

**COVERT TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

**Ordinance No. 120
Adopted: July 9, 2024
Effective: July 23, 2024**

An Ordinance to amend the Township of Covert Zoning Ordinance to revise provisions regarding fees and wireless communications facilities; to amend definitions; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF COVERT
COUNTY OF VAN BUREN, MICHIGAN**

ORDAINS:

**SECTION 1
AMENDMENT TO ARTICLE 2, SECTION 2.02 DEFINITIONS
OF THE COVERT TOWNSHIP ZONING ORDINANCE**

Article 2, Section 2.02, “Definitions” of the Covert Township Zoning Ordinance is hereby amended as follows:

The definitions for communication tower; communication antenna, attached; communication tower, co-location on; and communication tower and communication antenna, preexisting are deleted.

The following definitions are added:

Collocate: means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

Equipment Compound: means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

Wireless Communications Equipment: means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless Communications Facility: All support structures and communications equipment used in the provision of wireless communications services. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio

facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless Communication Support Structures: Means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Farm Related Activities: For the terms of this Ordinance, farm related “value-added agricultural activities” shall include the following when conducted on the site of the farm: (the list of sample farm related activities already included in the Zoning Ordinance shall remain unchanged).

SECTION 2
AMENDMENT TO ARTICLE 18, GENERAL PROVISIONS
OF THE COVERT TOWNSHIP ZONING ORDINANCE

Article 18, “General Provisions” of the Covert Township Zoning Ordinance is hereby amended by adding a new section 18.32, Wireless Communications Facilities, which shall read as follows:

Section 18.32 Wireless Communications Facilities

A. General Requirements

1. **Standard A.** Wireless communications equipment is a permitted use of property and is not subject to special use approval or any other approval if all of the following requirements are met:
 - (a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - (b) The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township Board, with recommendation by the Planning Commission.
 - (c) The proposed collocation will not do any of the following:
 - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.

- (d) The proposed collocation complies with the terms and conditions of any previous approval by the Township Board, with recommendation by the Planning Commission.
- 2. **Standard B.** Wireless communications equipment is subject to special use approval, in accordance with Article 24 of the Zoning Ordinance, if the equipment meets the requirements of Subsections (a) and (b) under Standard A. but does not meet the requirements of Subsections (c) and (d) under Standard A.
- 3. **Standard C.** Wireless communication equipment is subject to special use approval, in accordance with Article 24 of the Zoning Ordinance if the proposal does not involve collocation (e.g., a new facility).

B. Approval Procedures

The following procedures have been established to achieve approval of a proposed wireless communications facility:

- 1. **Standard A.** Standard A. wireless communications equipment proposals require no zoning approval. However, plans for Standard A. improvements shall be submitted to the Township.
- 2. **Standard B.** Standard B. wireless communications equipment proposals require special use approval. Accordingly, such proposals are subject to the procedures set forth in Article 24, including the following:
 - (a) Applicant submits application, site plans, additional relevant information and applicable fee.
 - (b) Within 14 days Township administration determines if application is administratively complete.
 - (c) If application is not administratively complete, administration notifies applicant.
 - (d) If application is administratively complete, administration initiates special use review by scheduling special use public hearing.

(e) The application shall be approved or denied by the Township Board, with recommendation by the Planning Commission, not more than 60 days after the application is considered to be administratively complete.

3. **Standard C.** Standard C wireless communications equipment proposals require special use approval. Accordingly, such proposals are subject to the procedures outlined for Standard B., except that in Step 5 the application shall be approved or denied by the Township Board, with recommendation by the Planning Commission, not more than 90 days after the application is considered to be administratively complete.

C. Standards and Conditions

All applications for wireless communications facilities that require special land use approval shall be reviewed in accordance with the following standards and conditions. If approved, such facilities shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed by the Planning Commission.

1. **Public Health and Safety.** Wireless communications facilities shall not be detrimental to the public health, safety and welfare.
2. **Harmony with Surroundings.** To the extent feasible, wireless communications facilities shall be designed to be harmonious with the surrounding areas.
3. **Compliance with Federal, State and Local Standards.** Wireless communications facilities shall comply with applicable federal and state standards, including requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and Michigan Aeronautics Commission. Wireless communications support structures shall comply with all applicable building codes.
4. **Maximum Height.** Applicants shall demonstrate a justification for the proposed height of the wireless communications support structures and antennas and provide an evaluation of alternative designs which might result in lower heights. The maximum height of a new or modified wireless communications support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure), but shall not exceed 120 feet. Higher wireless communications support structures and antennas may be permitted, however, if necessary to achieve collocation. Wireless communications equipment, except antenna, shall not exceed the maximum height for accessory structures in the zoning district in which the facility is located.

5. **Minimum Setbacks.** The setback of a new or modified wireless communications support structure from any zoning district that allows residential use or existing or proposed right-of-way or other publicly traveled road shall be no less than the total height of the structure and attachments thereto. Where the proposed new or modified wireless communications support structure abuts a zoning district that does not allow residential use, the support structure shall comply with the required setbacks for principal buildings specified for the zoning district in which the facility is located. Wireless communications equipment shall comply with the required setbacks for principal buildings specified for the zoning district in which the facility is located.
6. **Access.** Unobstructed permanent access to a wireless communications support structure shall be provided for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. The permitted type of surfacing, dimensions and location of such access route shall be subject to approval by the Township Board, upon recommendation by the Planning Commission, based on evaluation of the location of adjacent roads, layout of buildings and equipment on the site, utilities needed to service the facility, proximity to residential districts, disturbance to the natural landscape, and the type of vehicles and equipment that will visit the site.
7. **Division of Property.** The division of property for the purpose of locating a wireless communications facility shall be permitted only if all zoning requirements, including lot size and lot width requirements, are met.
8. **Equipment Enclosure.** If an equipment enclosure is proposed as a building or ground-mounted structure, it shall comply with the required setbacks and other requirements specified for principal buildings for the zoning district in which the facility is located. If an equipment enclosure is proposed as a roof appliance on a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.
9. **Design Objectives.** The wireless communications facility shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. Accordingly, wireless communications support structures shall be grey or white (or another color that is found to be more harmonious with surroundings) and shall not have lights unless required otherwise by the Federal Aviation Administration (FAA). No signs or logos visible from offsite shall be permitted on a wireless communications support structure.

10. **Fencing.** Wireless communications facilities shall be enclosed by an open weave chain link fence having a minimum height of six (6) feet.
11. **Structural Integrity.** Wireless communications facilities shall be constructed and maintained in structurally sound condition using the best available technology to minimize any threat to public safety.
12. **Maintenance.** A plan for the long term, continuous maintenance of a wireless communications facility shall be submitted. The plan shall identify who will be responsible for maintenance, and shall include a method of notifying the Township if maintenance responsibilities change.

D. Removal of Unused or Obsolete Facilities

1. A condition of every approval of a wireless communications facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of the following event:
 - (a) When a facility has not been used for 180 days or more. For purposes of this section, the removal of all antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals), shall be considered as the beginning of a period of no use.
2. The situations in which removal of a facility is required, as set forth in paragraph (a) above, may be applied and limited to portions of a facility.
3. Upon the occurrence of an event requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition, removal, and site restoration.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the Township may secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

E. Application Requirements

1. **Site Plan and Special Use Review.** A site plan prepared in accordance with Article 23 shall be submitted, showing the location, size, screening

and design of all buildings, outdoor equipment, and structures of the wireless communications facility. Where the wireless communications facility is subject to special use approval the procedures and standards in Article 24 shall apply.

2. **Landscape Plan.** A detailed landscape plan shall be submitted illustrating the number, species, location, and size at the time of planting of all proposed trees and shrubs. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base and equipment of the wireless communications facility.
3. **Structural Specifications.** Structural specifications for the wireless communications support structure and foundation shall be submitted for review. The structural specifications shall state the number of various types of antennae capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the Township Engineer.
4. **Financial Security.** The application shall include a description of financial security to be posted immediately upon issuance of a building permit for the wireless communications facility to ensure removal of the facility when it has been abandoned or is no longer needed, as previously noted. In this regard, the financial security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required herein, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.
5. **Contact Person.** The application shall include the name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

SECTION 3
AMENDMENT TO SECTION 24.10, PERMITTED SPECIAL USES
OF THE COVERT TOWNSHIP ZONING ORDINANCE

Article 24, Section 24.10, Subsection B of the Covert Township Zoning Ordinance, "Permitted Special Uses" is hereby amended to delete Subsection B, Commercial Cellular Towers, Television and Radio Towers and reserve this section for future use.

SECTION 4
AMENDMENT TO SECTION 5.03, RR RURAL RESIDENTIAL DISTRICT
OF THE COVERT TOWNSHIP ZONING ORDINANCE

Article 5, Section 5.03 of the Covert Township Zoning Ordinance “Special Uses (RR District)” is hereby amended to read by adding a new subsection 6, which shall read as follows:

“6. Farm Related Activities (see definition of Farm Related Activities)”

SECTION 5
AMENDMENT TO SECTION 23.15, FEES
OF THE COVERT TOWNSHIP ZONING ORDINANCE

Article 23, Section 23.15 of the Covert Township Zoning Ordinance, “Fees” is hereby deleted and reserved for future use.

SECTION 6
AMENDMENT SECTION 27.04
OF THE COVERT TOWNSHIP ZONING ORDINANCE

Article 27, Section 27.04 of the Covert Township Zoning Ordinance titled, which was reserved for future use is hereby amended to read as follows:

Fees, Charges and Expenses.

The Township Board shall, by resolution, have the authority to set all fees for permits, applications, inspections and requests for action pursuant to regulations set forth in this Ordinance. The fee may include a deposit toward the costs of any consultants retained by the Township for reviewing the application, such as consulting planning services, engineering services, legal services, court reporter services or similar services.

The fee and deposit shall be paid before the review process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the Ordinance shall suspend further review of the application. Any deposit toward the cost of any consultant shall be credited against the expense to the Township of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application.

A schedule of the current fees and deposit requirements shall be made available at the Township Hall.

The assessment and payment of application fees does not affect the requirements for a financial guarantee as specified in Section 23.16.

There shall be no fee or deposit in the case of an application filed in the public interest by a township department or a township official.

SECTION 7
AMENDMENT TO SECTION 27.05, ZONING COMPLIANCE PERMIT
OF THE COVERT TOWNSHIP ZONING ORDINANCE

Article 27, Section 27.05, Subsection E, of the Covert Township Zoning Ordinance, “Fees, Charges and Expenses” is hereby deleted and reserved for future use.

SECTION 8
AMENDMENT TO SECTION 28.09, PROCEDURE FOR APPEALING
TO THE ZONING BOARD OF APPEALS
OF THE COVERT TOWNSHIP ZONING ORDINANCE

Article 28, Section 28.04, Subsection C of the Covert Township Zoning Ordinance, “Fee for Appeal” is hereby deleted and reserved for future use.

SECTION 9
SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any court of law shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION 10
REPEAL OF CONFLICTING ORDINANCES/EFFECTIVE DATE

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect eight (8) days following publication after adoption.

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