITIES.** Each RV park or campground shall provide at least one (1) public telephone for each forty (40) sites. Also, each park shall have waste pump-out facilities for recreational vehicles which shall have an approved connection to a municipal sewage collection and treatment system or shall have waste removed by a licensed waste hauler for treatment at a municipal treatment facility. Each park shall be served by a commercial solid waste disposal service, providing on-site storage container(s) large enough to accommodate a three-day (3) accumulation of solid waste with all sites in the park occupied. Said service shall provide pick up of waste at least

weekly when the park is operating and frequently enough to insure that said container(s) are never overloaded. Finally, at least twenty (20%) percent of the site, not including the greenbelt and setback areas as defined in this Section, shall be devoted to shared open space uses, including, but not limited to, playgrounds, picnic areas, court or field sports, or natural areas. This shall not include parking and vehicle circulation areas.

SECTION 613. SEXUALLY ORIENTED BUSINESSES AND ADULT MEDIA STORES.

- (1) **INTENT.** There are some uses that because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse affects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.
- (2) **DISTANCE RESTRICTIONS.**
 - (a) Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000') feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
 - (b) It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500') feet of any agriculturally or residentially zoned property or within one thousand five hundred (1,500') feet of any religious or educational institution, library, day care centers, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.
- (3) **SIGNS AND PUBLIC OR EXTERIOR DISPLAY.** Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "Sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

- (4) **PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS.** When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.
- (a) **ORDINANCE INTENT.** The proposed Use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
 - (b) **BLIGHTING INFLUENCE.** The proposed Use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
 - (c) **NEIGHBORHOOD CONSERVATION.** The proposed Use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
 - (d) **OTHER STANDARDS.** The proposed Use, and its Principal Building, shall comply with all other regulations and standards of this Ordinance.

SECTION 614. SOIL RESOURCE EXTRACTION.

- (1) **SCOPE OF REGULATIONS.** This Section regulates extraction, filling or repositioning of soil, sand, gravel, clay or other geologic deposit involving disturbance of more than one thousand (1,000) cubic yards of material, when such disturbance is not related to construction of a building, structure, or parking lot. This Section also applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in the Village . Finally, oil wells are specifically exempted from this Section, and are solely regulated by the Michigan Department of Natural Resources.
- (2) **ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN.** The Site Plan for any activity regulated by this Section must include the following additional information.
- (a) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5') foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
 - (b) A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
 - (c) The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.

(3) EXCAVATION SITE REQUIREMENTS.

- (a) Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a State permit may be needed.
- (b) Excavations which create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.
- (c) Excavations may be no closer than fifty (50') feet, measured horizontally, to a power line, and may not be within a public utility or transportation easement.

(4) CONSTRUCTION AND OPERATION REQUIREMENTS.

- (a) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
- (b) Any pond banks shall have a maximum slope of one (1') foot vertical to four (4') feet horizontal which extends below the projected low water surface elevation to a depth of at least eight (8') feet.
- (c) Minimum designed water depth of a pond must be fifteen (15') feet to insure proper aeration and circulation of the water.
- (d) All required environmental permits shall be obtained and obeyed, including the soil and sedimentation control permit under Act 347 of PA 1972.
- (e) Any excavated material not removed from the site shall be graded to a continuous slope which does not exceed one (1') foot vertical to three (3') feet horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.
- (f) By October 15 of each year, the completed portion of an excavation and any disturbed area around it, shall be graded and seeded.
- (g) No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.
- (h) Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.
- (i) When two (2) or more Dwellings are located within two hundred (200') feet of the edge of any water body on an excavation site or on any parcel, said water body shall be enclosed by a fence at least four (4') feet high with a lockable gate.
- (j) Ponds constructed for recreational purposes must be located behind the principle structure and outside of the rear and side yards.

SECTION 615. SITE PLAN REVIEW.

The standards that apply to the following Special Uses are those required as a result of the site plan review. These uses are: **Accessory Uses to the principle use, Commercial Recreational facilities, Day Nurseries, Passenger Terminals, Religious, Social, Educational and Human Care institutions in the R-1 district, Retail Malls, Two family dwellings in the R-1 district, and Veterinary Hospitals.**

SECTION 616. TEMPORARY OUTDOOR USES.

- (1) **EXEMPT ACTIVITIES.** School fund raising or nonprofit activities are exempt from the special use permit requirements of this section. Private garage and yard sales in any R district are exempt from the special use permits requirements of this section.
- (2) **EVIDENCE OF OWNERSHIP OR PERMISSION.** Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- (3) **LENGTH OF PERMIT.** A temporary permit may be granted by the Village Council for a maximum of three (3) consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one (1) month following the expiration of the previous permit. The total time period for all temporary permits granted to one proponent shall not exceed six (6) months in one calendar year.
- (4) **STRUCTURES-OUTDOOR USES.** Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
 - (a) It is no larger than one hundred and fifty (150) square feet,
 - (b) There is no foundation,
 - (c) No portion of the structure may become unattached or move as a result of wind,
 - (d) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed **PRIOR** to expiration of the permit.

- (5) **STRUCTURES-INDOOR USES.** Structures for the display of indoor sales items are allowed provided they are not used for human shelter.

One structure for sales items is allowed under the following conditions:

- (a) There is no foundation,

- (b) No portion of the structure may become unattached or move as a result of wind,
- (c) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed PRIOR to expiration of the permit.

- (6) **USES REQUIRING AN OFFICIAL SITE PLAN AND VILLAGE COUNCIL REVIEW.** If the use is for greater than three (3) days, within a thirty (30) day period, a site plan, in conformance with the requirements outlined in Chapter 7, must be submitted to the Village Council, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.
 - (a) **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted without a permit from the Village Council.
 - (b) **PORTABLE SIGNS.** Portable signs shall be allowed, by permit, for a total of thirty (30) days in any six (6) month period. A total of two portable sign permits may be granted for one parcel in a year.
 - (c) **SANITARY FACILITIES.** Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
 - (d) **DISPLAY OF GOODS.** Display and sale of goods may not be within the required yards for the zoning district.
- (7) **USES NOT REQUIRING AN OFFICIAL SITE PLAN OR VILLAGE COUNCIL APPROVAL.** Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of **NONPROFIT ORGANIZATIONS**, in Chapter 2, may be granted temporary use permits by the Zoning Administrator/Building Inspector, at no cost to the organization if,
 - (a) The use is for three (3) days or less within a thirty (30) day period,
 - (b) A drawing of the site and description of activity is provided and,
 - (c) No structures for display, sale or storage remain on the site other than during the hours of operation,
 - (d) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.

- (e) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
- (f) The temporary use location must meet all yard requirements of the zone in which it is located.
- (g) **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted without a permit from the Village Council.

SECTION 617. WIRELESS COMMUNICATION FACILITIES.

(1) **INTENT AND PURPOSE.**

The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will:

- (a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Village ,
- (b) Minimize adverse visual effects of towers through design and siting standards,
- (c) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
- (d) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.

(2) **DISTRICT REGULATIONS.** A wireless communication facility shall require a building permit in all instances and may be permitted as follows:

- (a) All districts: A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance. Such installations shall be permitted by right in all zoning districts and be permitted through the site plan review process by the Village Council .
- (b) Towers in Residentially zoned areas are only allowed if they are:
 - (1) Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance shall be allowed in the rear yard of parcels.

- (2) Towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this Ordinance:
 - (a) Church sites, when camouflaged as steeples or bell towers;
 - (b) Park sites, when compatible with the nature of the park; and,
 - (c) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Village-owned properties.
 - (d) Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Village staff provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed, professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
- (c) Towers in commercially or industrially zoned areas are allowed by right if they qualify as towers allowed by right in residentially zoned areas.
- (d) Newly constructed towers in commercially or industrially zoned areas are allowed by Special Use Permit in the Wireless Communication Facility overlay zone as shown on the Village 's most recently adopted zoning map under the following situations:
 - (1) The telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:
 - (a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

- (c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
- (d) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

- (2) A tower structure built by other than a licensed carrier may not be constructed until at least two carriers have been secured to occupy the structure. Contracts with such carriers will be required by the Village as proof that two carriers will occupy the structure.

(3) **COLLOCATION.**

Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:

- (a) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
- (b) Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
- (c) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Village . The Village may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Village may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

(4) **TOWER CONSTRUCTION.**

Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Towers shall be constructed to ANSI EIA TIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" and National Building Code construction standards for steel structures.

(5) TOWER, ANTENNA AND ACCESSORY BUILDING DESIGN.

Proposed or modified towers and antennas shall meet the following design requirements:

- (a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- (b) Commercial wireless telecommunication service towers shall be of a monopole design unless the Village Council determines that an alternative design would better blend into the surrounding environment.
- (c) Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

(6) TOWER SETBACKS.

Towers shall conform with each of the following minimum setbacks requirements:

- (a) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
- (b) Towers shall be set back from planned public right-of-ways as shown on the Village's Master Plan by a minimum distance equal to the height of the tower including all antennas and attachments.
- (c) Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - (1) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - (2) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
- (d) Tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the Village Council to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

- (e) Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit, except where they are being collocated on existing towers or structures.

- (7) **TOWER HEIGHT.**
In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed one hundred seventy-five (175') feet except as granted by the Zoning Board of Appeals.

- (8) **TOWER LIGHTING.**
Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

- (9) **SIGNS AND ADVERTISING.**
The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.

- (10) **ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS.**
Abandoned or unused towers or portions of towers shall be removed as follows:
 - (a) All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property.

 - (b) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.

- (11) **INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS.**
No new or existing telecommunications service shall interfere with public safety telecommunications. The Village Council may request an intermodulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Village at least ten calendar days in advance of such changes and allow the Village to monitor interference levels during the testing process.

(12) MODIFICATIONS.

A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:

- (a) The applicant and/or coapplicant wants to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:
 - (1) Change in the number of facilities permitted on the site;
 - (2) Change in the technology used for the wireless service facility.
- (b) The applicant and/or coapplicant wants to add any equipment or additional height not specified in the original design filing.

(13) SITE PLAN SUBMISSION REQUIREMENTS.

(a) General Filing Requirements

- (1) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
- (2) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
- (3) Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.

(b) Location Filing Requirements

- (1) Identify the subject property by including the Town and Range as well as the name of the locality, name of the nearest road or roads, and street address, if any.
- (2) Tax map and parcel number of subject property.
- (3) Zoning district designation for the subject parcel.
- (4) A line map to scale showing the lot lines of the subject property and all properties within three hundred (300') feet and the location of all buildings, including accessory structures, on all properties shown.

(c) Siting Filing Requirements

- (1) A one-inch-equals-40 feet vicinity plan showing the following:
 - (a) Property lines for the subject property.
 - (b) Property lines of all properties adjacent to the subject property within three hundred (300') feet.
 - (c) Tree cover on the subject property and adjacent properties within three hundred (300') feet, by dominant species and average height, as measured by or available from a verifiable source.
 - (d) Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within three hundred (300') feet.
 - (e) Proposed location of antenna, mount and equipment shelter(s).
 - (f) Proposed security barrier, indicating type and extent as well as point of controlled entry.
 - (g) Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300') feet including driveways proposed to serve the personal wireless service facility.
 - (h) Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.
 - (i) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
 - (j) Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.

- (2) Siting elevations, or views at-grade from the north, south, east and west for a fifty (50') foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter (1/4") inch equals one (1) foot or one-eighth (1/8") inch equals one (1) foot scale and show the following:
 - (a) Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.

- (b) Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
- (c) Any and all structures on the subject property.
- (d) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- (e) Design Filing Requirements
 - (1) Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
 - (2) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
 - (3) If lighting of the site is proposed, the applicant shall submit manufacturer's computer-generated point-to-point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.
- (f) Radio Frequency Radiation (RFR) Filing Requirements. The Village Council reserves the right to request RFR requirements in the form of a certification that the following studies have been completed. The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed personal wireless service facility, for the following situations:
 - (1) Existing, or ambient: the measurements of existing RFR.
 - (2) Existing plus proposed personal wireless service facilities: maximum estimate of RFR from the proposed personal wireless service facility plus the existing RFR environment.
 - (3) Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines.