

## CHAPTER 10 SPECIAL LAND USES

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### Section 10.01 Purpose

The purpose of this chapter is to provide regulations for uses not essentially incompatible with uses permitted by right in a given district, but which may only be appropriate if restrictions or conditions are imposed by reason of special problems presented by the use itself or its particular location in relation to neighboring properties. The special land use permit procedure established in this chapter is designed to provide the Planning Commission with an opportunity to review and act upon any application for a special use permit.

### Section 10.02 Authorization

The Planning Commission shall have the power to approve or deny a special land use permit application, or approve same with conditions, as authorized in Section 10.05, pursuant to the approval standards specified or referenced in Section 10.04.

### Section 10.03 Procedure

- A. Application. An application for a special land use permit shall be filed with the Zoning Administrator. The Zoning Administrator shall review the application for administrative completeness, and inform the Hastings City Clerk when the application is determined to be complete for further processing.
- B. Site plan requirement. Applications for a special land use permit shall also be accompanied by a site plan, which shall contain the information for final site plans required by Chapter 9 of this Ordinance.
- C. Additional information. The Planning Commission may require that the applicant provide additional information about the proposed use. Such information may include but shall not be limited to traffic analysis, environmental impact statement, impact on public utilities and services, and effect on the public school system.
- D. Planning Commission hearing. The Zoning Administrator or City Clerk shall refer an administrative complete application to the Planning Commission, and schedule a public hearing for the application. Notice of the hearing shall be given as required by Section 16.04 of this zoning ordinance.

### Section 10.04 Standards for Approval

To approve a special land use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this Ordinance for specific special land uses:

- A. The proposed use is designed and constructed and will be operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not result in a detrimental change to the essential character of the area in which it is proposed.
- B. The proposed use will be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- C. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
- D. The proposed use will not involve uses, activities, processes, materials and equipment, or conditions of operation that will be overly detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- E. The proposed use is consistent with the intent and purpose of the zoning district in which such use will be located.
- F. The proposed use is compatible with and in accordance with the Hastings-Rutland Joint Planning Commission Master Plan.
- G. The proposed use will comply with the specific standards applicable to that particular use as specified in Section 10.08, or elsewhere in this Ordinance.

#### **Section 10.05 Conditions on Approval**

- A. In approving a request for a special land use permit, the Planning Commission may impose conditions, provided such conditions shall be reasonable and necessary to:
  - 1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
  - 2. Protect the natural environment and conserve natural resources and energy;
  - 3. Insure compatibility with adjacent uses of land; and
  - 4. Promote the use of land in a socially and economically desirable manner.
- B. Conditions imposed shall meet all of the following requirements:
  - 1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- C. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the applicant. The Planning Commission shall maintain a record of the conditions which are changed.

#### **Section 10.06 Validity of Special Land Use Permit**

- A. Planning Commission approval of a special land use permit shall be valid regardless of change of ownership, provided that all terms and conditions are complied with by the new owners.
- B. In cases where development authorized by a special land use permit has not commenced within one year of issuance, the permit shall automatically terminate. Upon written application filed before the termination of the one-year period, the Planning Commission may authorize a single extension for a further period of not more than one year.
- C. The Planning Commission shall have the authority to revoke a special land use permit following a public hearing with notice given as required herein. Such permit may be revoked upon evidence that the applicant, owner or operator has failed to comply with the requirements of the permit or any other applicable regulations of this Ordinance.

#### **Section 10.07 Changes to an Approved Special Land Use**

- A. Any person for which a special land use permit has been approved shall notify the Zoning Administrator of any proposed changes to the approved use or site plan. Any minor change such as dimension changes, increase in parking, drive relocation, landscaping changes, or movement of lighting or signs may be approved by the Zoning Administrator, who shall notify the Planning Commission in writing of such changes, and maintain a record of some.
- B. Any proposed major changes to any approved special land use or site plan shall be subject to all applicable requirements of this Ordinance for a new special land use permit application and/or site plan review. Major changes shall include but are not limited to increasing the density or number of dwelling units, increasing the number of buildings or land area, and the addition of another use or uses not initially authorized under the original special land use permit or site plan. The Zoning Administrator shall determine if other similar changes constitute a major change.

**Section 10.08 Specific Standards Required of Particular Special Land Uses**

The following specific standards shall be required of the particular special land uses designated in this section pursuant to Section 10.04G of this Ordinance, in addition to the standards specified in Section 10.04A-F of this Ordinance. The required standards for each such use are referred to in the following table and included in the subsequent applicable text for the corresponding item number:

SPECIAL LAND USE	ZONING DISTRICT	ITEM NUMBER
Group day care home	MU	1
Foster care (large group) home	MU	2
Private road	MU, LI (overlay)	3
Small wind energy conversion system	MU, LI	4
Wireless communications support structure	LI	5
Filling activity exceeding 1,000 cy of material	MU, LI (overlay)	6
Temporary event exceeding seven days	MU, LI (overlay)	7

Item 1. Group Day Care Home.

- A. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
1. Another state licensed group day care home;
  2. Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCL 400.701 et seq);
  3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCL 333.6101 et seq);
  4. A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It shall have appropriate fencing enclosing all outdoor play areas, as determined by the Planning Commission. Such fencing shall be at least 54" high and non-climbable in design.
- C. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- D. It shall not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.

- E. It shall meet all applicable sign regulations in this Ordinance.
- F. It shall meet all applicable off-street parking requirements in this Ordinance.

Item 2. Foster Care (Large Group) Home.

- A. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
  - 1. Another state licensed group day care home;
  - 2. Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCL 400.701 et seq);
  - 3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCL 333.6101 et seq);
  - 4. A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It shall have appropriate fencing enclosing all outdoor play areas intended for children, as determined by the Planning Commission. Such fencing shall be at least 54" high and non-climbable in design.
- C. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- D. It shall meet all applicable sign regulations in this ordinance.
- E. It shall meet all applicable off-street parking requirements in this ordinance; and in addition shall provide a designated passenger loading/unloading area near a barrier-free entrance to the facility, and a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
- F. A landscape buffer shall be provided along all property lines that abut a less intense land use and around the perimeters of all parking and loading/unloading areas visible from adjacent properties or streets.
- G. All exterior lighting of entryways, parking spaces, and loading/unloading areas shall be directed and/or hooded so as to not reflect onto adjacent properties or streets.

Item 3. Private road.

“Private road” is designated in Section 5.12 of this Ordinance as an “overlay” special land use in any zoning district. See Section 5.12 for the approval standards and other applicable provisions and requirements.

Item 4. Small Wind Energy Conversion Systems.

- A. The system may be portable or attached to a building, tower, or other structure, subject in each instance to the following applicable height limitation, measured from grade directly below the supporting base of the system to the uppermost component of the system at its highest vertical position:
  - 1. For lots of less than two acres in area: 35 feet.
  - 2. For lots of two to five acres in area: 60 feet.
  - 3. For lots greater than five acres in area: not exceeding such height as is permissible to comply with the setback/location requirements in subsection C below.
- B. The minimum vertical blade tip clearance from grade shall be 20 feet.
- C. No part of the system, including guy wire anchors, may extend closer than 10 feet to the property boundaries of the site upon which it is installed. The tower structure shall be set back from all adjoining property lines and rights-of-way (public or private) a distance equivalent to or greater than the height of the system in its highest vertical position.
- D. The system shall not cause a sound pressure level in excess of 60 decibels, as measured at any property line.
- E. The system shall be equipped with the following safety-related components: an automatic braking, governing or feathering system to prevent uncontrolled rotation or overspeeding; lightning protection; and a locking safety ladder for a tower installation.
- F. A building/electrical permit application for the system shall be accompanied by standard drawings of all components of the system, including any tower, base, and footings.
- G. The system shall comply with applicable federal and state regulations pertaining to tall structures that may interfere with aircraft, including any necessary approvals for installations in close proximity to an airport.
- H. The system shall not be connected to a utility grid electric system until utility company approval of the connection has been filed with the Zoning Administrator.
- I. The system shall not be operated until the applicant has provided to the Zoning Administrator the statement of a licensed professional engineer certifying the system was installed in compliance with all applicable building and electrical code requirements and otherwise complies with all the foregoing standards and requirements.

Item 5. Wireless Communication Support Structure.

- A. Purpose. The purpose of these regulations is to establish standards for the siting of wireless communication support structures/equipment compounds and wireless communications equipment (for convenience, sometimes referred to as "towers" or "communication towers" and "antennas") based on the following goals: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in nonresidential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) protect the public health and safety; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- B. Definitions. The following terms used in this section shall be defined as follows:
- **ALTERNATIVE TOWER STRUCTURE.** Man-made trees, clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or minimize the presence of antennas or towers.
  - **ANTENNA.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.
  - **BACKHAUL NETWORK.** The lines that connect a provider's towers/cell sites to one or more wireless telephone switching offices, and/or long distance providers, or the public switched telephone network.
  - **CO-LOCATE.** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Co-location" has a corresponding meaning.
  - **COMMUNICATION TOWER OR TOWER.** The same thing as wireless communications support structure, except where the context of the usage of the term is clearly applicable to only a tower type of support structure.
  - **EQUIPMENT COMPOUND.** An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

- HEIGHT. When referring to a wireless communications support structure, the distance measured from the finished grade to the highest point on the structure, including the base pad and any antenna.
- WIRELESS COMMUNICATIONS EQUIPMENT. 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 does not include any wireless communications support structure, alternative tower structure, or other structure or device designed to support or capable of supporting wireless communications equipment.
- WIRELESS COMMUNICATIONS SUPPORT STRUCTURE. (See definition in Chapter 2).

C. Information required with special land use application.

1. In addition to any information required for applications for special land use permits pursuant to Section 10.03, applicants for a special land use permit for a communication tower/antenna shall submit the following information:
  - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in subsection D.3, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator or Planning Commission to be necessary to assess compliance with the standards for approval in this section.
  - b. Legal description and ownership of the parent parcel (and leased parcel, if applicable).
  - c. The setback distance between the proposed tower and the nearest dwelling unit, and the nearest property in a residential zoning district.
  - d. An inventory of existing towers, antennas, or sites approved for towers or antennas that are owned/used by the applicant or any affiliated entity within Barry County, or within any adjoining township/county within one mile of the area under the jurisdiction of the Planning Commission. This inventory shall include the location, height, and design of each existing tower. The location of all such existing towers, and sites approved for towers or antennas shall also be depicted on a single scaled map. The applicant shall also designate on this map the location of all existing towers not owned/used by the applicant or any affiliated entity located

within the jurisdiction of the Planning Commission or within one mile of any boundary thereof, and indicate the owner/operator of such towers, if known.

- e. A landscape plan showing fencing and specific landscape materials.
  - f. Finished color and, if applicable, the method of camouflage and illumination.
  - g. A description of compliance with all applicable federal, state and local laws.
  - h.. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
  - i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other wireless sites owned or operated by the applicant or any affiliated entity in the City or Township.
  - j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
  - k. A description of the desirable characteristics justifying the suitability of the proposed location.
  - l. Point-of-view renderings of how the proposed tower will appear from the surrounding area.
  - m. Any additional information requested by the Planning Commission relevant to compliance with any provision of Chapter 10 pertaining to special land use application, review, or approval, including any lawful conditions imposed on approval.
2. All information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

Note: Section 3514 of the Michigan Zoning Enabling Act, as amended by 2012 Public Act 143, requires a special land use application for this land use to be reviewed by the Zoning Administrator to determine whether it is administratively complete. The application shall be considered administratively complete 14 business days after receipt of the application, unless the Zoning Administrator determines the application is administratively complete within that fourteen-day period, or before expiration of that fourteen-day period, notifies the applicant (in writing or electronically) that the application is not administratively complete and specifies the information and/or application fee payment necessary to make the application administratively complete. The statute also requires the Planning Commission to approve or deny a special land

use application for this land use not more than 90 days after the application is considered to be administratively complete.

D. Specific standards for approval of special land use permit for wireless communication support structure. In addition to the generally applicable standards for approval of special land use permit applications pursuant to Section 10.04A-E the applicant for special land use approval of a wireless communications support structure, also sometimes referred to as a "tower", shall present evidence demonstrating compliance with the following standards specific to this land use:

1. Availability of suitable existing towers, other structures, or alternative technology. The applicant shall demonstrate that no existing tower, other structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna, based on information submitted by the applicant showing any of the following:
  - a. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f. There are other limiting factors that render existing towers and structures unsuitable.
  - g. An alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
2. Setbacks. The tower base must be set back a distance equal to 70% of the height of the tower from any adjoining lot line, provided that the Planning Commission is authorized to approve a lesser minimum setback in circumstances where the tower is designed, in the event of failure, to fold over or otherwise collapse within

a fall zone less than the total height of the tower. The Planning Commission determination as to the appropriate minimum required setback shall be based on the tower design and other pertinent circumstances of each individual application, and shall be made pursuant to the general standards for special land use approval in Section 10.04. Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the applicable zoning district.

3. Separation.

- a. Separation from off-site uses/designated areas. The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1, measured from the base of the tower to the lot line of the off-site uses and/or designated areas (straight line measurement):

<b>Table 1</b>	
<b>Off-Site Use/Designated Area</b>	<b>Separation Distance</b>
Single-family, two-family or multiple-family residential uses	200 feet or 300% of height of tower, whichever is greater
Areas in any residential zoning district	200 feet or 300% of height of tower, whichever is greater
Non-residentially zoned lands and nonresidential uses	None; only setbacks apply

- b. Separation distances between towers. The tower shall comply with the minimum separation requirements from other towers as specified in Table 2, measured between the bases of the proposed tower and preexisting towers (straight line measurement).

<b>Table 2 Existing Towers - Types</b>				
	<b>Lattice (feet)</b>	<b>Guyed (feet)</b>	<b>Monopole 75 Feet in Height or Greater (feet)</b>	<b>Monopole Less Than 75 Feet in Height (feet)</b>
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Feet in	1,500	1,500	1,500	750

<b>Table 2 Existing Towers - Types</b>				
	<b>Lattice (feet)</b>	<b>Guyed (feet)</b>	<b>Monopole 75 Feet in Height or Greater (feet)</b>	<b>Monopole Less Than 75 Feet in Height (feet)</b>
Height or Greater				
Monopole Less Than 75 Feet in Height	750	750	750	750

4. Maximum tower height. The maximum tower height is 300 feet.
5. Co-location. The tower shall be designed and constructed (structurally, electrically, and in all other respects) to accommodate the applicant's antennas and compatible antennas for at least two other users, unless the Planning Commission determines, pursuant to specific information submitted by the applicant, that this multiple-user requirement is not technically feasible for the site, or would result in a tower that fails to otherwise comply with all applicable special land use approval standards. Where a multiple-user tower is proposed, or is otherwise required by the Planning Commission pursuant to the applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for compatible antennas of other users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
6. Security fencing; safety. The equipment compound shall be enclosed by security fencing or other suitable enclosure not less than six feet in height, to be determined by the Planning Commission, sufficient to restrict access to authorized personnel only. The tower shall be equipped with an appropriate anti-climbing device.
7. Landscaping and site maintenance. A six-foot-tall landscape screen is required to effectively screen the equipment compound from adjacent residential property, streets and public property, except in locations where the Planning Commission determines the visual impact of the equipment compound would be minimal. The tower site shall be mowed or otherwise maintained in such a manner as to effectively control undesirable or noxious weeds.
8. Lighting. The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for the tower. If lighting is required, it shall be oriented inward so as to not project onto surrounding property or roadways, shall be designed to cause the least disturbance to surrounding properties, and shall be designed to minimize bird collisions with the tower.

9. Signs. The use of any portion of a tower/antenna or equipment compound for signs other than warning or equipment information is prohibited.
10. Weather resistance. The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area.
11. Noninterference. The tower and all antennas located on the tower shall not interfere with any radio or television transmission or reception in the area.
12. Abandonment of unused towers or portions of towers. The applicant shall be required by deed, land contract, lease, or license agreement provisions to remove the tower or portion of tower and associated facilities upon cessation of the use of same. A tower or portion of tower that has no users for a continuous period of at least one year shall be considered abandoned, and shall be dismantled and removed from the premises within 90 days after receipt of notice of such abandonment to the owner of the subject premises.
13. Aesthetics.
  - a. Towers and antennas shall meet the following requirements:
    - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
    - (2) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - b. Notwithstanding the foregoing, the Planning Commission may also require tower and guy wire devices designed to minimize bird-tower collisions.
14. Accessory structures. The design of the buildings and other accessory structures at or in an equipment compound shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them in with the surrounding environment. All such buildings/structures shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
15. Inspection and maintenance. An approved tower/antenna shall be inspected at regular intervals, not less than once a year, and shall be serviced as frequently as may be necessary to maintain same in a safe and weather-withstanding condition.

Reports of all inspections and maintenance shall be made available to the Planning Commission upon written request.

16. Minimum lot and yard requirements. For purposes of determining whether a proposed tower site complies with zoning regulations for the applicable district, including minimum lot area, maximum lot coverage, and yard requirements, the dimensions of the entire lot shall control where a proposed tower site is created pursuant to a lease or license agreement encompassing less than the entire lot.

E. Installation of antenna or other wireless communications equipment on existing tower or in existing equipment compound. The following provisions govern the installation of antenna apparatus and other wireless communications equipment on an existing communication tower or other wireless communications support structure or within an equipment compound on the site of an existing communication tower:

1. Where the existing tower has been granted special land use and site plan approvals, no further zoning approvals are required if the Zoning Administrator determines the proposed wireless communications equipment and, where applicable, proposed associated accessory buildings/structures and proposed changes to the existing equipment compound are in complete conformance with the underlying special land use permit and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the array of the antenna apparatus, and the number, size and location of associated accessory buildings/structures.
2. Where the existing tower has been granted special land use and site plan approvals, or has not been granted such approvals but is determined by the Zoning Administrator to otherwise be in compliance with Chapter 10 no further zoning approvals are required if the Zoning Administrator further determines the proposed wireless communications equipment and, where applicable, proposed associated accessory buildings/structures or proposed changes to the existing equipment compound comply with all of the following (as applicable):
  - a. The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
  - b. The existing wireless communications support structure/existing equipment compound is itself in compliance with Chapter 10.
  - c. The wireless communications equipment will not increase the overall height of the existing support structure by the greater of 20 feet or 10% of its original height.
  - d. The wireless communications equipment will not increase the width of the existing support structure by more than the minimum necessary to permit co-location.

- e. The wireless communications equipment will not increase the area of the existing equipment compound so as to be more than 2,500 square feet.
- f. The proposed change(s) will comply with the terms and conditions of any previous final approval of the existing support structure/compound.

A proposed change that does not comply with subsection E.2.c, d, or e, but which otherwise is compliant with subsection E.2, is subject to zoning approval pursuant to approval of an amended site plan in accordance with all applicable provisions of this Ordinance, but without further special land use approval.

- 3. Where a proposed installation of wireless communications equipment on an existing wireless communications support structure is not subject to either preceding subsection E.1 or E.2, the installation shall be subject to special land use and site plan approvals in a zoning district where wireless communications support structure is designated as a special land use.

Item 6. Filling exceeding 1,000 cubic yards of material.

Filling activity exceeding 1,000 cubic yards of material is designated in Section 4.12 of this Ordinance as an “overlay” special land use in any zoning district. See Section 4.12 for the approval standards and other applicable provisions and requirements.

Item 7. Temporary event exceeding seven days.

A temporary event exceeding seven days is designated in Section 5.03E of this Ordinance as an “overlay” special land use in any zoning district. See Section 5.03E for the approval standards and other applicable provisions and requirements.

### FLOW DIAGRAM FOR SPECIAL LAND USE APPLICATIONS

