

ARTICLE 11 SPECIAL LAND USES

11.01 EXPLANATION

In order to make this ordinance flexible to meet the needs of changing trends in development and new technology, the Planning Commission is authorized to approve the establishment of special land uses. Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. These uses either are inherently objectionable or have special characteristics as to make extra regulations and controls advisable, even in the zone to which they are permitted and must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land but have certain aspects that call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as special land uses are permitted in certain zones only if granted by the Planning Commission.

11.02 SPECIAL LAND USES, FILING REQUEST

An Application for Special land uses shall be filed with the zoning administrator who shall transmit the application to the Planning Commission. The application shall include plans and specifications or other data or exploratory material stating the methods by which the applicant will comply with the conditions specified for each grant of a special land use. At the time of filing the request for a grant of a Special land use, the applicant shall pay to the clerk, the fee required as established by the Village Council.

The Planning Commission shall review the application and after a public hearing, shall grant or refuse the Special land use and notify the petitioner and the Zoning Administrator.

An application for a Special land use shall be accompanied by the following documents and information:

1. A Special land use application form submitted to the Village that has been completed in full by the applicant.
2. A site plan as required in this Ordinance.

Upon receipt of an application for a Special land use, the Planning Commission shall publish notice of a public hearing for a Special land use in a newspaper that circulates in the Village. In addition, said notice shall be sent by mail or personal service to the owners of the property for which approval is being considered and to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet. The notice shall be given not less than five nor more than 15 days before the application will be considered. The notice shall:

1. Describe the nature of the Special land use request.
2. Indicate the property that is subject to the Special land use considered.
3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.

Following the request for the authorization of a Special land use, the Planning Commission shall hold a public hearing to receive public comment on the request. The Planning Commission, based on its review of the application for a Special land use, comments received at the public hearing, and other material submitted in relation to the request, shall make a determination on the Special land use application. Such determination shall be in accordance with the criteria for approval and such other standards contained in this Ordinance that relate to the Special land use under consideration.

The decision of the Planning Commission on a Special land use shall be incorporated in a statement that sets forth the findings, determinations, and conclusion relative to the Special land use under consideration. Said statements shall specify the basis for the decision of the Planning Commission and any conditions imposed.

11.03 SPECIAL LAND USES, GENERAL PROVISIONS

In hearing a request for any Special land uses, the Planning Commission shall be governed by the following principles and conditions:

The applicant for a Special land uses shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of facts, which are to be determined by the Board.

Special land uses may be granted when the Planning Commission finds, from the evidence produced at the hearing, that:

- a The proposed use does not affect adversely the general plan for physical development of Freeport as embodied in this ordinance and in any master plan or portion thereof adopted by the Village of Freeport and,
- b The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood and,

- c The standards as may be set forth for a particular use for which a special land use may be granted can and will be met by the applicant.

11.04 SPECIAL LAND USE PROVISIONS

The Planning Commission may, and is hereby empowered to, add to the specific provisions enumerated herein that it may deem necessary to protect adjacent properties in the general neighborhood and the residents and workers therein.

The following uses shall be allowed only where the individual zoning district regulations under Special land uses specifically list them as a Special land use:

1. Adult Uses.
2. Bed and Breakfasts.
3. Churches, schools, and related educational and recreational facilities.
4. Commercial amusement and recreation enterprises such as miniature golf courses and driving ranges (outdoors).
5. Earthmoving/Gravel Mines.
6. Essential Services.
7. Gasoline service stations.
8. General contracting and the storage of construction materials and equipment in connection therewith.
9. Group Day Care Homes.
10. Lawn Care Services.
11. Multiple Family Dwellings.
12. Public utility buildings and structures.
13. Publicly owned and operated buildings such as municipal offices, police or fire stations, museums or libraries.
14. Rental storage units.
15. State Licensed Residential Facilities for seven persons or more.

16. Telecommunication Towers.

17. Towing Services.

18. Home Occupations.

19. Kennels.

20. Veterinary Hospitals.

11.05 BASIS FOR DETERMINATION

Prior to the approval of a Special land use application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special land use under consideration.

The Planning Commission shall review the particular circumstances of the Special land use request under consideration in terms of the following general standards, and shall approve a Special land use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

1. The Special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
2. The Special land use shall not impair the essential character of the surrounding area.
3. The Special land use shall not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, and welfare of persons.
4. The Special land use shall not place demands on public services and facilities in excess of current capacities.
5. The Special land use is in general agreement with the Village's Land Use Plan.

The Planning Commission may impose conditions, with the approval of a Special land use, which are necessary to ensure compliance with the standards for approval stated in this section or any other applicable standards contained in this Ordinance. Such conditions shall be considered an intricate part of the Special land use and shall be enforced by the Zoning Administrator.

11.06 SURETY

The Planning Commission may require, as a condition of approval for a Special land use, a financial guarantee (surety) acceptable to the Village in the form of a cash deposit, certified check, or irrevocable bank letter of credit to guarantee the construction of improvements required as a condition of approval.

11.07 DESIGN STANDARDS

All Special land uses shall meet the following design standards in addition to the requirements of the zoning district in which they are located:

1. ADULT USES

Adult uses are allowed according to the following standards:

- a. The need for special regulation of certain business uses that, by their very nature, are deemed to have unique characteristics and effects on surrounding properties, is recognized as a legitimate objective. Special regulation is needed to ensure these uses are not concentrated in any one area, thus preventing adverse effects on the surrounding neighborhood, such as blight and urban deterioration, negative effects on economic development potential, social disorder and crime, negative effects on community standards for aesthetics, the reduction of property values and the subsequent negative impact on the community tax base. The primary objective is to prevent a concentration of these uses by establishing spacing standards and, thus, ensuring disbursement of these uses throughout the community.
- b. Adult uses shall only be located within Industrial zoning district.
- c. An application to establish an adult entertainment activity shall not be approved if there is already in existence one or more adult uses within 500 feet of the boundaries of the site of the proposed activities, excepting as otherwise provided for within this section.
- d. An application to establish an adult entertainment activity shall not be approved if the proposed location is within 500 feet of any licensed day care facilities, adult fosters care home, senior citizens' center, park, or church, and shall not be approved if the proposed location is within 2,650 feet from any K-12 school, except as otherwise provided for within this Ordinance.
- e. The Planning Commission may waive the location standards, limiting adult uses as they relate to similar uses, if the following findings are made:
 - 1) That the proposed use will not be contrary to the public interest, or injurious to nearby properties; and that the spirit and intent of the section will be observed.

- 2) That the proposed use will not enlarge or encourage the development of a “skid-row” area.
 - 3) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
 - 4) That all applicable regulations of this section will be observed.
- f. The Planning Commission may waive the location standards limiting the location of adult uses as they relate to licensed day care facilities, adult foster care homes, senior citizen centers, parks, or churches, provided a validated petition requesting such a waiver is presented to the Planning Commission, signed by the owners or purchasers of at least 2/3rds of the parcels of land within 500 feet of the proposed location. In addition to this requirement, the Planning Commission may waive the requirement that adult uses be located no closer than 2,650 feet from schools only if the proponent also demonstrates that school children are not likely to pass by the location while walking to or from school. Any petition presented to the Planning Commission shall contain, at a minimum, the following:
- 1) A statement in the form of an affidavit attested to by the circulator of the petition that the circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon.
 - 2) A statement on the petition so worded that the signers of the petition will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signatures.
 - 3) For the purpose of this section, parcels of land shall equate to the permanent parcel numbers assigned by the assessor to all property within the said 500 feet.
 - 4) An applicant requesting a “waiver of location requirements” shall file an application with the Zoning Administrator. However, the Zoning Administrator shall not accept an application for the “waiver of location requirements” for an adult entertainment activity as it relates to the location requirements concerning licensed day care facilities, adult foster care homes, senior citizen centers, K-12 schools, parks, or churches, without the submission of a petition as required herein. The Zoning Administrator shall validate said petitions. The Zoning Administrator shall then notify the Planning Commission of the receipt of the requests and petition within 15 days of filing.
 - 5) Before granting a waiver of location requirements, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operations of regulated use, as it may feel, in its judgment, are necessary for this protection of the public interest. Any evidence and

guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

2. BED AND BREAKFASTS

Bed & Breakfast establishments shall have adequate off-street parking designed in accordance with the parking design requirements of this ordinance, to accommodate one vehicle for every bedroom. Parking spaces shall not be located within the required front or side setback. One sign not more than six (6) square feet may be placed not closer than fifteen (15) feet to the front property line. Parking areas must be screened from adjacent residentially used or zoned property with plantings or fence.

3. CHURCHES, SCHOOLS, AND RELATED EDUCATIONAL AND RECREATIONAL FACILITIES

- a. No structures may be located closer than 100 feet to any property line. No parking or any structure shall be located in the setback area.
- b. Recreational facilities may not be located in the setback zone.
- c. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at least 33 feet wide and shall have unrestricted access to or from a public street.
- d. The grounds shall be sloping for proper drainage and to meet the approval of local engineering standards.
- e. There shall be a maximum of one sign, which shall bear only the name of the facility, and shall have a maximum area of 12 square feet. The sign may be lighted provided the source of light is not visible and may be located within the required yard, but not within the greenbelt.
- f. The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the Village and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that property may be developed in a reasonable manner, but in so doing, complying with other applicable provisions of this Ordinance.

4. COMMERCIAL AMUSEMENT AND RECREATION

Commercial amusement and recreation enterprises include such activities as miniature golf courses and driving ranges (outdoors). Outdoor recreation and entertainment facilities may be permitted, if the Planning Commission finds that the following conditions exist:

- a. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to existing and projected future uses in the area.
- b. That the proposed use is adequately served by necessary improvements, including but not limited to water, electricity, roads, drainage, and parking.
- c. That the proposed use is in accordance with the development policies of the Village.

5. EARTHMOVING/GRAVEL MINES

The Planning Commission shall find, in its discretion that the proposed earthmoving shall not result in serious consequences in relation to interests the Village is authorized to protect.

- a. The Planning Commission shall examine the proposed plans and shall note the effect of the proposed use upon the area involved and the relationships between proposed uses and future streets, lots, grades, and waterways.
- b. A permit from the Soils Erosion and Sedimentation permit or letter from the County Drain Commissioner indication that no permit is required.
- c. Earthmoving activities will not occur within 100 feet of a property line and slopes must not exceed 4:1.
- d. The Planning Commission may approve, approve with modifications, or disapprove the proposed use. It may require that special conditions, such as fencing, screening, landscaping, yards, parking, location of structures, and time limitations, be imposed.
- e. The Planning Commission shall consider the following in making its determination:
 - 1) The earthmoving activity will take place within a reasonable period of time.
 - 2) The earthmoving activity will not adversely affect existing or future adjacent land uses substantially.
 - 3) The effect of the earthmoving activity on drainage, surface water, water table, groundwater, etc.
 - 4) The earthmoving activity shall not adversely affect the public health, safety, and general welfare.
 - 5) All federal and state permits are obtained.

- f. The Planning Commission may impose such special conditions, as it deems necessary to carry out the intent of this section prior to granting approval of any earthmoving. The Planning Commission may impose a reasonable corporate surety bond to ensure compliance with this section.
- g. Exceptions: A permit to fill or remove soil from an area not to exceed 20,000 square feet may be issued by the zoning administrator, provided information is formally submitted including the following:
 - 1) Names and addresses of owners of property, and person or contractor responsible for filling or removing activities.
 - 2) Legal description and plot plan of property showing dimensions of area to be filled or removed from and to what finish elevation proposed.
 - 3) Type of Material to be Deposited: Approved material to include sand, soil, clay, dirt, stone, brick, and concrete provided all such materials to be in a level condition with a minimum of 6-inch, debris-free top cover suitable for the growing of turf within 6 months of date of issuance of permit. The maximum period of time such permit may be valid for is 6 months.
- h. No permits will be required for excavations or filling for building construction purposes, pursuant to a duly issued building permit under the State of Michigan Residential Building Code or other building regulations as adopted by the Village.

6. ESSENTIAL SERVICES

Essential services located above ground and outside of public rights-of-way will be subject to Site Plan review and the following terms and conditions:

- a. All buildings or structures must comply with the use, height, area, building, or structure necessary for public convenience and service, provided that such public building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such zoning district, and the advantage of the proposed location to the utility is not outweighed by the detriment to the locality, and a different suitable location is not readily available.
- b. The facility must be screened from view from adjacent residential properties as much as possible using natural materials. Landscaping is preferred to walls and fences.

Essential Service structures must comply with the setback provisions of the zoning district in which they are located plus 50%. Buildings shall be constructed of materials compatible with structures in the surrounding neighborhood. Other than vehicles, there shall be no outside storage of materials or equipment.

7. GASOLINE SERVICE STATION/CONVENIENCE STORE

All structures shall be set back 50 feet from any right-of-way or property line. Not more than one curb cut is allowed for every 75 feet of road frontage. No curb opening shall be within 75 feet of another curb opening. A raised curb shall be constructed along the perimeter of all parking facilities or landscaped islands. Outside storage may not exceed a size of 200 square feet. Outside storage of vehicles is limited to four vehicles.

8. GENERAL CONTRACTING AND THE STORAGE OF CONSTRUCTION MATERIALS AND EQUIPMENT IN CONNECTION THEREWITH

All buildings and storage areas shall maintain a minimum setback of 50 feet along a public road and 25 feet along all other property lines. Except for licensed operable vehicles, outside storage may not exceed a size of 500 square feet. Outside storage of vehicles is not allowed within the required front, rear or side setbacks. The outdoor storage of junk or secondhand construction materials is prohibited.

9. GROUP DAY CARE HOMES

Group Day Care Homes must be used for residential purposes and that part occupied as a dwelling shall conform to all requirements of the building code. That part used for Day Care shall be provided with an exterior entrance separate from the residence and has no less than two onsite parking spaces. The group day care facility shall:

- a. Have a child drop-off and pickup area. Other facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.
- b. Have a minimum of 150 square feet of outdoor play area per child, with not less than 5,000 square feet of outdoor play area per facility, shall be provided and maintained on the lot. For purposes of this Section, "outdoor play area" means the area located on the lot behind the established front yard setback of the facility that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking areas. The outdoor play area shall be free from sharp gravel, glass, or cinder, and shall be well drained. The outdoor play area shall be completely enclosed by a chain-link or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least five feet.
- c. Not be located closer than 1,500 feet (measured along a road, street, or other public thoroughfare) to any other State Licensed Residential Facility; to any facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan; or to any community correctional center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the State Department of Corrections.

- d. Not exceed 16 hours of use during any 24-hour period and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from six a.m. to ten p.m. daily.
- e. Be maintained consistent with the visible characteristics of the neighborhood.
- f. Be registered and licensed as required for State Licensed Residential Facility under the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, as amended).

10. LAWN CARE SERVICES

All buildings and storage areas shall maintain a minimum setback of 50 feet along a public road and 25 feet along all other property lines. Outside storage may not exceed a size of 500 square feet. Outside storage of vehicles is not allowed within the required front, rear, or side setbacks.

11. MULTIPLE FAMILY DWELLINGS

Multiple family dwellings may be permitted provided the Planning Commission finds that all of the following conditions are met:

- a. Every principal entry shall be visible from a public street. No entrance shall be located further than 150 feet of an off-street parking facility.
- b. Where more than one building is located on a parcel or lot, the following requirements apply:
 - 1) No building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 50 feet.
 - 2) A front yard of 35 feet shall be required.
 - 3) No building shall be located behind another unless separated by common yard of at least 100 feet.
 - 4) Each parcel or lot shall have a greenbelt of at least 30 feet unobstructed by any accessory structure.
 - 5) No building shall be located closer than a distance equal to its total height to any other building.
- c. Each building shall contain complete and separate septic system facilities as required by the county health department.

12. PROJECTIONS INTO RIGHTS-OF-WAY

Awnings may extend into the airspace of a public right-of-way according to the following conditions:

- a. Permanent awnings may extend into the public right-of-way providing:
 - 1) There is a minimum of twelve (12) feet between the bottom of the awning and the grade below, and
 - 2) The awning is structurally sound as documented by a detailed design drawing prepared and sealed by a licensed contractor, and
 - 3) The awning does not project any further than six (6) feet beyond the front of the building, and
 - 4) The awning is aesthetically consistent with the building it is placed upon and surrounding buildings.
- b. Retractable awnings may extend into the public right-of-way providing:
 - 1) There is a minimum of ten (10) feet between the bottom of the awning and the grade below, and
 - 2) The awning does not project any further than six (6) feet beyond the front of the building, and
 - 3) The awning is aesthetically consistent with the building it is placed upon and surrounding buildings.

13. PUBLIC UTILITY BUILDINGS AND STRUCTURES

Public utility buildings and structures are necessary for the service of the community for utilities not located within public streets or public rights-of-way, such as lift stations, well and pump enclosures, telephone exchanges, transformer stations and substations, but not including garages, outdoor storage facilities, maintenance buildings, or activities of an industrial character such as repair and maintenance yards, or activities that generate electronic interference. The Planning Commission may request input from the police chief, fire commissioner, and other municipal officials. It being the intention, hereof, to ensure that the erection or construction of any or all-new construction is designed and erected to conform harmoniously to the general architecture and plan of such districts in which it is to be erected.

The planning commission may permit the erection and use of a building or an addition to an existing building by a public service corporation or for public utility purposes in any district to a greater height or of a larger area than the district requirements specify. The Planning Commission may permit the location, in any use district of a public utility building or structure, if such use, height, area, building, or structure necessary for the public

convenience and service, provided that such building, structure, or uses are designed, erected, and landscaped to conform harmoniously to the general architecture and plan of such districts. The proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.

Public utility facilities must comply with the setback provisions of the zoning district in which they are located. Buildings shall be constructed of materials compatible with structures in the surrounding neighborhood. Other than vehicles, there shall be no outside storage of materials or equipment. The facility must be screened from view from adjacent residential properties.

14. PUBLICLY OWNED AND OPERATED BUILDINGS

Publicly owned and operated buildings such as municipal offices, police or fire stations, museums or libraries may be permitted if the Planning Commission finds that the following conditions are met:

- a. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to, existing and projected future uses in the area.
- b. That the proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.
- c. That the proposed use is in accordance with the development policies of the Village.

15. RENTAL STORAGE BUILDINGS

No building shall be located closer than thirty (30) feet to any property line or within forty (40) feet to another building. All buildings shall have properly designed parking areas. Driveways must be 24 feet wide with adequate turning radius at building corners for large trucks. The front setback shall be fifty (50) feet and no drives or parking areas shall be located within setbacks.

16. STATE LICENSED RESIDENTIAL FACILITIES (for seven persons or more)

Uses shall be permitted subject to the following procedures and conditions:

- a. The proposed facility shall be consistent with and shall promote the intent and purpose of this ordinance and shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed facility. In making its determination regarding a proposed facility, the Planning Commission shall consider the following factors:
 - 1) The design and location of the proposed facility; the density of population; the adequacy of educational, recreational, and other public support facilities; traffic volumes

and circulation; compatibility with existing development; adequate provision for light and air; adequate provision of parking; and accessibility of fire and police protection.

2) The density of similar uses in the area; the cumulative effects of allowing the proposed facility (including effects upon the capacities of existing community recreation, social service, and other support facilities); and whether the proposed facility will alter the character of the neighborhood. In order to prevent an excessive concentration of facilities and consequent alteration of a neighborhood's character and protect existing facilities from over development that could result in an undesirable atmosphere, no facility shall be located within a 1,500-foot radius of any other facility unless the Planning Commission finds that a lesser distance is compatible with the goals of this ordinance and that the facility would not contribute to an excessive concentration of such facilities within a particular neighborhood.

3) The accessibility of the proposed facility to convenience services, such as shopping, banking, health care, and public transportation; to employment opportunities; and to community resources, agencies, including medical, and social services, that might be used by the facility's residents.

b. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions as necessary for the facility to conform to the character of the adjacent neighborhood and to protect adjacent property from adverse impacts.

c. If the State Licensed Residential Facility is an adult foster care facility, it shall:

1) Be located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. Other facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.

2) Have a minimum of 150 square feet of rear yard area per person, with not less than 5,000 square feet of rear yard area per facility, shall be provided and maintained on the lot. For purposes of this Section, "rear yard area" means an area that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking areas. The rear yard area shall be free from sharp gravel, glass, or cinder and shall be well drained. The rear yard area shall be completely enclosed by a chain-link or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least five feet.

3) Be registered and licensed as required under the appropriate state Act (Act No. 116 of the Public Acts of 1973, as amended).

17. TELECOMMUNICATIONS TOWERS

Telecommunications towers are permitted according to the following standards:

a. Each applicant shall submit a detailed site justification report, including a description of the process that eliminated other potential sites and a map showing the extent of planned coverage, approved locations of all other telecommunication sites, or adjoining municipalities that provide coverage including the applicant's location and the location and service area of the proposed telecommunication site.

b. Using technological evidence, the applicant must demonstrate that the proposed location is necessary to satisfy its function in the company's grid system. Specific locations will be evaluated using the following analysis and criteria (not listed in any order of priority):

- 1) Capacity and propagation analyses.
- 2) Tower height visibility analyses.
- 3) Antenna separation analyses based on wavelength.
- 4) Analyses of signal strength and signal thresholds necessary for a cell hand-off.
- 5) Environmental analysis of the proposed access road and structures when new construction is necessary (determined by the Planning Commission).
- 6) Modeling consistent with FCC criteria to document that a prepared facility would be in compliance with federal radio frequency health standards.
- 7) Availability of suitable structures for antenna mounting.
- 8) Topography as it relates to line of sight transmission for optimum service efficiency.
- 9) Leaseable lands and willing landlords.
- 10) Screening potential of existing vegetation, structures, and topographic features.
- 11) Compatibility with adjacent land uses, and preservation of historic views, vistas, buildings, and areas.
- 12) Least number of sites to cover desired area.
- 13) Greatest coverage consistent with physical requirements.
- 14) Opportunities to mitigate possible visual impact.
- 15) Availability of sites outside the village limits.

- 16) Preservation of view corridors, vistas.
- 17) Potential for preservation of pre-existing character of the site.
- 18) Impact on surrounding residential areas.
- 19) Selection of sites that lend themselves to visual mitigation.
- 20) Availability of road access.
- 21) Availability of electric power.
- 22) Availability of land-based telephone lines or microwave link capability.

c. The Planning Commission shall consider the following factors in determining whether to approve a telecommunication tower as a Special land use:

- 1) Height of the proposed tower.
- 2) Proximity of the tower to residential structures and residential district boundaries.
- 3) Nature of uses on adjacent and nearby properties.
- 4) Surrounding topography.
- 5) Surrounding tree coverage and foliage.
- 6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- 7) Proposed ingress and egress.
- 8) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
- 9) Willingness of the applicant to allow co-location of antennas on the proposed tower at a reasonable charge.

18. TOWING SERVICES

Towing services shall be permitted subject to the following procedures and conditions:

- a. All tires, parts, and autos and vehicle bodies must be kept within a fully enclosed building or fenced on all sides with a screening fence that is six feet in height.

- b. No outdoor storage or use shall be permitted within the required front setback.
- c. Appropriate screening in accordance with this ordinance may be required by the Planning Commission to protect adjoining parcels.