

VILLAGE OF LAWTON
COUNTY OF VAN BUREN
STATE OF MICHIGAN

ORDINANCE NO. 03 of 2025

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE
OF LAWTON

The following Ordinance was offered by Councilmember Peterson and supported by Councilmember E. Dudek.

THE VILLAGE OF LAWTON ORDAINS:

SECTION 1. AMENDMENT TO THE ZONING ORDINANCE

The Zoning Ordinance of the Village of Lawton, effective July 15, 2024, and as previously amended, is hereby amended as follows:

A. Amendment to Section 5.02 – Permitted Uses in Residential Districts

In Table 5.02.A, the use “Wireless communication facility” is hereby added as a **Special Land Use (S)** in the **AG Agricultural District**, and the corresponding reference to Section 5.26 is added under the “Use Regs” column.

B. Amendment to Section 5.25 – Wind and Solar Energy

Section 5.25 is amended to clarify and regulate small-scale solar panels and wind turbines as follows:

- Ground-mounted solar panels must be located in **rear or side yards**, be no taller than **10 feet**, meet all accessory structure setbacks, and be **minimally visible** from public rights-of-way.
- Rooftop solar equipment shall not extend **more than 2 feet** above the roofline and may not extend beyond the **eaves**.
- Solar panel materials shall be **non-reflective** and **non-damaging** to adjacent properties.
- Wind turbines under 40 feet are **administratively approved**; turbines between 40–60 feet require **Special Land Use approval**.
- A fall zone equal to **1.2× the total system height** for ground-mounted turbines (or **1.5×** for roof-mounted) must be contained entirely **on the property**.

C. Amendment to Section 5.03—Permitted Uses in Commercial and Industrial Zone Districts

- Removal of Permitted for Co located wireless Communication from Industrial and General Business Zones
- Removal of Special Use for Freestanding communications towers from Industrial and General Business Zones.

D. Addition of Section 5.26 – Wireless Communications Facilities

Section 5.26 is hereby added to the Zoning Ordinance to regulate wireless communication towers and related infrastructure. Highlights include:

- No speculative towers; a **carrier contract is required** at application.
- Preference and requirements for **co-location** are established.
- New towers must meet height limits (**180 feet max**), setbacks (equal to tower height), and screening (**6-foot fencing and landscape buffers**).
- Towers shall comply with all **FAA, FCC**, and other applicable federal and state standards.
- **Maintenance, abandonment, and lighting** regulations are established.

E. Addition of Section 11.13 – Fees

The Village may, by resolution of the Village Council, adopt a fee schedule for site plan reviews, special land use considerations, rezonings, variances, and other land use approvals, notice of violation, and other enforcement actions. The fees shall be imposed to cover Village administrative costs, as well as engineering review, field inspection, planning review, abatement, and legal and other professional services. The Village may also require escrow fees. The balance of any escrow amount shall be refunded to the applicant upon final approval. Should the Village's costs exceed the fees submitted and/or the escrow amount, the applicant shall be responsible for payment of such amounts prior to the issuance of the certificate of completion.

F. Addition of Section 11.14 – Violation and Penalties

A. The Village may use any lawful remedy or enforcement powers against the owner or responsible person for any violation of this Ordinance, including, without limitation, one or more of the actions in this Section. Remedies may be pursued simultaneously or sequentially and the pursuit of a single remedy does not foreclose the simultaneous or subsequent pursuit of other remedies.

1. **Uncorrected Violation.** The Village may deny or withhold any permits or other forms of authorization from an applicant on any property where there is an uncorrected violation of a provision of this Ordinance or a condition or stipulation of approval for a permit or other authorization previously granted by the Village.
2. **Revocation.** Any permit or other authorization revoked will become null and void should the Village Manager or designee find that there is a departure from the plans, specifications, or conditions required under the permit; a permit was issued in error; or any of the provisions of this Ordinance are being violated.
3. **Cease and Desist.** With or without revoking a permit, the Village Manager or designee may issue a cease and desist order on any land, building, or structure for which there is an uncorrected violation of a provision of this Ordinance. The cease and desist order must be in writing and must state the work in violation that is to be stopped, the reasons for the stoppage, and the conditions under which the work may be restored.
4. **Court Order.** Village Legal Counsel may bring and prosecute any action in any court of competent jurisdiction to enjoin the owner or responsible person from continuing such use, erection, construction, moving, or alteration; or if such is being or has been accomplished, may

seek to enjoin the owner or responsible person from maintaining the same; and/or compel compliance with this Ordinance.

5. **Penalties.** Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for a period not to exceed 90 days or by both such fine and imprisonment.

G. Addition of Section 11.15 – Declaration of Nuisance

A violation of this Ordinance is a nuisance per se and the Village may institute appropriate actions or court proceedings to correct or abate any violation. If the owner or responsible person fails to abate a violation, the Village may take action to do so. Abatement may be performed by the Village, by a contract vendor, or by other means determined by the Village. The actual cost of abatement, including an administrative fee, shall be a personal debt of the owner and may be assessed as a lien against the property until paid.

H. Addition of Section 11.16 – Abandonment

The Village Manager or designee shall determine whether a construction project, structure, or use has been abandoned if approval, construction activity, and/or use has ceased for twelve (12) continuous months. No further work shall be permitted without a new permit. If no new permit is applied for within ninety (90) days of the determination, the owner shall restore the site within one hundred eighty (180) days. The Village may perform such restoration and assess costs against the property.

I. Addition of Section 11.17 – Enforcement Process

A. Reasonable Entry. Inspections inside a structure, building, or dwelling shall be made during reasonable hours. Entry without consent shall require a court order per State law.

B. Basis of Inspections. Inspections may be made to:

1. Verify conformance with permits or approvals;
2. Confirm compliance with issued notices or orders;
3. Investigate complaints or observed violations;
4. Address emergency situations;
5. Fulfill inspection requests by the owner; or
6. Conduct uniform area-wide inspections.

C. Content of Written Notices of Violation. Notices shall include:

1. Property description;
2. Statement of violations;
3. Timeframe for compliance;
4. Warning of further enforcement;
5. Statement of potential fees or abatement costs;
6. Appeal rights, as applicable.

D. Method of Service. Notices shall be served by:

1. Personal delivery;
2. First-class mail; or
3. Other lawful service methods.

E. Posting. A copy of the notice may be posted on the property.

F. Administrative Extension. Up to a six (6) month extension may be granted where:

1. No hazard or harm is posed;
2. Good faith progress is evident; or
3. Extenuating circumstances exist.

G. Appeals. Appeals must be made within twenty (20) days unless a shorter deadline is required. Emergencies, court decisions, permit conditions, or nuisance declarations may not be appealed.

J. Addition of Section 11.18 – Transfer of Ownership

If a cited property changes ownership, the owner must notify the Village in writing within ten (10) days of the transfer, including new owner details. The Village shall issue a new Notice of Violation to the incoming owner or responsible party.

SECTION 2. SEVERABILITY

If any section, subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3. EFFECTIVE DATE

This Ordinance shall become effective upon publication as provided by law, with all amended regulations taking effect on **July 15, 2025**.

Section 2. Repeal. That all other ordinances and resolutions in conflict herewith are hereby repealed.

Section 3. Publication and Effective Date. That this Ordinance or a synopsis of the Ordinance shall be published in a newspaper of general circulation in the Village within 15 days after passage, and shall be effective 20 days after its enactment or upon publication, whichever occurs first.

YEAS: Councilmember(s) Peterson, E. Dudek, Tanis, G. Dudek, Appleby, Raber

NAYS: Councilmember(s) None.

ABSTAIN: Council Member(s) None.

ABSENT: Council Member(s) Turner

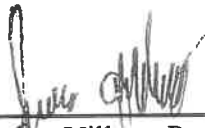
ORDINANCE DECLARED ADOPTED.

This Ordinance was duly adopted by the Village Council of the Village of Lawton, Van Buren County, Michigan,
at a meeting held on the 10th day of June, 2025.

Ordinance Adoption Date: June 10, 2025

Ordinance Publication Date: June 19, 2025

Ordinance Effective Date: July 15, 2025.



Joshua Appleby, Village President



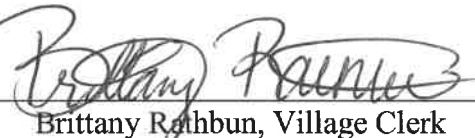
Brittany Rathbun, Village Clerk

CERTIFICATION

I, Brittany Rathbun, the duly appointed Clerk of the Village of Lawton, do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Lawton Village Council at a regular meeting held on June 10, 2025, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

VILLAGE OF LAWTON

BY:


Brittany Rathbun, Village Clerk