



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

MEETING NOTICE

FOR FURTHER INFORMATION CONTACT:
Grant E. Bauman
R2PC Principal Planner
(517) 768-6711
gbauman@co.jackson.mi.us

DATE: December 12, 2019
TIME: 6:00 p.m.
PLACE: 5th Floor Commission Chambers
Jackson County Tower Building
120 W. Michigan Avenue
Jackson, Michigan 49201

MEETING AGENDA

1. Call to order and pledge of allegiance
2. Public comment [**3 MINUTE LIMIT**]
3. Approval of minutes
Approval of the November 7, 2019, meeting minutes [**ACTION**] 3
4. Approval of agenda
Approval of the December 12, 2019, meeting agenda [**ACTION**]
5. Request(s) for review, comment, and recommendation
 - a. Consideration of township zoning amendment(s)
 - (1) CZ #19-34 | Leoni Township [**ACTION**] 7
 - (2) CZ #19-35 | Hanover Township [**ACTION**] 13
 - (2) CZ #19-36 | Norvell Township [**ACTION**] 19
 - b. Consideration of master plan(s) – *None*
 - c. Farmland and Open Space Preservation Program (PA 116) application(s) – *None*
6. Other business
 - a. Unfinished business – *Jackson County Master Plan*
 - b. New business – *None*
7. Public comment [**2 MINUTE LIMIT**]
8. Commissioner comment
9. Adjournment

The next meeting of the Jackson County Planning Commission is scheduled for January 9, 2020

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MEETING MINUTES

November 7, 2019

5th Floor Commission Chambers • Jackson County Tower Building • Jackson, Michigan

Members Present: Timothy Burns, At Large; Roger Gaede, Environment; Amy Guerriero, Industry and Economics; Nancy Hawley, At Large; Ted Hilleary, Education; Corey Kennedy, Jackson County Board of Commissioners; Jennifer Morris, At Large; and Jim Videto, Agriculture

Members Absent: Russ Jennings, At Large

Liaisons Present: Grant Bauman, Principal Planner

Others Present: None.

Item 1. **Call to Order and Pledge of Allegiance.** The meeting was called to order at 6:02 p.m. by Chair Guerriero. Those in attendance rose and joined in the Pledge of Allegiance.

Item 2. **Public Comment.** There was no public comment.

Item 3. **Approval of Minutes.** A motion was made by Comm. Videto, and seconded by Comm. Hilleary, to **approve** the October 10, 2019, meeting minutes as presented. *The motion was approved unanimously.*

Item 4. **Approval of the Agenda.** A motion was made by Comm. Morris, and seconded by Comm. Hawley, to **approve** the November 7, 2019, meeting agenda as presented. *The motion was approved unanimously.*

Item 5. **Request(s) for Review, Comment, and Recommendation.**

a. **Consideration of Township Zoning Amendment(s).**

(1) **CZ #19-27 through -33 – Leoni Township**

Staff summarized his report on the proposed text amendments to Chapter 42 (*Zoning*) of the *Leoni Township Code of Ordinances* which would add “[m]arihuana uses as otherwise permitted by state law and the Township’s ordinances” as a permitted use in the Township’s ‘General Business (B-4)’, ‘Highway Business (B-5)’, ‘Light Industrial (ML)’, and ‘Heavy Industrial (M)’ districts and significantly increase the areas of ‘maximum lot coverage’ in the ‘Agricultural (AG)’, ‘ML’, and ‘M’ districts. County Planning Commissioners were advised to recommend **approval with comments** of the text amendments, noting concerns regarding the potential effects the proposed changes in maximum lot coverage will have on farming and storm water runoff (please see the staff report).

Comm. Morris voiced her concern that the 40% limit regarding crop production in the ‘AG’ district is not legal. Comm. Hawley stated her concern about storm water runoff and Comm. Guerriero asked if there is a requirement to contact the County

Drain Commissioner as part of the Township's site plan review process. Comm. Kennedy explained that although there is a moratorium on new marijuana facilities in the 'AG' district the proposed increases in lot coverage will allow existing marihuana businesses to grow larger. Commissioners decided to consider the two parts of the request separately. Comm. Videto stated his concern with the entire package and that he will not support it.

A motion was made by Comm. Morris, and seconded by Comm. Burns, to concur with the staff advisement to recommend **approval with comments** of the text amendments adding 'marihuana uses' as a permitted use in the 'B-4', 'B-5', 'ML', and 'M' districts and the increases in 'maximum lot coverage' in the 'ML' and 'M' districts to the Leoni Township Board. *The motion was approved by majority vote with Comm. Gaede (citing the negative health effects of marihuana use), Comm. Hil-leary, and Comm. Videto voting no.*

A motion was made by Comm. Morris, and seconded by Comm. Kennedy, to recommend **disapproval** of the text amendments increasing the area of 'maximum lot coverage' in the 'AG' district to the Leoni Township Board. *The motion was approved unanimously.*

- b. **Consideration of Master Plan(s).** None.
- c. **Farmland & Open Space Preservation Program (PA 116) application(s).** None.

Item 6.

Other Business.

a. **Unfinished Business.**

(1) **Jackson County Master Plan**

Staff was asked to determine what is expected of Commissioners regarding the master planning process during the October 10, 2019, meeting. Staff provided a memo with 3 sets of guidance he would like the Commission to provide during its December 12th meeting:

- Should the issues addressed in the current *Jackson Community Comprehensive Plan* be continued in the new *Jackson County Master Plan*? Should there be other issues included in the policy section of the Plan?
- Is the Planning Commission's 'public' local units of government or the general public? If the answer is 'local units of government' is the use of the Jackson County Township Supervisor's Association as the venue for public involvement sufficient or is some other device required?
- Is it appropriate to develop a future land use map limited to identifying areas of the county where 'High-Intensity Development' (i.e., residences of ≤ 2 acres and commercial and industrial development in the urban core), and perhaps 'Low-Intensity Development' (i.e., residences of >2 acres and limited commercial and industrial development outside of the urban core), is encouraged (utilizing existing land use as the starting point)?

b. **New Business.**

(1) **Proposed 2020 Meeting & Submittal Deadline Schedules**

Staff summarized the meeting and deadline schedules proposed for 2020. He noted that meetings continue to be scheduled for the second Thursday of each month and

submittal deadlines for the Wednesday of the week prior to a meeting. The exception is the November 5th meeting, scheduled a week early in order to accommodate the R2PC Annual Dinner.

A motion was made by Comm. Videto, and seconded by Comm. Hilleary, to concur with the staff advisement to **approve** the 2020 Meeting & Submittal Deadline Schedules as presented. *The motion was approved unanimously.*

Item 7. **Public Comment.** None.

Item 8. **Commissioner Comment.** Comm. Kennedy announced his grocery giveaway event scheduled for November 24th between 2 and 4 pm at the Michigan Center Fraternal Order of Eagle's clubhouse.

Item 9. **Adjournment.** The meeting was adjourned by Chair Guerriero at 6:48 p.m.

Respectfully submitted by:
Grant Bauman, Recording Secretary

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COORDINATED ZONING REPORT | #19-34

To: County Planning Commissioners

From: Grant E. Bauman

Date: December 10, 2019

Proposal: The rezoning of a property in Leoni Township

Request

The property is proposed for rezoning to 'Heavy Industrial (M)' from 'Agricultural (AG-1)'.

Purpose

The purpose of the request is: *future industrial development* (see the Zoning Amendment Form).*

Location and Size of the Property

The subject parcel—4202 Ann Arbor Road (ID# 000-09-29-326-002-00)—is situated in Section 29 (T2S-R1E) of the Township (see Figure 1). It is a flag lot located on the north side of Ann Arbor Road (BL-94), adjacent to other property owned by Lyrical LLC on Phelps Drive (see Figure 1).

Land Use and Zoning

Current Land Use – The subject property is currently used as a residence (see Figure 2 and the Rezoning Worksheet Form). A vacant parcel (assessed industrially (IND) and owned by Consumers Energy) is located to the north. An agriculturally (AGR) assessed property is located to the east. A vacant parcel (assessed commercially (COM) and owned by Lyrical LLC, the applicant) is located to the southeast. A vacant property (assessed residentially (RES)) is located to the south and southwest and commercially (COM) assessed properties are located further to the south. A parcel exempt (EXM) from taxation and associated with the nearby Scenic Hills residential neighborhood is located to the west.

Future Land Use – The *Leoni Township Master Plan* recommends 'low-density residential' uses in the general area as well as a mix of 'commercial' and 'industrial' uses along Ann Arbor Road (BL-94) (see Figure 3).

Current Zoning – Most of the surrounding properties are currently zoned agricultural (AG) and a mix of 'general business (B-4)' and 'heavy industrial (M)' are located along Ann Arbor Road (BL-94) (see Figure 4).

Public Facilities and Environmental Constraints

Water and Sewer Availability – Municipal water and sanitary sewer services are available to the subject parcel according to the Township (see the Rezoning Worksheet Form).

* Please note that the proposed use is listed for informational purposes only. It should not be utilized in making the rezoning decision. Circumstances may change tomorrow which make the proposed use impractical. All of the uses that the proposed zoning designation would allow are pertinent to the rezoning request.

Public Road/Street Access – Ann Arbor Road (BL-94), a state highway, provides direct access to the subject property (a flag lot).

Environmental Constraints – The subject parcel has no known environmental constraints according to the Township (see the Rezoning Worksheet Form).

Analysis and Recommendation

Township Planning Commission Recommendation – The Leoni Township Planning Commission recommends **approval** of the proposed rezoning (see the Zoning Amendment Form and meeting minutes).

JCPC Staff Analysis – Leoni Township’s Zoning Plan contains the following criteria upon which a rezoning request must be considered:

1. **Is the proposed rezoning consistent with the policies and uses proposed for that area in the Master Plan?**

No. ‘Low-density residential’ uses’ are recommended for the subject property and adjacent parcels. ‘Commercial’ and ‘industrial’ uses are recommended to the south along Ann Arbor Road (BL-94) (see Figure 3).

2. **Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?**

No. The subject property and most of the adjacent parcels are zoned ‘agricultural (AG)’ (see Figure 4). A vacant ‘industrially’ assessed parcel owned by Consumers Energy is located to the north and properties to the southwest, owned by the applicant (see Figure 2), are partially assessed ‘commercially’ and zoned ‘general business (B-4)’.

3. **Will public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?**

No. Public services and facilities are not likely to be significantly impacted by the rezoning.

4. **Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning district?**

No. Although the flag lot is adjacent to a parcel zoned ‘heavy industrial (M)’, the majority of the subject property is surrounded almost exclusively by ‘agricultural (AG)’ zoning (see Figure 4).

JCPC Staff Advisement – The proposed rezoning does not meet the intent of the current edition of the *Leoni Township Master Plan* (see above). Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **DISAPPROVAL** of the ‘heavy industrial (M)’ rezoning request to the Leoni Township Board.

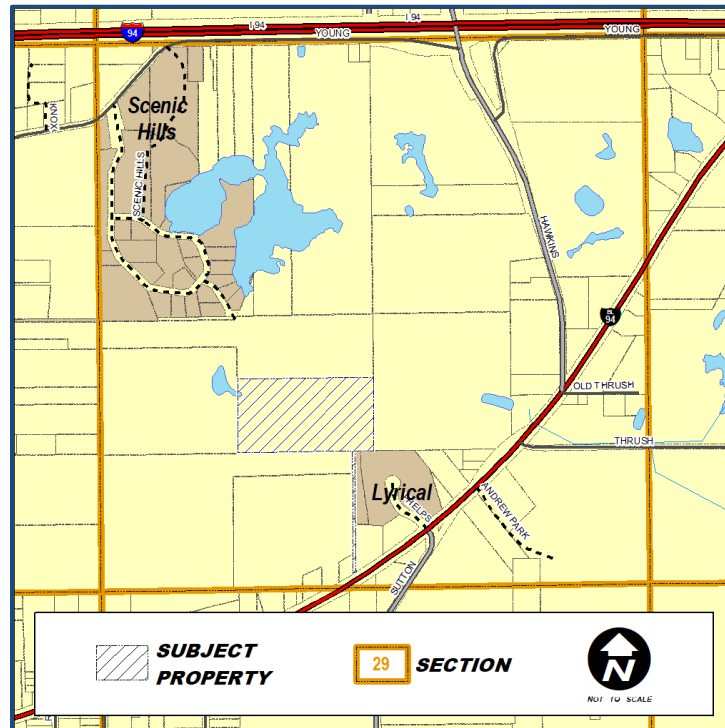
Staff Report Attachment(s):

- Background information provided by Leoni Township

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

**Figure 1
Location**



**Figure 2
Property Assessment**

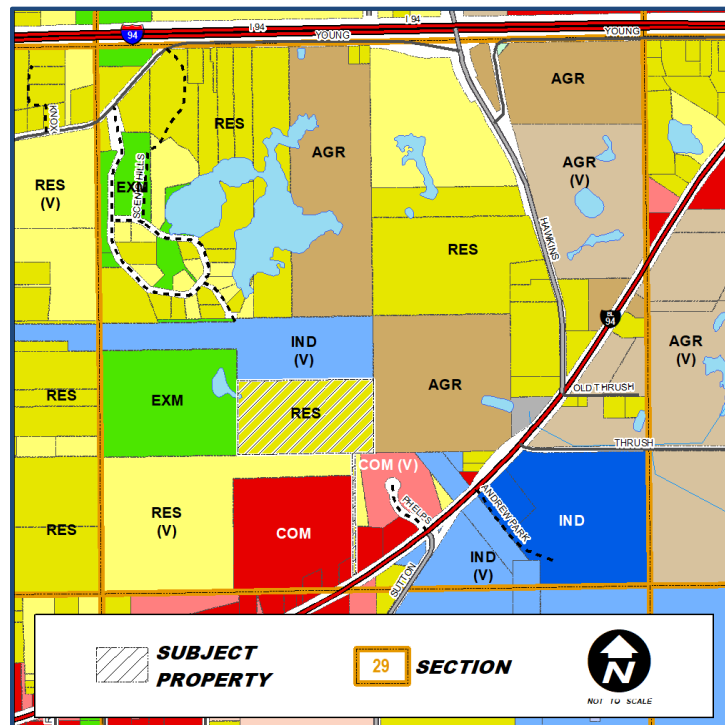


Figure 3
Municipal Future Land Use

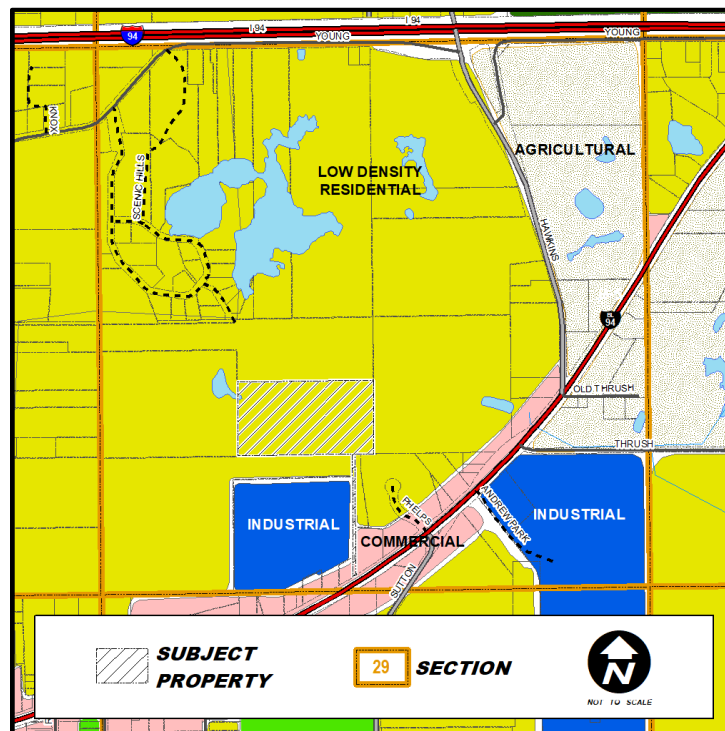


Figure 4
Municipal Zoning

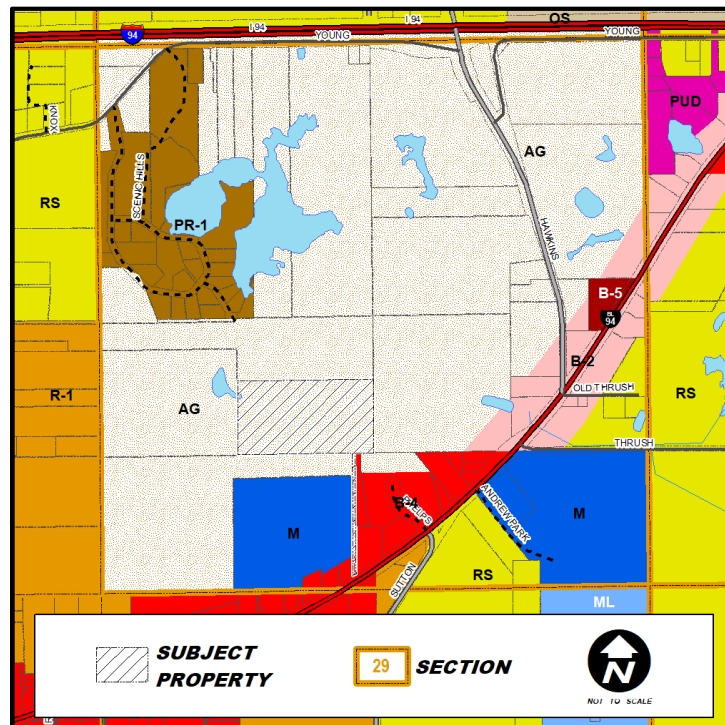


Figure 5a
Aerial Photo

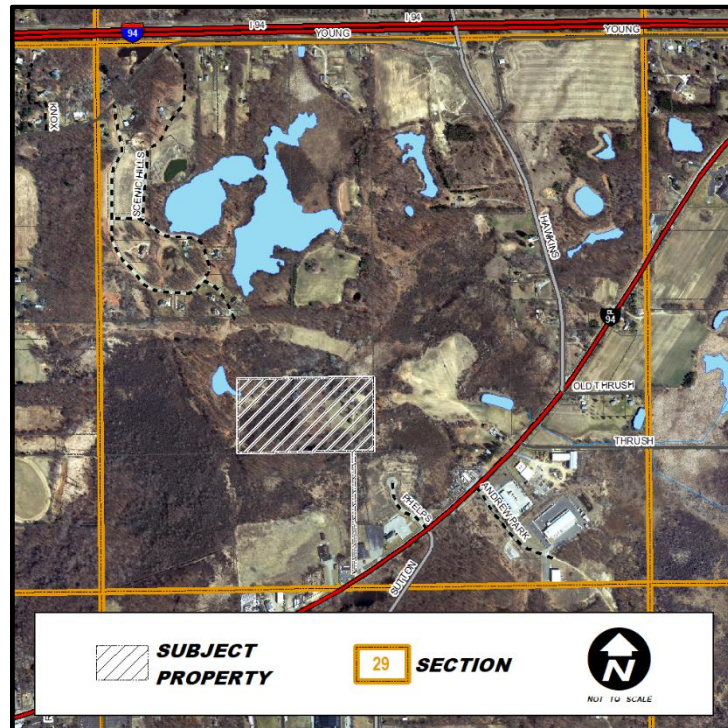
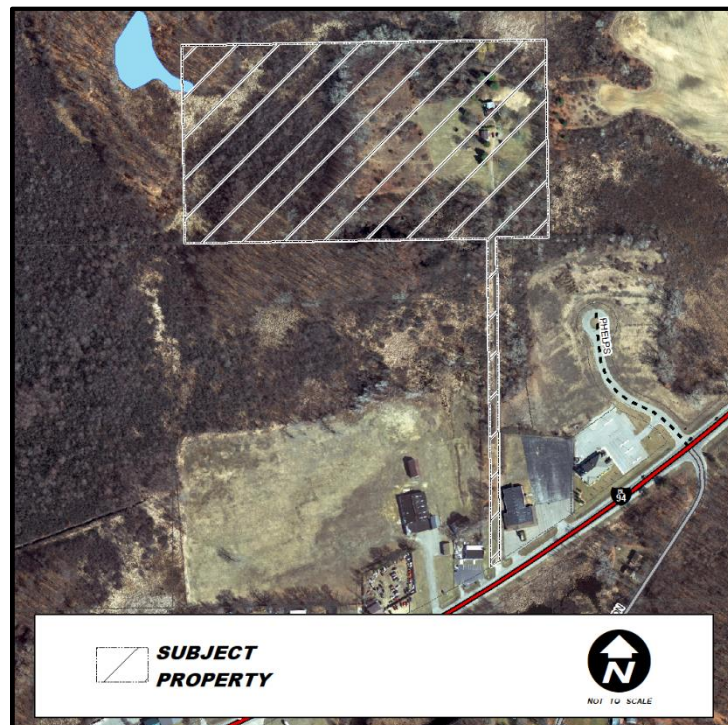


Figure 5b
Aerial Photo



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COORDINATED ZONING REPORT | #19-35

To: County Planning Commissioners

From: Grant E. Bauman

Date: December 10, 2019

Proposal: The rezoning of a property in Henrietta Township

Request

The properties are proposed for rezoning to 'commercial (C-1)' from 'agricultural (AG-1)'.

Purpose

The purpose of the request is a: *proposed future licensed child care center development* (see the Zoning Amendment Form and meeting minutes).*

Location and Size of the Property

The subject parcels (ID #000-04-21-101-003-02 and #000-04-21-101-003-03) are situated in Section 21 (T1S-R1E) of the Township (see Figure 1). They are located on the south side of Berry Road, west of Bunkerhill Road (M-106).

Land Use and Zoning

Current Land Use – The subject property is currently vacant and assessed residentially (RES), as is a parcel to the west (see Figure 2). Residentially assessed parcels are also located to the north and the south. Commercially (COM) assessed properties are located to the east.

Future Land Use – The *Henrietta Township Master Plan* recommends 'commercial' and 'high-density residential' uses at the intersection of M-106 and Berry Road and the subject properties are adjacent to that area (see Figure 2).

Current Zoning – The subject parcel and parcels to the south and west are zoned 'agricultural (AG-1)'. 'Multiple-family residential (R-2)' zoned properties are located to the north. 'Commercial (C-1)' zoned properties are located to the east (see Figure 2).

Public Facilities and Environmental Constraints

Water and Sewer Availability – Municipal water and sanitary sewer services are not available to the subject parcels nor are there plans to provide them (see the Rezoning Worksheet Form).

Public Road/Street Access – Berry Road, a paved county primary, provides direct access to the subject properties. Bunkerhill Road (M-106), a state highway, is located nearby to the east.

* Please note that the proposed use is listed for informational purposes only. It should not be utilized in making the rezoning decision. Circumstances may change tomorrow which make the proposed use impractical. All of the uses that the proposed zoning designation would allow are pertinent to the rezoning request.

Environmental Constraints – The subject parcels have no known environmental constraints according to the Township (see the Rezoning Worksheet Form).

Analysis and Recommendation

Township Planning Commission Recommendation – The Henrietta Township Planning Commission recommends **approval** of the proposed rezoning (see the Zoning Amendment Form and meeting minutes).

JCPC Staff Analysis – Henrietta Township’s Zoning Plan contains the following criteria upon which a rezoning request must be considered:

1. **Is the proposed rezoning consistent with the policies and uses proposed for that area in the Master Plan?**
Yes. Future land use maps are not meant to be property specific and the subject properties are adjacent to an area recommended for ‘commercial’ (see Figure 3).
2. **Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?**
Yes. ‘Commercial (C-1) zoned properties are located to the east and northeast’ (see Figure 4).
3. **Will public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?**
No. Public services and facilities are not likely to be significantly impacted by the rezoning.
4. **Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning district?**
Yes. Commercial enterprises are located to the east and northeast (see Figure 2).

JCPC Staff Advisement – The proposed rezoning meets the intent of the *Henrietta Township Master Plan* (see above). Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **APPROVAL** of the ‘commercial (C-1)’ rezoning request to the Henrietta Township Board.

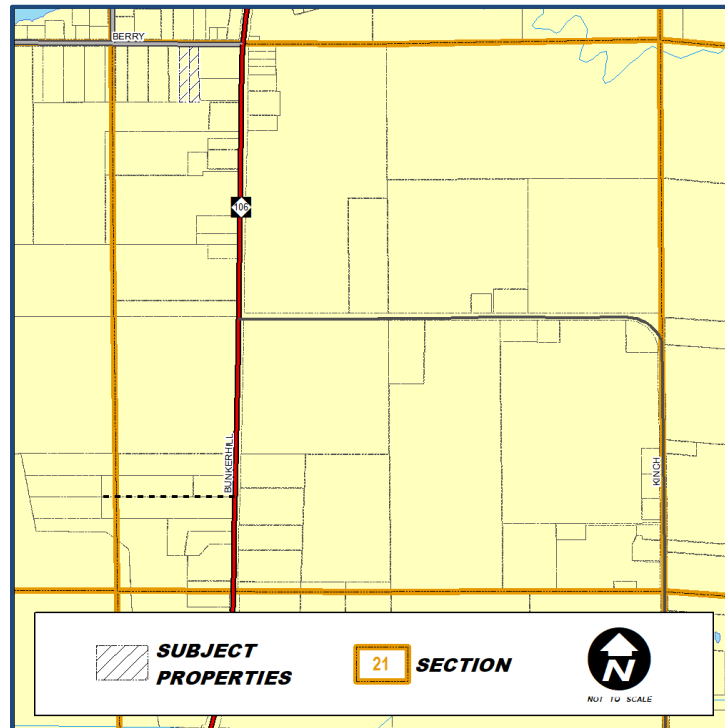
Staff Report Attachment(s):

- *Background information provided by Henrietta Township*

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

**Figure 1
Location**



**Figure 2
Property Assessment**

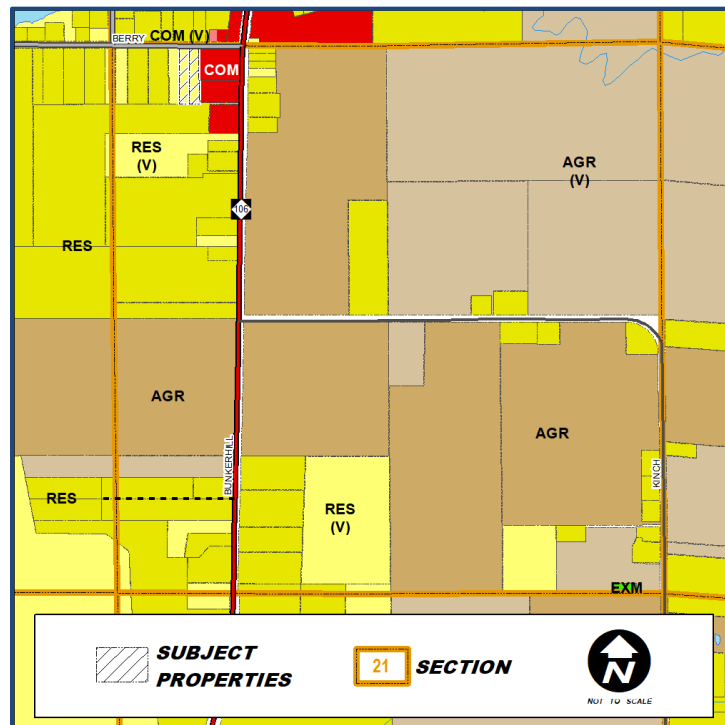


Figure 3
Municipal Future Land Use

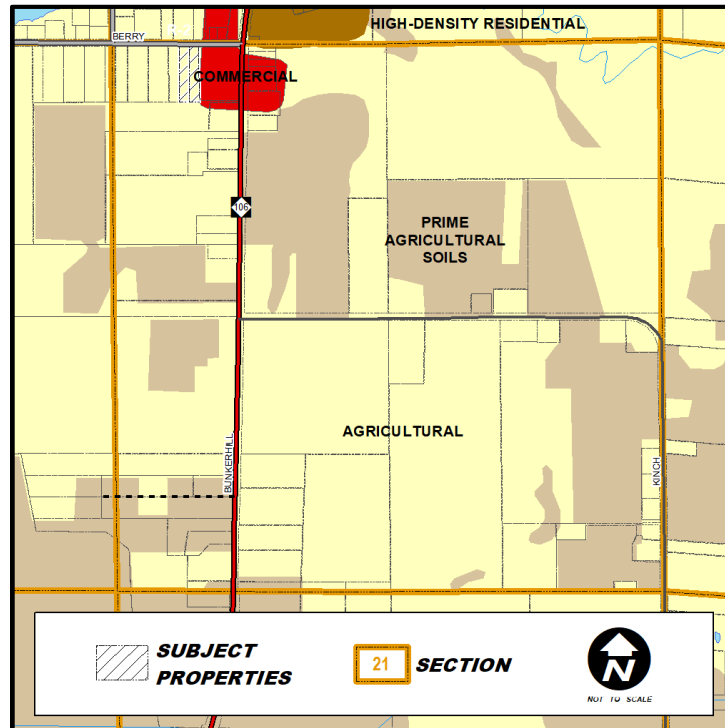


Figure 4
Municipal Zoning

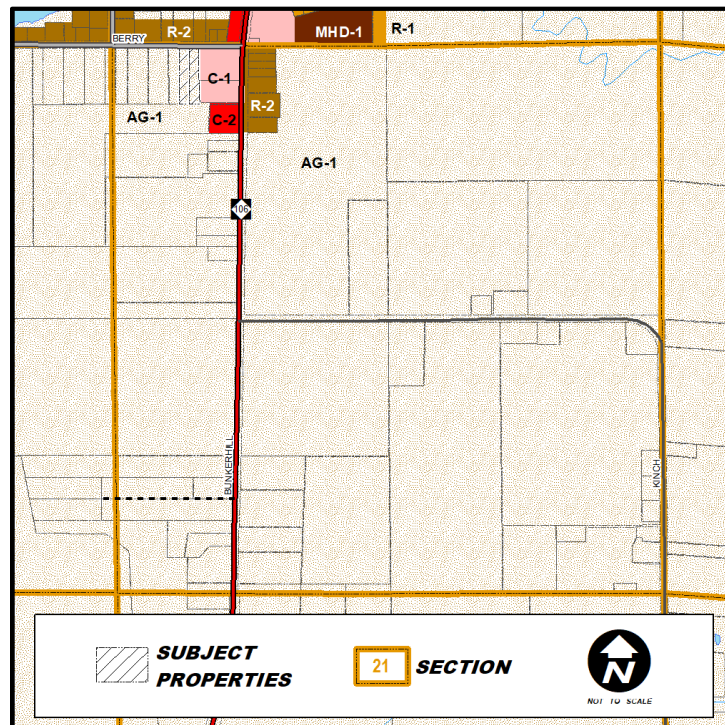


Figure 5a
Aerial Photo

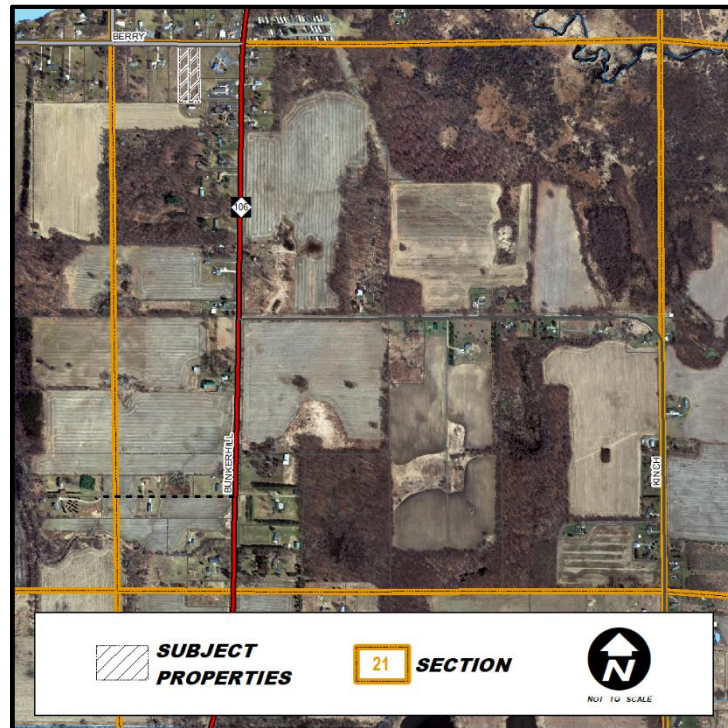
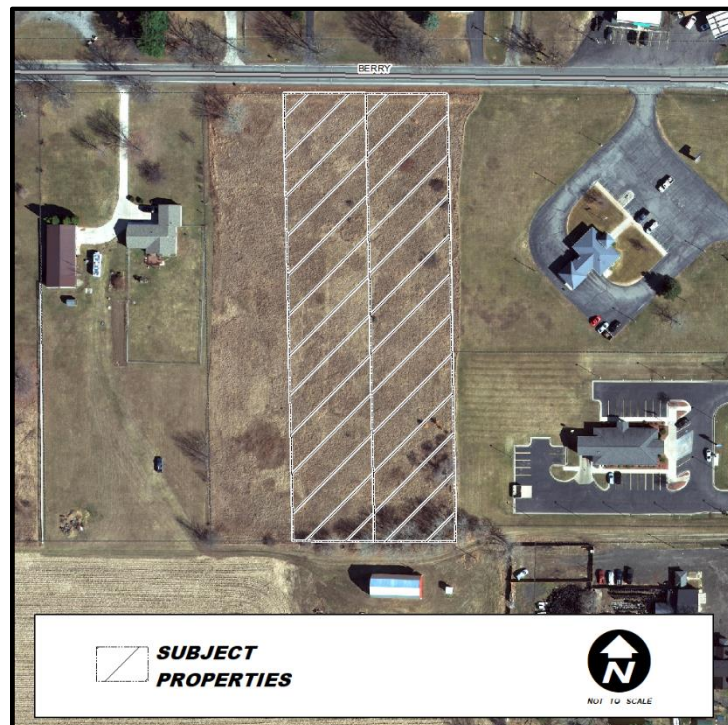


Figure 5b
Aerial Photo



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COORDINATED ZONING REPORT | #19-36

To: County Planning Commissioners

From: Grant E. Bauman

Date: December 10, 2019

Proposal: Wireless Communication Facility and Structures and Keeping of Animals in Norvell Township

Background Information

Proposed amendments to the Norvell Township Zoning Ordinance would regulate wireless communication facilities and the keeping of miniature horses by amending/adding the following sections:

- Section 2.1 (definitions)
- Section 4.1 (AG-1 - agricultural district)
- Section 4.6 (C-1 – local commercial district)
- Section 4.7 (C-2 – general commercial district)
- Section 4.8 (I-1 – light industrial district)
- Section 7.5 (additional development requirements for certain uses)
- Section 8.26 (keeping of animals)

Staff Analysis and Advisement

Staff has no issue with the regulation of 'wireless communications facility and structures' or the 'keeping of animals' (in general) and 'miniature horses' (specifically). The proposed amendments are displayed as they will (generally) appear in the zoning ordinance and comments aimed at strengthening the regulations are provided:

Commented [GB21]: Comments will be provided in this fashion.

ARTICLE II DEFINITIONS

Section 2.1 DEFINITIONS.

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...

2.1.1.5 ATTACHED WIRELESS COMMUNICATIONS FACILITY:

This type of facility shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

...

2.1.11.1 COLOCATION:

This term shall mean the location of three or more wireless communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the Township.

...

2.1.42.4 MINIATURE HORSES:

A miniature horse is defined as a horse measuring less than 34 inches in height, measured at the last hairs of the mane, found at the withers.

...

2.1.54.3 PUBLIC UTILITIES:

Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public, gas, steam, electricity, sewage disposal, communication, television, telegraph, transportation or water via the public road rights-of-way under the jurisdiction of the Township.

...

2.1.67.9 WIRELESS COMMUNICATION FACILITY:

All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including radio and television towers, cellular telephone and paging devices, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings; and commercial mobile radio

Commented [GB22]: The Township may want to consider placing all of the existing and proposed definitions regarding 'wireless communications facility and structures' under that heading (i.e. Secs. 2.1.1.5, 2.1.11.1, 2.1.54.3, 2.1.67.9, and 2.1.67.95).

service facilities. (Not included are facilities for citizen band radio; short wave radio; ham and amateur radio; television reception antennae; satellite dishes; and government facilities which are subject to state and federal law.)

Wireless communication facilities shall be specifically excluded from the definition of "public utility."

2.1.67.95 WIRELESS COMMUNICATION SUPPORT STRUCTURE:

Any structure used to support attached wireless communication facilities, or other antennae or facilities, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, or other similar structures which support wireless communication facilities.

Commented [GB23]: Although these definitions are proposed as new, they already exist in the zoning ordinance.

...

ARTICLE IV ZONING DISTRICT REGULATIONS

Section 4.1 AG-1 AGRICULTURAL DISTRICT.

...

- c. Conditional Uses: The following uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article VI.

...

23. Wireless Communication Facility and Structures

...

Section 4.6 C-1 LOCAL COMMERCIAL DISTRICT.

...

- c. Conditional Uses: The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

...

8. Wireless Communication Facility and Structures

...

Section 4.7 C-2 GENERAL COMMERCIAL DISTRICT.

...

- c. Conditional Uses: The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

...

15. Wireless Communication Facility and Structures

...

Section 4.8 I-1 LIGHT INDUSTRIAL DISTRICT.

- c. Conditional Uses: The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in ARTICLE VI.

...

- 7. Government or community owned buildings, but not including schools.

11. Wireless Communication Facility and Structures

...

ARTICLE VI CONDITIONAL USES

...

Section 6.7 ADDITIONAL DEVELOPMENT REQUIREMENTS FOR CERTAIN USES. A conditional use permit shall not be issued for the uses specified in this Section unless complying with the site development requirements as herein specified. The township board shall be empowered in the ordinance to impose additional conditions and safeguards necessary to protect the public health, safety, and general welfare property rights, and to ensure that the operation conforms with the intent and purpose of this ordinance. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance, and grounds for the Township Board to terminate and cancel such conditional use permit.

...

Section 6.7.AAAA WIRELESS COMMUNICATION FACILITIES AND STRUCTURES.

1. Purpose and Intent. It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.
2. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it the further purpose and intent of this section to:
 - a. Facilitate adequate and efficient provision of sites for wireless communication facilities.
 - b. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
 - c. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
 - d. Promote the public health, safety and welfare.
 - e. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
 - f. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
 - g. The Township Board finds that the presence of numerous tower structures would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from

the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

3. Site Requirements.

- a. A site shall have a minimum size of one (1) acre.
- b. The site shall be accessible with an access road leading to the facility. The access road shall be constructed of gravel and/or aggregate sufficient to maintain adequate access to the site. A driveway permit, where necessary, will be sought and received by the applicant prior to issuance of any building permit.

4. Buffering Requirements.

- a. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
- b. The base of the tower and wire/cable supports (if any) shall be fenced with a minimum six (6') foot woven fence.
- c. The site shall be maintained in harmony with the surrounding properties. Where the property line of a site containing a wireless communication structure abuts a residentially zoned area or used area, the operator shall provide a plant screen sufficient in density and height so as to have an immediate buffering impact on adjacent property.

5. Performance Standards.

- a. All structures shall be located at least two hundred (200') feet from any single family dwelling.
- b. All towers shall be equipped with an anti-climbing device and fence to prevent unauthorized access
- c. The plans of the tower construction shall be certified by a registered structural engineer.

Commented [GB24]: There is no definition for 'woven fence'. Should there be a reference the other fencing requirements in Sec. 8.15 (fences)? There is a conflict with Sec. 8.15A.2 which limits the height of fences to 4 feet in required front yards.

- d. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- e. All towers must meet the standards of the State of Michigan, the Federal Aviation Administration and the Federal Communications Commission.
- f. Whenever possible the structure shall be of monopole construction.
- g. Accessory structures are limited to uses associated with operation of the tower.
- h. Free-standing towers in excess of one hundred (100') feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport.
- i. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
- j. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
- k. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply, as to electrical wiring and connections, with all applicable local statutes, regulations and standards.
- l. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- m. All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- n. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- o. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.
- p. The base of the tower shall occupy no more than five hundred (500) square feet and the top of the tower shall be no larger than the base.
- q. Minimum spacing between tower locations shall be two (2) miles measured

Commented [GB25]: The Township should consider changing this to something like: "Towers shall be of monopole construction unless the structural engineer provides evidence that a different type of design is needed."

Commented [GB26]: No portion of Norvell Township is located within the permit zones established for Jackson County's Reynolds Field and staff is unaware of any airports located within the Township.

by a straight line in order to prevent a concentration of towers in one area.

r. The height of the tower shall be the minimum height demonstrated to be necessary by the radio frequency engineer of the applicant but be no more than 200 feet from grade.

s. Towers shall not be artificially lighted unless required by the Federal Aviation Administration and, if so required, lighting shall be the minimum provided for under the regulations, subject to the Township's approval and orientated inward so as not to project onto surrounding property. Strobe lights shall not be used.

t. Existing on-site vegetation shall be preserved to the maximum extent practicable.

u. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.

v. The antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize offsite visibility of the antenna.

w. Structures shall be subject to any and all State and Federal regulations concerning nonionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform or the special use permit will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

x. 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.

y. Where the property adjoins any residentially-zoned property or land use, there shall be planted two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the line(s) where the property adjoins the residentially-zoned property or land use. In no case shall the evergreens be any nearer than ten (10) feet to any structure.

6. Co-location and Construction.

Commented [GB27]: How will this be determined? It is important for decisions over time to be consistent (i.e., precedent).

- a. It is the policy of the Township to minimize the overall number of newly established locations for wireless communications structures in the community, and to encourage the use of existing tower facilities to facilitate adequate and efficient opportunities for communication while promoting the public health, safety, and welfare and minimizing negative impacts on such sites. Each licensed provider of a tower must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light the dramatic increase in the number of towers reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should co-locate in the interest of achieving the purposes of this Ordinance. If a provider fails or refuses to permit co-location on a facility owner or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Ordinance.
- b. Any proposed tower shall be designed and constructed to accommodate future colocation. Towers must be designed to allow for future arrangement of antennas upon the tower and to accept not less than three (3) antennas mounted at varying heights. Whenever feasible, proposed wireless communication facilities shall co-locate on existing building, structures and existing wireless communication structures. Colocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
- (1) The communication provider entity under consideration will be charged reasonable market rent or other market compensation for co-location.
 - (2) The site on which co-location is being considered, taking into consideration reasonable modification if necessary, is able to provide structural support.
 - (3) The co-location being considered is technologically reasonable, in that the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

(4) The height of the structure necessary for co-location will not be increased beyond a height permitted in this Ordinance.

- c. A conditional use permit for the construction and use of a new tower shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs. As a condition of the use the applicant may be requested to allow location of municipal antennas on the tower for fire and police use.
- d. If a party who owns or otherwise controls a communication tower shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect and shall be subject to removal as a nonconforming structure. In addition, that same party shall be prohibited from receiving approval for new towers in the Township for a period of five years from the date of the failure or refusal to permit the co-location.

6. Discontinuance. When a wireless communication structure has not been used for a period of ninety (90) consecutive days, all parts of the structure shall be removed within one hundred and sixty (160) days. The removal of antennae or other equipment from the structure or the cessation of reception or transmission of signals shall be considered the beginning of nonuse. The Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent a notice, by certified mail, to the operator stating the need to remove the structure. In order to ensure the removal of a structure, as a condition of the conditional use permit, the operator and/or land owner shall obtain a bond up to 125% of the removal cost of the structure. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the structure.

Commented [GB28]: This should be Subsection 7.

...

ARTICLE VII SITE PLAN REVIEW AND APPROVAL

...

Section 7.5 REQUIRED DATA FOR SITE PLAN.

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements.

...

B. Site plans submitted for the following uses shall be subject to the requirements of subsection 7.5.C. of this Ordinance.

1. The following conditional uses:

...

w. Wireless Communication Facility and Structures.

...

ARTICLE VIII SUPPLEMENTAL REGULATIONS

...

Section 8.26 KEEPING OF ANIMALS

A. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted in any agricultural or residential zoning district.

B. Horses

1. Horses may be kept or housed on a non-commercial basis only in the Agricultural (AG-1) Zoning District. A minimum lot size of three (3) acres is required. This ordinance does not supersede the Right to Farm Act.
2. The number of horses permitted shall be determined as follows: One (1) horse per three (3) acres for the first horse and one (1) additional horse for each additional one (1) acre of land thereafter.
3. All horses shall have stables or other permanent structures available of such design as to provide protection from the elements. Such stables shall comply with the regulations applicable to accessory structures.
4. Areas in which the horses are kept shall be completely enclosed by a fence meeting the requirements of Section 8.15, Fences. Said fence shall be kept in repair so as to prevent the horses from exiting the fenced-in-area.

C. Miniature Horses

1. Miniature Horses may be kept or housed on a non-commercial basis only in

Commented [GB29]: This is a good qualification. Should the act be cited further (i.e., PA 93 of 1981, Michigan Right to Farm Act, MCL 286.471 *et. seq.*)

the Agricultural (AG-1) zoning district. A minimum lot size of one and one quarter (1.25) acre is required for up to two (2) miniature horses.

2. The number of miniature horses permitted shall be determined as follows:

Two (2) miniature horses allowed for a minimum lot size of one and one quarter (1.25) acre and one (1) additional miniature horse for each additional half (1/2) acre of land thereafter.

3. All miniature horses shall have a stable or other permanent structure of such design as to provide protection from the elements. Such stables shall comply with the regulations applicable to accessory structures.

4. Areas in which the miniature horses are kept shall be completely enclosed by a fence meeting the requirements of section 8.15. Fences in the Zoning Ordinance. Said fence shall be kept in repair to prevent the horses from exiting the fenced-in area.

D. The keeping of wild animals, as defined in this Ordinance, shall be prohibited in any agricultural or residential zoning district.

Based upon this above analysis, staff advises the Jackson County Planning Commission to recommend the following to the Norvell Township Board:

- **APPROVAL WITH COMMENTS** of the proposed amendments regarding 'wireless communications facility and structures'.
- **APPROVAL WITH COMMENTS** of the proposed amendments regarding 'keeping of animals' (in general) and 'miniature horses' (specifically).

Suggested Actions:

- (1) Recommend **AP-PROVAL**
- (2) Recommend **DISAP-PROVAL**
- (3) Recommend **AP-PROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

Staff Report Attachments:

- *Background information provided by Norvell Township*