

Village of Lawton
REGULAR PLANNING COMMISSION MEETING
125 S. MAIN, LAWTON MI 49065 269.624.6407
Tuesday, November 4, 2025 at 7:00PM

AGENDA

1. **Call to Order:**
2. **Roll Call:**
3. **Approval of Agenda:** Motion to approve the Planning Commission Agenda for November 4, 2025 as presented (or as amended with additions/changes/deletions).
4. **Approval of Minutes:** Motion to approve the Planning Commission & Village Council Joint Minutes of October 7, 2025 (or amended with additions/changes/deletions)
5. **Public Comment / Communications:** (related to agenda items only - limit 3 min/person)
6. **Public Hearings/Appointments:**
 - A. Public Hearing to Amend tables 5.02A and 5.03A, amend section 5.04, enact sections 5.26, 5.27, and 5.28, amend section 11.04, and enact sections 11.13-11.17, and amend subsections 15.02(S) and 15.02(W) of the Zoning Ordinance for the Village of Lawton.....Open Public Hearing
 - B. Receive Public Comment—Please limit comments to 3 minutes.....Hear Public Comment
 - C. Chairperson Closes Public Hearing.....Close Public Hearing
 - D. Planning Commission Recommends Ordinance 05-2025 to Council for approval.....Staff Recommends Approval
7. **New Business:**
 - A. Set Public Hearing for Rezoning of Pin High Golf Course from Low Density Residential to Community Business District on December 2, 2025.....Staff Recommends Approval
8. **Unfinished Business**
9. **Public Comment/ Hear from the Audience:** (Limit of 3 min/person for general comments)
10. **Planning Commissioner Comments:**
11. **Adjournment:**

Village of Lawton
SPECIAL MEETING
JOINT MEETING OF THE PLANNING COMMISSION & VILLAGE COUNCIL
125 S. MAIN, LAWTON MI 49065 269.624.6407
Tuesday, October 07, 2025 - 7:00 PM

MINUTES

- 1. Call to Order:** J. Peterson called the meeting to order at 7:00 p.m.
- 2. Roll Call:** Present: J. Peterson, P. Rathbun, B. Allen, P. Chmiel, M. Dudek, C. Knapp, S. Knudstrup, J. Appleby, G. Dudek, C. Raber, R. Turner, and R. Tanis. Absent: E. Dudek. Also Present: T. Hackenberg, M. Leonard, Mark Cichos, and Attorney David Eberle with Bloom & Slugget.
- 3. Approval of Minutes:** P. Chmiel, supported by M. Dudek, made a motion to approve the Planning Commission Minutes of August 05, 2025, with the correction of a name error. Motion approved by unanimous voice vote.
- 4. Approval of Agenda:** P. Rathbun, supported by S. Knudstrup, made a motion to approve the Planning Commission Agenda for October 10, 2025, with the addition of 6.d.: Recommendation to reappoint Three (3) Planning Commission members whose term end in November. Motion approved by unanimous voice vote.
- 5. Public Comment / Communications:** None.
- 6. New Business:**

A. Ordinance Review with Attorney:

The proposed amendments update the Village’s zoning ordinance to align with current state and federal regulations regarding wind, solar, and wireless communication facilities. The revisions clearly define allowable uses by district and establish new sections (5.26–5.28) outlining detailed standards for small-scale wind and solar installations, large-scale energy systems, and wireless communication structures, including small cell facilities.

Small-scale wind and solar energy systems are now permitted in all zoning districts with administrative approval, provided they meet setback, height, and safety requirements. Commercial-scale energy generation is prohibited within the Village limits.

For wireless communications, the amendments distinguish between large support structures and small cell installations, setting timelines, approval processes, and design standards to ensure safety and minimize visual impact. The ordinance also introduces compliance procedures for collocation, FCC certification, and reasonable height limits, ensuring Village regulations conform to federal law.

Additional administrative updates include provisions for abandonment of projects, violations, and a declaration that ordinance violations constitute a public nuisance.

J. Peterson proposed to hold a Public Hearing at the next Planning Commission Meeting on November 04, 2025. M. Dudek, supported by B. Allen, made a motion to set a Public Hearing for Cell Tower Zoning Amendment Ordinance. The motion was approved by unanimous voice vote.

B. Planning Commission Annual Report:

Discussion of the Planning Commission Annual Report was tabled until the next meeting.

C. Planning Commission Goals and Objectives for the year:

Discussion of the Planning Commission goals and objectives for the year was tabled until the next meeting.

D. Recommendation to Reappoint Planning Commission Members:

The terms of three (3) Planning Commission members will expire in November 2025. P. Chmiel, supported by M. Dudek, made a motion to approve the recommendation to reappoint C. Knapp, P. Rathbun, and S. Knudstrup, whose terms are ending in November. The motion was approved by unanimous voice vote.

7. Council Business: At 8:15pm J. Appleby took over the joint meeting:

A. Resolution 09-2025: A resolution to honor Norm & Karen Carlson

The Bronson Fundraising Foundation has asked the Village to honor Carlson Farms for their contribution of over \$1 million to the Bronson Children's Hospital. A charity event in their honor will be held on Sunday, October 12. J. Peterson, supported by R. Tanis, made a motion to approve Resolution 09-2025 to honor Norm and Karen Carlson. The motion was approved by unanimous voice vote.

B. Lawton Evangelical Burn Request

The Lawton EMC requested permission to conduct a controlled burn for their Fall Harvest event at the church on Saturday, October 11, 2025. R. Tanis, supported by R. Turner, made a motion to approve the burn request. The motion was approved by unanimous voice vote.

8. Commissioner/Council Comments: B. Allen asked if the Village is RRC ready. It was noted that the Village is on its way to becoming ready. There are several levels to complete before full certification, and the Village is nearing the final set of requirements. J. Appleby noted that one of the RRC requirements is to hold an annual joint meeting between the Council and the Planning Commission. He stated that this has led to much better communication between the two bodies and has been a very positive experience.

9. Adjournment: R. Turner, supported by R. Tanis, made a motion to adjourn the meeting at 8:19pm. Motion approved.

**Respectfully Submitted,
Melina Leonard**

**VILLAGE COUNCIL
VILLAGE OF LAWTON
VAN BUREN COUNTY, MICHIGAN**

(Ordinance No. _____)

At a regular meeting of the Village Council for the Village of Lawton held at _____ on _____, 2025 and commencing at ____:____ p.m., the following ordinance was offered for adoption by Councilmember _____ and was seconded by Councilmember _____:

AN ORDINANCE TO AMEND TABLES 5.02.A AND 5.03.A, AMEND SECTION 5.04, ENACT SECTIONS 5.26, 5.27, AND 5.28, AMEND SECTION 11.04, AND ENACT SECTIONS 11.13 – 11.17, AND AMEND SUBSECTIONS 15.02(S) AND 15.02(W) OF THE ZONING ORDINANCE FOR THE VILLAGE OF LAWTON

THE VILLAGE OF LAWTON (the “Village) ORDAINS:

Article 1. Amendment of Table 5.02.A. Table 5.02.A of Section 5.02 of Article 5 of the Zoning Ordinance for the Village of Lawton entitled “Permitted Uses in AG and Residential Zone Districts” is amended as follows:

Table 5.02.A. Permitted Uses in the AG and Residential Zone Districts				
Use	AG	LDR	MDR	Use Regs
Single-unit dwellings, detached	P	P	P	
2-4 dwelling units	-	S	P	
Cottage court units	-	S	P	
Multi-unit dwellings (5+ units)	-	S	S	
Adult foster care, family home (1-6 persons)	-	P	P	
Adult foster care, small group home (7-12)	-	S	S	
Adult foster care, large group home (13+)	-	S	S	
Day care home	P	P	P	
Accessory dwelling unit	P	P	P	5.05
Bed and breakfast	-	S	S	5.09
Electrical substations and utilities	P	S	S	5.11
Home occupation	P	P	P	5.12

Public park or recreation facility	P	P	P	
Museum or library	-	P	P	
School or religious institution	S	S	S	
Agricultural operations	P	-	-	
Kennels	P	-	-	
Short-term rental	S	S	S	5.23
Wind turbines (accessory use)	See section 5.26			
Solar panels (accessory use)	See section 5.26			
Wireless communication facilities	See section 5.27			
Small cell wireless facilities	See section 5.28			

Article 2. Amendment of Table 5.03.A. Table 5.03.A of Section 5.03 of Article 5 of the Zoning Ordinance for the Village of Lawton entitled “Permitted Uses in Commercial and Industrial Zone Districts” is amended as follows:

Table 5.03.A. Permitted uses in the Commercial and Industrial Zone Districts				
Use	CBD	GB	I	Use Regs
RESIDENTIAL				
Ground floor residential	-	P	-	
Upper level residential	P	P	-	
Household living	P	P	-	
Group living	S	S	-	
Home occupation	P	P	-	5.12
EDUCATIONAL, GOVERNMENT, AND INSTITUTIONAL				
Public park, recreation facility, library	P	P	-	
School or religious institution	S	S	-	
Cemetery, crematorium	-	S	S	
COMMERCIAL, OFFICE, RETAIL				
Alcohol-related	S	S	-	5.08
Auto-oriented	S	S	S	5.10, 5.24 , 5.25
Entertainment and hospitality	P	P	-	
Office or bank	P	P	S	
Outdoor seating	P/S	P/S	-	5.17 5.18
Parking lot (stand-alone)	-	S	P	
Professional services	P	P	-	
Retail sales	P	P	Exception	5.19 5.20
24-hour operations	S	S	S	
Upper-level short-term rental	S	S	-	5.23
Ground floor short-term rental	-	S	-	5.23

Co-located wireless communication	-	P	P	
INDUSTRIAL				
Adult uses	-	-	S	5.06
Electrical substations and utilities	S	P	P	5.11
Kennels	-	-	P	
Warehousing, wholesale	-	-	P	5.20
Indoor storage	-	-	P	5.21-5.22
Outdoor storage, junk yard	-	-	S	
Light industrial	-	S	P	
Heavy industrial	-	-	S	5.13
Freestanding communications tower	-	S	S	
Wind turbines (accessory use)	See section 5.26			
Solar panels (accessory use)	See section 5.26			
Wireless communication facilities	See section 5.27			
Small cell wireless facilities	See section 5.28			

Article 3. Amendment of Section 5.04. Section 5.04 of Article 5 of the Zoning Ordinance for the Village of Lawton entitled “Applicability of use Regulations” is amended as follows:

It is recognized by this Ordinance that certain unique uses cannot easily be evaluated in the same manner as other uses because of their potential to adversely affect public health, safety, and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner contrary to the purpose and intent of this Ordinance.

However, when properly regulated, these uses can make a positive contribution to the economic vitality of the Village. Therefore, it is the purpose of this Article to impose reasonable regulations upon certain uses to provide an adequate approval process while moderating their potential adverse effects on surrounding and neighboring properties. ~~For uses that are identified as a Special Land Use, use regulations for Sections 5.05 – 5.24 may be altered or waived by the Planning Commission during the Special Land Use process and Site Plan Review. A special land use must comply with the relevant specific use requirements provided in this Article in addition to the general special land use standards imposed under section 11.09.~~

Article 4. Enactment of Section 5.26. A new Section 5.26 of Article 5 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

Section 5.26 – Wind and Solar Energy.

- A. Wind Energy. Wind turbines over 60 feet in height and wind turbines intended to feed the utility grid and/or for commercial sale of energy are not permitted in the village. Wind turbines that otherwise qualify an accessory use are permitted as an accessory use in all districts subject to all of the following:**

1. Wind turbines that are less than 40 feet in height require administrative approval by the village manager. Wind turbine height is measured from grade to the maximum tip height.
 2. Wind turbines between 40 - 60 feet in height, inclusive, require special land use approval. Wind turbine height is measured from grade to the maximum tip height.
 3. The wind turbines may not provide energy for use off the lot upon which they are located.
 4. Wind turbines may be roof-mounted or freestanding. All required setbacks for accessory structures must be met, including the turbine's blades, which shall be no lower than 10 feet above grade.
 5. A circular fall zone with a radius of one and two-tenths (1.2) times the total height of the system must be completely contained within the property for a free-standing small-scale turbine. For roof-mounted systems, a circular fall zone with a radius of one and one-half (1.5) times the system height must be completely contained within the property.
 6. Two neighbors may enter into a cooperative arrangement with a permanent cross-access easement to share a wind system and comply with fall zone requirements.
 7. An automatic braking, governing, or feathering system to prevent uncontrolled rotation or overspeeding is required. All wind towers shall have lightning protection.
 8. Shadow Flicker. Off-site shadow flicker is not permitted.
- B. Solar Energy.** Solar panels intended to feed the utility grid and/or for commercial sale of energy are not permitted in the village. Solar panels that otherwise qualify an accessory use are permitted as an accessory use in all districts subject to all of the following:
1. The solar panels with an area greater than 2 ft² must be administratively approved by the village manager.
 2. Position. Small-scale solar panels may be roof-mounted or wall-mounted on a principal and/or accessory building.
 - a. Ground-mounted solar panels are permitted in rear or side yards provided that all setback requirements for accessory structures are met when the panels are oriented at their most horizontal position and the panels or appurtenant structures are not more than 10 feet tall when the panels are oriented at their most vertical position. Panels shall be sited to minimize view from the public

right-of-way and adjacent properties and shall be camouflaged to the extent possible while still allowing the equipment to function normally.

- b. Rooftop equipment shall not project beyond the eaves of the roof or extend more than 2 feet above the height of the structure on which it is placed, and shall be integrated as much as possible into the architecture of the building.
 3. Glare. All panels shall have tempered, non-reflective surfaces. Solar panels shall not direct sunlight onto adjacent structures so as to damage siding or other property.
- C. Administrative approval under this section shall be granted by the village manager if the village manager determines that the proposed wind turbine or solar panel would comply with the requirements of this ordinance. Violation of an administrative approval granted under this section is a violation of this ordinance.

Article 5. Enactment of Section 5.27. A new Section 5.27 of Article 5 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

Section 5.27 - Wireless Communications Facilities.

A. As used in this section:

1. “Colocate” means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. “Collocation” has a corresponding meaning.
2. “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.
3. “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.
4. “Wireless communications support structure” 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.
5. Other terms not defined herein shall be defined pursuant to section 514 of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*, as amended.

B. Wireless communications equipment is a permitted use in all zoning districts and is not subject to special land use approval or any other approval under this ordinance if the following requirements are met:

- 1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.**
- 2. The existing wireless communications support structure or existing equipment compound is in compliance with this ordinance or was approved by the appropriate zoning body or official for the village.**
- 3. The proposed collocation will not do any of the following:**
 - a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.**
 - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.**
 - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.**
- 4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the village.**

C. Wireless communications equipment that meets the requirements of subsection B(1) and (2) but does not meet the requirements of subsection B(3) or (4) is permitted as a special land use in all zoning districts subject to the requirements of this ordinance and the following:

- 1. The application for special land use and the processing of the application shall comply with the following:**
 - a. After an application is filed, the village manager shall determine whether the application is administratively complete. Unless the village manager proceeds as provided under paragraph 1(b), the application shall be considered to be administratively complete when the zoning administrator makes that determination or 14 business days after zoning administrator receives the application, whichever is first.**
 - b. If, before the expiration of the 14-day period under paragraph 1(a), the village manager notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to**

accompany the application has not been paid, specifying the amount due, the running of the 14-day period under paragraph 1(a) is tolled until the applicant submits to the village the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

- c. The village council shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the village council fails to timely approve or deny the application, the application shall be considered approved and the village council shall be considered to have made any determination required for approval.
 - d. In addition to other application requirements imposed under this ordinance, an application shall contain a certificate of compliance with Federal Communications Commission regulations for any wireless communications equipment. An application is not administratively complete until any necessary variances have been sought and the zoning board of appeals has rendered a final determination on the variance request. Such determination shall be included in any application.
2. If the wireless communications equipment is proposed to be located in the Low-Density Residential District (LDR), Mixed-Density Residential District (MDR), Central Business District (CBD), or General Business District (GBD), special land use approval may only be granted if all of the following conditions are met:
 - a. The applicant demonstrates that the denial of special land use approval would result in a significant gap in coverage by the carrier providing the wireless service.
 - b. The applicant demonstrates that the manner in which it proposes to fill the significant gap in coverage is the least intrusive with respect to the following: compatibility with surrounding uses, compatibility with the purpose and intent of the zoning district in which the wireless communications equipment is proposed to be located, and visual and aesthetic compatibility with the surrounding area.
 - c. The use of lighting on wireless communications equipment is prohibited.
 3. Any increase in the height of the wireless communications structure shall be the minimum increase technologically feasible.
 4. Any increase in the width of the wireless communications support structure shall be the minimum increase technologically feasible.
 5. Any increase the area of the existing equipment compound shall be the minimum increase technologically feasible.

6. **Wireless communications equipment shall be colocated and designed to minimize its visual impact and promote aesthetic compatibility with the surrounding area to the extent technologically feasible. Design should consider, among other relevant factors, color, camouflage, texture, size, and architectural stealthing.**
 7. **Wireless communications equipment shall be colocated and designed to facilitate future collocation to the extent technologically feasible.**
 8. **Special land use approval shall be expressly conditioned on the wireless communications equipment meeting the requirements of other village ordinances and of federal and state laws before the wireless communications equipment begins operation.**
 9. **No wireless communications equipment may be colocated if such collocation would adversely affect the structural integrity of the wireless communications support structure or existing wireless communications equipment on the wireless communications support structure.**
- D. Wireless communications equipment that does not meet the requirements of subsection B(1) is permitted as a special land use in all zoning districts subject to the requirements of this ordinance and the following:**
1. **The application for special land use and the processing of the application shall comply with the requirements of C(1)(a)- (d) except that the period for approval or denial by the village council shall be 90 days.**
 2. **If the wireless communications equipment is proposed to be located in the Low-Density Residential District (LDR), Mixed-Density Residential District (MDR), Central Business District (CBD), or General Business District (GBD), special land use approval may only be granted if all of the following conditions are met:**
 - a. **The applicant demonstrates that the denial of special land use approval would result in a significant gap in coverage by the carrier providing the wireless service.**
 - b. **The applicant demonstrates that the manner in which it proposes to fill the significant gap in coverage is the least intrusive with respect to the following: compatibility with surrounding uses, compatibility with the purpose and intent of the zoning district in which the wireless communications equipment is proposed to be located, and visual and aesthetic compatibility with the surrounding area.**
 - c. **The use of lighting on wireless communications equipment is prohibited.**
 3. **Wireless communications equipment shall be colocated and designed to minimize its visual impact and promote aesthetic compatibility with the surrounding area**

to the extent technologically feasible. Design should consider, among other relevant factors, color, camouflage, texture, size, and architectural stealthing.

4. **Wireless communications equipment shall be colocated and designed to facilitate future collocation to the extent technologically feasible.**
 5. **Special land use approval shall be expressly conditioned on the wireless communications equipment meeting the requirements of other village ordinances and of federal and state laws before the wireless communications equipment begins operation.**
 6. **The wireless communications equipment shall be collocated on a wireless communications structure or equipment compound approved under this ordinance. The special land use approval shall be expressly conditioned upon approval of the wireless communications structure or equipment compound upon which the wireless communications equipment is to be collocated.**
 7. **No wireless communication equipment may collocated if such collocation would adversely affect the structural integrity of the wireless communications support structure or existing wireless communications equipment on the wireless communications support structure.**
 8. **The placement or installation of the wireless communications equipment shall not do any of the following:**
 - a. **Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.**
 - b. **Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.**
 - c. **Increase the area of the equipment compound to greater than 2,500 square feet.**
- E. Wireless communications support structures, excluding buildings, are permitted as special land use in all districts zoning districts subject to the requirements of this ordinance and the following:**
1. **The application for special land use and the processing of the application shall comply with the requirements of C(1)(a)-(d) except that the period for approval or denial by the village council shall be 90 days.**
 2. **If the wireless communications support structure is proposed to be located in the Low-Density Residential District (LDR), Mixed-Density Residential District (MDR), Central Business District (CBD), or General Business District (GBD),**

special land use approval may only be granted if all of the following conditions are met:

- a. The applicant demonstrates that the denial of special land use approval would result in a significant gap in coverage by the carrier providing the wireless service.
 - b. The applicant demonstrates that the manner in which it proposes to fill the significant gap in coverage is the least intrusive with respect to the following: compatibility with surrounding uses, compatibility with the purpose and intent of the zoning district in which the wireless communications equipment is proposed to be located, and visual and aesthetic compatibility with the surrounding area.
 - c. The wireless communications structure shall be erected at the minimum height technologically feasible.
 - d. The use of lighting on wireless communications structures is prohibited.
3. The wireless communications support structure shall be designed to minimize its visual impact and promote aesthetic compatibility with the surrounding area to the extent technologically feasible. Design should consider, among other relevant factors, color, camouflage, texture, size, and architectural stealthing.
 4. The wireless communications structure shall be designed to maximize the number of future collocations to the extent practicable.
 5. The wireless communications structure shall be designed so that its collapse will be contained upon the property upon which it is located. A wireless communications structure attached to a building or other structures shall be designed so that its collapse will not compromise the structural integrity of the building or other structure to which it is attached.
 6. A wireless communications structure attached to a building or other structure shall not compromise the structural integrity of the building or other structure to which it is attached.
 7. Special land use approval shall be expressly conditioned on the wireless communications support structure meeting the requirements of other village ordinances and of federal and state laws before the wireless communications equipment begins operation.
- F. This section does apply to an activity or use that is regulated by the Small Cell Wireless Communications Facilities Deployment Act, Act 365 of the Public Acts of 2018, MCL 460.1301 *et seq.*, as amended.

- G. In considering a special land use application under this section, the planning commission and the village council may not consider the environmental effects of wireless communications equipment radio frequency emissions to the extent that the wireless communications equipment complies with the Federal Communications Commission’s regulations concerning such emissions.**
- H. Following a written request by the applicant, the village council may waive or modify requirements of this ordinance if the strict application of the requirement would have the effect of prohibiting the provision of personal wireless services contrary to law. Waivers and modification must be consistent with the intent of this ordinance and limited to the extent necessary to prevent the prohibition of the provision of personal wireless services.**
- I. The denial of a special land use application under this section shall be in writing and supported by substantial evidence.**
- J. Collocation is an accessory use to a wireless communications structure use. A wireless communications structure may be 1) a principal use or 2) an accessory use to an underlying principal use if it satisfies the requirements of an accessory use under this ordinance.**
- K. Collocation or the construction of the wireless communications structure approved under this section shall commence within 1 year of the special land use approval. If collocation or construction does not commence within 1 year, the special land use approval is void; however, for good cause, the planning commission may extend the timeframe in which to commence collocation or construction. Any such extension shall be in writing.**
- L. The procedures and standards for special land use application and approval for set forth in this section shall be in addition to those set forth in sections 11.07 -11.09. To the extent there is a conflict between this section and sections 11.07-11.09, the requirements of this section shall control.**
- M. Nothing in this section shall negate any non-zoning village permitting or other requirements.**

Article 6. Enactment of Section 5.28. A new Section 5.28 of Article 5 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

Section 5.28 Small Cell Wireless Facilities.

A. As used in this section:

- 1. “Antenna” means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.**

2. **“Colocate” means to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. “Collocation” has a corresponding meaning. Colocate does not include make-ready work or the installation of a new utility pole or new wireless support structure**
 3. **“Small cell wireless facility” means a wireless facility that meets both of the following requirements: (i) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet. (ii) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.**
 4. **“Utility pole” means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole or similar structure that is under 40 feet in height or has been granted special land use approval for height exceeding 40 feet and is designed to support small cell wireless facilities. A utility pole does not include a sign pole less than 15 feet in height above ground.**
 5. **“Wireless support structure” means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.**
 6. **Other terms not defined herein shall be defined pursuant to the Small Cell Wireless Communications Facilities Deployment Act, Act 365 of the Public Acts of 2018, MCL 460.1301 *et seq.*, as amended.**
- B. The collocation of a small cell wireless facility and associated support structure within a public right of way is not subject to zoning reviews or approvals under this ordinance to the extent exempt from such reviews under the small cell wireless facilities deployment act.**
- C. The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with small cell wireless communications facilities deployment act are permitted as special land use in all districts zoning districts subject to the requirements of this ordinance and the specific requirements of this section.**

- D. Small cell wireless facilities and support structures not exempt zoning review in under the small cell wireless communications facilities deployment act are designated as an accessory use for all principal uses.**
- E. Unless granted special land use approval under this section, a utility pole in the public right of way may not exceed 40 feet above ground. A small cell wireless facility in the public right of way may not extend more than five feet above a utility pole or wireless support structure on which the small cell wireless facility is collocated.**
- F. The application for special land use under this section and the processing of the application shall comply with the following:**
- 1. Within 30 days after receiving an application under this section, the zoning administrator shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the 30-day period.**
 - 2. The running of the time period tolled under paragraph 1(a) resumes when the applicant makes a supplemental submission in response to the notice of incompleteness.**
 - 3. The village council shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the village.**
 - 4. In addition to other application requirements imposed under this ordinance, an application shall contain a certificate of compliance with Federal Communications Commission regulations for any small cell wireless facility. An application is not complete until any necessary variance have been sought and the zoning board of appeals has rendered a final determination on the variance request. Such determination shall be included in any application.**
- G. An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.**

- H. An applicant shall not be required to submit information about its business decisions with respect to any of the following:**
- 1. The need for a wireless support structure or small cell wireless facilities.**
 - 2. The applicant's service, customer demand for the service, or the quality of service.**
- I. In considering a special land use application under this section, the planning commission and the village council may not consider the environmental effects of the small cell wireless facility radio frequency emissions to the extent that the wireless communications equipment complies with the Federal Communications Commission's regulations concerning such emissions.**
- J. A Small cell wireless facility shall be colocated and designed to minimize its visual impact and promote aesthetic compatibility with the surrounding area to the extent technologically feasible. Design should consider, among other relevant factors, color, camouflage, texture, size, and architectural stealthing. All lighting of a small cell wireless facility shall be shielded so as to not be visible from the ground.**
- K. The village council may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.**
- L. No small cell wireless facility wireless may be colocated if such collocation would adversely affect the structural integrity of the wireless support structure or existing small cell wireless facilities colocated on the same wireless support structure.**
- M. The denial of a special land use application under this section shall be in writing and comply with the following:**
- 1. The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.**
 - 2. There is a reasonable basis for the denial.**
 - 3. The denial does not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.**
- N. Following a written request by the applicant, the village council may waive or modify requirements of this ordinance if the strict application of the requirement would have the effect of prohibiting the provision of personal wireless services contrary to law. Waivers and modifications must be consistent with the intent of this ordinance and**

limited to the extent necessary to prevent the prohibition of the provision of personal wireless services.

- O. Unless a delay is caused by a lack of commercial power or communications facilities at the site, a wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider within 1 year after special land use approval is granted. However, for good cause, the planning commission may extend this period. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required pursuant subsection, the zoning approval is void, and the wireless provider may reapply for a zoning approval. The wireless provider may voluntarily request that the zoning approval be terminated.**
- P. The procedures and standards for special land use application and approval for set forth in this section shall be in addition to those set forth in sections 11.07 -11.09. To the extent there is a conflict between this section and sections 11.07-11.09, the requirements of this section shall control.**
- Q. Nothing in this section shall negate any non-zoning village permitting or other requirements.**

Article 7. Amendment of Section 11.04. Section 11.04 of Article 11 of the Zoning Ordinance for the Village of Lawton entitled “Issuance of a Building Permit After Site Plan Approval” is amended as follows:

Section 11.04. – Issuance of a Building Permit After Site Plan Approval.

- A. Complete construction plans including component phases, shall be submitted for review by the Village Building Inspector. Upon review and finding that the construction plans meet the requirements of site plan review and related construction code, the Building Inspector shall issue a building permit for the construction of the project.
- B. Site plan approval shall be valid for one (1) year after the date of the approval by the **Village Manager or** Planning Commission. If the applicant does not obtain a building permit within one (1) year after the date of the approval, the site plan shall expire unless extended by a vote of the Planning Commission. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner and/or the applicant.

Article 8. Enactment of Section 11.13. A new Section 11.13 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

Section 11.13. – Fees.

The village council may, by resolution, adopt a fee schedule for special meetings, site plan reviews, special land use considerations, rezonings, variances, and other land use approvals or actions under this ordinance. The fees may be imposed to cover village administrative costs, as well as engineering review, field inspection, planning review, abatement, legal and other professional services, and other costs incurred by the Village. The village may also adopt, by resolution, a policy requiring an escrow as part of an application process.

Article 9. Enactment of Section 11.14. A new Section 11.14 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

Section 11.14. – Administration, Violation, and Penalties.

A. Administration.

1. The village manager shall be responsible for the administration and enforcement of this ordinance. When required by this ordinance or any other village ordinance, the village manager shall issue a zoning compliance determination.
2. The village manager is designated as an authorized local official and is authorized to issue municipal civil infraction citations and take all other actions necessary to enforce, interpret, and administer this ordinance.
3. Any act or function authorized to be carried out by the village manager may be carried out by a deputy or designee of the village manager and reference to the village manager in this ordinance shall include the deputy or designee of the village manager.

B. Violation and Penalties. 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. A violation of this ordinance constitutes a municipal civil infraction punishable by a fine not to exceed \$500 in addition to costs permitted by law.
2. Each day that a violation continues constitutes a separate violation.
3. 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.

4. **The village may pursue all remedies available at law or equity as part of the enforcement of this ordinance.**

Article 10. Enactment of Section 11.15. A new Section 11.15 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

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 of the provisions of this ordinance.

Article 11. Enactment of Section 11.16. A new Section 11.16 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

Section 11.16. – Abandonment.

If any approval, construction activities, and/or continuous use of property or a structure has ceased for a continuous period of twelve (12) months, the village manager may make a determination of abandonment of the construction project, structure, or use. No further work shall be permitted without a new permit. If a new permit application is not submitted within ninety (90) days from the date of the determination, the owner shall restore the site to its previous condition and/or remove any structures or other evidence on the site within one hundred and eighty (180) days from the date of determination of abandonment. The village may take all actions necessary to restore the site to its previous condition, including removing any structures or other evidence of work, and the costs of removal shall be assessed against the property.

Article 12. Enactment of Section 11.17. A new Section 11.17 of Article 11 of the Zoning Ordinance for the Village of Lawton is enacted as follows:

Section 11.17. – Transfer of Ownership.

Prior to the transfer of ownership of a property for which a notice or citation regarding a violation of this ordinance has been issued, the owner who was issued a notice or citation regarding a violation of this ordinance shall notify the person to who the property is being transferred of the notice or citation.

Article 13. Amendment of Subsection 15.02(S). Subsection 15.02(S) of Article 15 of the Zoning Ordinance for the Village of Lawton is amended as follows:

S

SATELLITE ANTENNA: An accessory structure which at its widest dimension is in excess of 36 inches, capable of receiving signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

SCHOOL, HOME: A school which enables a child to be educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. The home school family may choose whether to operate as a nonpublic school. If a home school family chooses to operate as a nonpublic school, it must register with the Michigan Department of Education.

SCHOOL, NONPUBLIC: A nonpublic school is any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

SCHOOL, PUBLIC: A public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or by the department or state board.

SCREEN, OBSCURING: A visual barrier between adjacent area or uses consisting of structures, such as a wall or fence, or living plant material.

SETBACK: The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The **MINIMUM REQUIRED SETBACK** is the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of **YARD**).

SIDEWALK: Pedestrian or non-motorized vehicular circulation routes built according to the standards of the Village or other agency with right-of-way jurisdiction, as applicable. **SIGN:** Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designed to be visible from outside any building or structure in which, upon which, or attached to which it may be located.

SITE PLAN: A plan showing all salient features of a proposed development, so that it may be evaluated to determine whether it meets the provisions of this Ordinance.

SMALL CELL WIRELESS FACILITY: Means that term as defined in section 5.28. A small cell wireless facility is specifically excluded from the definition of essential service or public facility.

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events may or may not be open to the public.

STATE LICENSED RESIDENTIAL FACILITY: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979.

STATE EQUALIZED VALUATION: The value shown on the Village assessment roll as equalized through the process of State and County equalization.

STORAGE: The depositing of material, products for sale or use, or other items for a period greater than 24 hours. This definition shall include items for household use, but shall not include vehicles, boats, mobile homes and other items.

STORY: That portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least 50 percent of the usable floor area of the floor immediately below it.

A. A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is twenty-four (24) feet or more.

B. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

STORY, HALF: The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven (7) feet, six (6) inches.

STREET: A public or private street, road or thoroughfare intended primarily to provide vehicular circulation and access to abutting property. Various types of streets are defined as follows:

A. Collector Street: A street whose principal function is to carry traffic between local or minor streets and major streets but may also provide direct access to abutting properties.

B. Cul-De-Sac: A street that terminates in a vehicular turnaround.

C. Local or Minor Street: A street whose sole function is to provide access to abutting.

D. Major Street: A street that carries high volumes of traffic and serves as a main avenue through or around the Village. Major streets may also be referred to as arterial streets or major thoroughfares.

E. Private Street or Road: A street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon, but which has not been accepted for maintenance by the Village, State or Federal Government.

F. Public Street or Road: A street or road, the right-of-way and improvements of which have been accepted for maintenance by the Village, or State Government.

STREET LINE: A dividing line between the street and a lot, also known as the right-of-way line.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

STRUCTURE, OUTDOOR ADVERTISING: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

SUBDIVISION PLAT: The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

SWIMMING POOL: Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Article 14. Amendment of Subsection 15.02(W). Subsection 15.02(W) of Article 15 of the Zoning Ordinance for the Village of Lawton is amended as follows:

W

WALL, OBSCURING: Shall mean a masonry structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

WALL, PARAPET: An extension of a building wall above the roof which may serve to screen roof mounted mechanical equipment.

WALL, RETAINING: A permanent solid barrier of brick, stone, or other opaque material intended to enclose an area. For the purpose of this Ordinance, all supporting members, posts, stringers, braces, pilasters, or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. Moreover, all retaining walls shall be constructed and/or painted, tinted, or colored in one color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

WAREHOUSE: A building used for short and/or long term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing.

WAREHOUSE, MINIATURE OR SELF-STORAGE: A building or group of buildings in a controlled access and /or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled access stalls or lockers for the storage of customers goods or wares.

WASTE RECEPTACLE STATION: Any exterior space which is not a principal use for containers, structures, or other receptacles intended for temporary storage of solid waste materials.

WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

WETLAND, REGULATED: Certain wetlands regulated by the Michigan Department of Natural Resources and Environment under the provisions of Act 451, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- A. Contiguous to an inland lake or pond, or a river, or a stream,
- B. Not contiguous to an inland lake, pond, river, or stream, and more than five (5) acres in size, or
- C. Not contiguous to an inland lake, pond, river, or stream and five (5) acres or less in size if the Michigan Department of Natural Resources and Environment determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

WHOLESALE SALES: On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WIRELESS COMMUNICATIONS EQUIPMENT: Means that term as defined in section 5.27

~~WIRELESS COMMUNICATION FACILITIES: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including but not limited to radio and television towers, cellular telephone and paging towers, telephone devises and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included are facilities for citizen band radio, short wave radio, ham and amateur radio, television reception antenna, satellite dishes, and government facilities which are subject to state and federal law. Means both wireless communications equipment and wireless communications support structures. Wireless communication facilities shall be specifically excluded from the definition of “public facility” or “essential service.”~~

~~WIRELESS COMMUNICATION SUPPORT STRUCTURES (TOWERS): Any structure used to support attached wireless communication facilities, or other antenna or facilities, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof mounted pole, monopole, lattice towers, light poles, wood poles, and guyed towers or other similar structures which support wireless communication facilities. Means that term as defined in section 5.27.~~

Article 15. Savings Clause.

The provisions of this ordinance are severable. If any part of this ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void or render inoperable other parts or portions of this ordinance.

Article 16. Repealer.

Ordinance No. 03 of 2025 entitled “An Ordinance to Amend the Zoning Ordinance of the Village of Lawton” is hereby repealed in its entirety, and all other ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of any such conflict.

Article 17. Effective Date.

Except as otherwise provided by law, this Ordinance is effective upon the expiration of the seventh day following its publication in the manner required by law.

The vote regarding the adoption of this ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. _____ DECLARED ADOPTED.

Josh Appleby, President

Brittany Rathbun, Clerk

CERTIFICATION

I, Brittany Rathburn, the Clerk of the Village of Lawton, hereby attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village Council of the Village of Lawton at a meeting of the Village Council called and held in accordance with the required statutory procedures.

Brittany Rathbun, Clerk

Public Hearing:

Adoption:

Publication:

Effective:



FEE: _____

DATE PAID: _____

VILLAGE OF LAWTON
125 S Main, PO Box 367, Lawton MI 49065
269.624.6407 or www.LawtonMI.org

REZONING APPLICATION**Fee: \$125.00 base fee plus incurred costs, if necessary**

An application to request the rezoning of property must be heard before the Village of Lawton Planning Commission. **Regular meetings of the Planning Commission are held on the first (1st) Tuesday of each month at 7:00 p.m. at Lawton Village Hall.** After receipt of the application and payment of the fee a public hearing will be scheduled for the next Planning Commission meeting for consideration, with all legal notifications being met. Public hearing legal notices are required to be published in the local newspaper 15 days in advance of a public hearing.

Recommendations from the Planning Commission are considered by the Lawton Village Council at the next available Village Council meeting date following the regular Planning Commission meeting.

A non-refundable filing fee of \$125.00 base fee. If additional costs, such as engineering review, are anticipated, an escrow up to \$1,000 may be requested. Fees should be made payable to the Village of Lawton and must accompany application.

Applicant InformationName: Pin High Golf CourseAddress: 1020 N. Main StreetPhone Number: 269-624-4653 Email Address: abuchino73@gmail.comProperty Owner Name and Address (if different than above): Renee Wydick**Property Information**Property Address: 1020 N. Main St.

Parcel Number (Tax ID Number): _____

Current Zone District Classification: LDRProposed Zone District Classification: GBDProposed Use: Golf Course / Restaurant

A copy of the deed for the subject property or its legal description must be attached to the application.

Preliminary Concept Plan

Please provide a preliminary concept plan showing the subject lot or parcel and the intended layout of the proposal. The concept plan is required to be drawn to scale and becomes part of the application.

In consideration of all rezoning request, the PC shall review each case as to its compliance with one of the two standards:

1. The requested amendment is in compliance with the Village Master Plan or that a mistake in the plan or changes in conditions or Village policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
2. The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Village Master Plan.

Explain the reason for the rezoning request and how the rezoning conforms to the goals and policies of the Village Master Plan. Use additional sheets if necessary to explain your request.:

Property has been operated as a Business
for 50+ years. Need to be properly zoned to
Build New Building

I (we), the undersigned, do hereby make application and petition the Village of Lawton to amend the Village of Lawton Zoning Ordinance and associated zoning map.

Applicant's Signature(s): 

Print Applicant Name(s): Anthony Buchino

Date: 10/28/25

Signature(s) of Property Owner(s): 
(If different than applicant)

Print Property Owner(s) name: Anthony Buchino

Date: 10/28/25