

CHARTER TOWNSHIP OF FENTON
Ordinance No. 687
Adopted: July 23, 2007

An ordinance to amend Article 11 of Zoning Ordinance No. 594 to add design standards for Animal Shelters, Entrance Features, Landscape Contractors and Low Intensity Sales & Storage, and to revise design standards for Communication Towers and Antennae.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN,
ORDAINS:

ARTICLE I. Article 11 (Design Standards) of Zoning Ordinance No. 594 is hereby amended to add the following sections:

Section 11.01A Animal shelter

Animal shelters are permitted by right in the C-2, C-3, OS, M-1, M-2, and M-3 zoning districts and by special use permit in the AG, R-1, R-2 and R-3 zoning districts, provided:

- A. The minimum lot size shall be 5 acres
- B. The setback requirements shall be the same as those listed for Veterinary Clinics. All structures housing animals including outdoor pens or runs shall meet the minimum set back for principal structures for the district they are located in. The Planning Commission has the discretion to decrease the setbacks if they determine there is no impact to adjacent properties or increase the required setback if they determine it is necessary to protect adjacent properties from the nuisances caused by noise, odors or other off-site impacts.
- C. The site shall be treated as a Level 3 use for the purposes of complying with the buffering requirements of Article 9 in the Zoning Ordinance; the Planning Commission may increase the required setback if they determine it is necessary to protect adjacent properties from the nuisances caused by noise, odors or other off-site impacts.
- D. The Planning Commission may establish limitation regarding hours of operation, number and types of animals housed, the extent of accessory operations including veterinary services provided on site and other operational characteristic of the use to ensure that the facility is consistent with the character of the surrounding area.

Section 11.28A Entrance feature

Entrance features are permitted by right as an accessory use in all zoning districts, provided:

- A. No temporary structures allowed.
- B. Landscaping for entrance features for residential developments must comply with Section 10.08 of the Zoning Ordinance.
- C. Signs incorporated into the entrance feature must conform with the Township Sign Ordinance
- D. Buildings such as gatehouses must be for decorative purposes and not for occupancy or storage.
- E. Buildings must comply with roadway setbacks established in the Township Sign Ordinance, such that no part of such structure extends over the public domain

- and shall be located or constructed so as to not obscure vision and contribute to hazardous conditions.
- F. Any associated fencing or gates must comply with Section 4.14 of the Zoning Ordinance.
 - G. Entrance feature with structures must comply with Section 4.02 B of the Zoning Ordinance regarding height.

Section 11.41A Landscape Contractor

Landscape contractors are permitted by right in the C-3, M-1, M-2 and M-3 zoning districts and by special use permit in the AG, and C-2 zoning districts, provided:

- A. The establishment complies with Section 4.04 “Commercial outdoor display sales or storage”
- B. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.
- C. Storage of all motorized equipment shall be on a paved surface.

Section 11.67A Sales & storage, low intensity

Sales and storage, low intensity is permitted by right in the M-1 and M-2 zoning districts and by special use permit in the C-2 and C-3 zoning districts, provided:

- A. The maximum building size shall not exceed 50,000 square feet
- B. The Planning Commission may establish limitation regarding hours of operation, services provided on site and other operational characteristics of the use to ensure that the facility is consistent with the character of the surrounding area.
- C. Accessory uses may include offices and light service but no truck fleet parking, fueling or maintenance.

ARTICLE II. Section 11.20 (Communication Towers and Antennae) of Zoning Ordinance No. 594 is hereby amended to provide as follows:

Section 11.20 Communication Towers and Antennae

Communications towers and antennas are permitted by special use permit in the AG, R-1, R-2, R-3, R-4, R-5, R-6, R-M and R-MH and by administrative special use permit in the OS, C-1, C-2, C-3, M-1, M-2, and M-3 zoning districts provided:

- A. Applicability
 - 1. Amateur Radio Station Operators/Receive Only Antennas. This section shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally–licensed amateur radio station operator or is used exclusively for receive only antennas.
 - 2. AM Array. For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of

the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

B. Inventory of existing sites

Each applicant for an antenna and/or tower shall provide to the Zoning Administrator/Planning Commission an inventory of existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the Township and within one mile of the border thereof, including specific information about the location, height and design of each tower.

C. Administrative Review

The following uses may be approved by the Zoning Administrator after conducting an administrative review:

1. Locating antennas on existing structures as an accessory use to any commercial, industrial, professional or institutional structures in any zoning district provided, the antenna does not extend more than thirty (30) feet above the highest point of the structure; the antenna complies with all applicable FCC and FAA regulations and building codes.
2. Locating antennas on existing towers (this includes the antennas' equipment shelter). Collocation of antennas by more than one carrier on existing towers is encouraged and therefore will take precedence over the construction of new towers.
3. Modification or reconstruction to accommodate collocation of an additional antenna so long as it is the same tower type, unless the Zoning Administrator allows reconstruction as a monopole.
4. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna but may occur only one time per tower, provided the height complies with the regulations of this Ordinance.

D. Availability of suitable existing towers

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with

- the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/ receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

The Zoning Administrator/Planning Commission may require documentation by a qualified and licensed professional engineer to verify any of the above reasons.

E. Site Requirements

1. Subject to the setback and other requirements of this Section, a communication tower shall be located on a parcel of land in accordance with the following:
 - a) Communication towers up to one hundred (100) feet in height shall be located on a parcel of land at least one-quarter (1/4) acre in size.
 - b) Communication towers over one hundred (100) feet in height, but less than one hundred twenty five (125) feet in height shall be located on a parcel of land at least one-third (1/3) acre in size.
 - c) Communication towers over one hundred twenty five (125) feet in height, but less than one hundred seventy five (175) feet in height shall be located on a parcel of land at least one-half (1/2) acre in size.
 - d) Communication towers over one hundred seventy five (175) feet in height, but less than two hundred twenty five (225) feet in height shall be located on a parcel of land at least one (1) acre in size.
 - e) Communication towers over two hundred twenty five (225) feet in height, but less than two hundred seventy five (275) feet in height shall be located on a parcel of land at least two (2) acres in size.
 - f) The Planning Commission may approve a smaller minimum parcel size than would otherwise be required pursuant to (a) through (e) above for any communications tower, provided the applicant provides the Planning Commission written documentation demonstrating that the proposed tower requires no fall zone or that a parcel smaller than that required above is sufficient to meet fall zone requirements. Such documentation shall address the design standards of the proposed structure with respect to failure modes and shall be signed by a State of Michigan licensed professional engineer qualified to make such determination. The Planning Commission shall have complete discretion, but may consult such other experts as it deems necessary.
2. The Zoning Administrator or Planning Commission may require a performance guarantee to ensure removal of a tower at the time it is abandon.

F. General Standards

1. Wireless telecommunication towers shall be of a self collapsing monopole or self-supporting lattice design, unless the Planning Commission finds that an alternative design will not adversely impact the surrounding area.
2. Proposed wireless telecommunication towers of the guyed or self supporting lattice type shall be structurally designed to accommodate both the applicant's antennas and at least two (2) additional comparable antennas. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. The maximum number antennas permitted on a given tower shall be based on the engineers estimated capacity for that tower.
3. The maximum permitted height of a wireless telecommunications tower shall be two hundred seventy five (275) feet.
4. Accessory structures are limited to uses associated with the operation of the tower. Related unmanned equipment structure shall not contain more than three hundred twelve (312) square feet of gross floor area or be more than nine (9) feet in height.
5. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
6. Towers shall be constructed of metal treated with corrosive resistant material. Wood poles shall be impregnated with rot resistant substances.
7. Tower shall be located so there is room for vehicles doing maintenance to maneuver on the property.
8. There shall be no display advertising or identification of any kind intended to be visible from the ground or other structures.
9. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

G. Tower setbacks

Towers shall conform with each of the following minimum setback requirements provided however that the Planning Commission may reduce the standard setback requirements if the applicant can demonstrate that a smaller setback would not pose a danger to adjacent property:

1. Tower must be setback a distance equal to the height of the tower from any adjoining lot line or structures on adjacent lots.
2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements for principal structures.

H. Buffering requirements

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of reasonable color and camouflaging

architectural treatment except in instances where the color is dictated by Federal or State authorities such as the FAA.

2. The base of the tower and wire/cable supports shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; however the Planning Commission may waive such requirements, as it deems appropriate.

I. Landscaping

The following requirements shall govern the landscaping surrounding all new towers or those modified under this section. These requirements apply to the entire tower compound including equipment shelters.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
2. Landscaping shall consist of five (5) foot tall evergreens, staggered in at least two (2) rows at fifteen (15) foot spacing on center.
3. Greenbelt areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance in perpetuity from the time of planting. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced by the applicant/owner within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.
4. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

J. Separation distance between towers

Separation distance between towers shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base. The separation distances (listed in linear feet) shall be as follows:

Existing Towers – Types			
	Lattice (ft.)	Guyed (ft.)	Monopole (ft.)
Lattice	5,000	5,000	1,500
Guyed	5,000	5,000	1,500
Monopole	1,500	1,500	1,500

K. Performance Standards

All communication towers erected, constructed or located within the Township shall

comply with the following requirements:

1. Discontinuance and Abandonment: the holder of a Special Use Permit for a communications tower shall give notice of discontinuance of use of a tower within ninety (90) days of the date that the use of the tower ceases. If at any time the use of the tower is discontinued for more than twelve (12) consecutive months, the Zoning Administrator may declare the tower abandoned. Notice of abandonment shall be sent by first class mail to the applicant instructing the applicant that the tower must either be reactivated or dismantled and removed from the site within ninety (90) days of the date the notice is sent to the applicant. If reactivation or dismantling and removal of the tower does not occur, the Township may contract to remove the tower and assess all cost on the property taxes of the owner of the tower or use a performance guarantee that may have been required to do so.
2. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
3. The system shall be certified by a licensed engineer to verify that the signal(s) being transmitted will not interfere with the ability of surrounding uses to receive signals from different radio, television, telephone or other electronic equipment or with use of computers or other electronic devices in nearby structures.
4. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a registered structural engineer and that the installation is in compliance with all applicable codes.
5. All towers must meet the standards of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
6. Antennae and metal towers shall be grounded for protection against a direct lightning strike and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
7. Towers shall be designed to withstand a uniform wind loading as prescribed in the building code.
8. Tower shall not be artificially lighted unless required by the FAA. If required to be lighted, all option for lighting shall be presented to the Planning Commission which shall select the option with the least negative visual impact in the area, unless the FAA dictates a particular option.
9. Structures shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future the antenna shall be made to conform. Cost for testing and verification of compliance shall be borne by the owner or operator of the antenna.

L. Information Required

In addition to any information required for special use permit approval, including information required for site plans under Article 8 of this Ordinance, the applicant shall submit the following information:

1. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties.
2. The separation distance from other towers described in the inventory of existing sites submitted pursuant Section B of this Ordinance shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
3. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
4. A description of the suitability or lack thereof to use existing towers or other structures or alternative technology not requiring construction of new towers or structures to provide the services proposed by the applicant.
5. A description of the feasible location(s) of future towers or antennas within the Township and surrounding area based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
6. A statement verifying a "safe fall" zone for the tower, antenna or pole, including any and all attachments, shall be certified and sealed by a licensed engineer or architect and furnished with the application. Manufacturer's specifications of a safe fall zone may be substituted. No building, sidewalk, parking lot or other area in which pedestrian or vehicular traffic is anticipated shall be permitted within the safe fall area.

ARTICLE III. This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE IV. All ordinances and provisions of ordinances of the Charter Township of Fenton in conflict herewith are hereby repealed.

ARTICLE V. This amendatory ordinance shall be published as required by law and shall take effect 7 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 23rd day of July 2007.

Bonnie K. Mathis, Supervisor

Robert E. Krug, Clerk