

Presque Isle Township Planning Commission
Regular Monthly Meeting
Held February 4, 2019

Call to Order: The meeting was called to order at 7:00 pm by Chairman; H. Welsh.

The pledge of allegiance was recited.

Roll Call: In attendance were; H. Welsh, T. Ludwig, C. Paavola, T. Guyer and E. Szymanski.

Audience Present: 12 guests.

Agenda Approval: E. Szymanski requested the addition of “**Fees & Notices**” and “**Section 21D**” to **New Business**. T. Guyer requested the addition of “**Masterplan**” to **New Business**. T. Ludwig moved to approve the agenda with the additions. Seconded by; C. Paavola. All ayes; motion passed.

Approval of Minutes (September 4, 2018): C. Paavola moved to approve the minutes as written. Seconded by; T. Ludwig. All ayes; motion passed.

Election of Officers: E. Szymanski moved to approve T. Guyer as the chair. Seconded by; T. Ludwig. All ayes; motion passed. C. Paavola moved to approve E. Szymanski as vice chair. Seconded by; T. Ludwig. All ayes; motion passed. T. Guyer moved to approve T. Ludwig as secretary. Seconded by; C. Paavola. All ayes; motion passed.

Comments from the Audience (3 min. per audience member): Comments were made regarding the planning commission board members as appointed members.

Correspondence: E. Szymanski read several email correspondences regarding the LePage site plan review request.

Reports

- **Township Board of Trustees (C. Paavola):** C. Paavola provided a written report and gave a brief synopsis of the report. *(Please see attached)*.
- **Zoning Administrator (S. Lang):** A written report was not provided. S. Lang advised that he had not issued any permits for January 2019.
- **Zoning Board of Appeals (E. Szymanski):** E. Szymanski advised that they had gone over the bylaws for revision and had discussed MCL125.3601 13 – regarding voting by members when belonging to one or more boards.

New Business

- **Site Plan Review – LePage:** The board members went over the site plan request with L. Taylor and S. Lang. L. Taylor was speaking on behalf of the applicant – P. LePage. *(Please see report attached)*. The board members discussed the zoning of RM for the property across the street from his home that is zoned R-2. N. Courtright and K. Barkel made comments regarding the size and the use. Commission members also discussed the site plan’s conformity to Ordinance sections 4.6, 8.2 and 17.5, including subsections A through K. E. Szymanski asked Ms. Taylor if all deed restrictions will be met. Ms. Taylor agreed that they will. T. Guyer moved to approve the application contingent upon the applicant submitting a revised site plan that conforms to the requirements of Ordinance section 17.3 C.1., and that the structure be used for personal use only

and contain no living quarters. Seconded by; C. Paavola. A roll call vote was taken. 4 ayes; 1 nay; motion passed.

- **Sign Ordinance (Lighted Signs):** Members discussed section 23.2(B) of the sign ordinance and will return to the March 2019 meeting with suggestions for revision and a public hearing will be scheduled for a later date at that time.
- **Fees & Notices:** E. Szymanski suggested that no proceedings shall be done unless all fees and notices have been completed. He was given an update that the Board of Trustees had already discussed and suggested that this action is to take place for any hearings or meetings. Commission members agreed that no further proceedings shall be done if the fee is not paid. Discussion was made regarding the time frame of notices.
- **Section 21 D:** L. Fields advised that the TWP has the option of hiring someone from NEMCOG to go over our ordinance and suggest changes.
- **Masterplan:** T. Guyer withdrew the topic and will wait to see if the person the TWP will hire from NEMCOG to go over the ordinances will look at the masterplan as well.

Unfinished Business

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Adjournment: With no further business to discuss the meeting was adjourned at 8:28 pm.

Meeting Reminder: The Planning Commission will meet again on Monday, March 4, 2019 at 7:00 pm.

Respectfully submitted; Kimberly S. Bedard, Administrative Assistant

Report to the Planning Commission to the Township Board

January 14, 2019

> A grant from PIE&G \$1569.00 has been approved for the Veterans Memorial at the Cemetery and additional donation in the amount of \$625.00.

➤ The new TV will post the reports for all to see, This will be our first time doing it, be patient we are all learning.

➤ Cynthia Paavola Liaison to PC



Presque Isle Township Planning Commission
Regular Monthly Meeting
Held March 4, 2019

Call to Order: The meeting was called to order at 7:00 pm by Chairman; T. Guyer.

The pledge of allegiance was recited.

Roll Call: In attendance were; T. Guyer, E. Szymanski, T. Ludwig, C. Paavola, and H. Welsh

Audience Present: 2 guests.

Agenda Approval: H. Welsh moved to approve the agenda as written. Seconded by; T. Ludwig. All ayes; motion passed.

Approval of Minutes (February 4, 2019): E. Szymanski requested to change the wording under “Fees & Notices” of New Business from “No hearing will be heard without fees” to “No proceedings shall be done unless fees have been paid”. C. Paavola moved to approve the minutes with the changes. Seconded by; T. Ludwig. All ayes; motion passed.

Comments from the Audience (3 min. per audience member): K. Barkel commented with his concerns and issues he is having with his property, regarding a Special Use Permit that was approved for a Bed & Breakfast next door to his home. He has requested information regarding the possibility of rescinding the approved special use permit.

Correspondence: None

Reports

- **Township Board of Trustees (C. Paavola):** C. Paavola provided a written report and gave a brief synopsis of the report. *(Please see attached).*
- **Zoning Administrator (S. Lang):** S. Lang provided a written and gave a brief synopsis of the report. *(Please see attached).* S. Lang advised that he has been working with Mr. Barkel regarding his concerns with the special use permit for the bed and breakfast owners.
- **Zoning Board of Appeals (E. Szymanski):** E. Szymanski advised that they will meet on May 7, 2019.

New Business

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Unfinished Business

- **Sign Ordinance (Lighted & Moving Signs):** T. Guyer advised that the PC members have been working on Section 23.2 (B): Moving Illuminated Signs of the zoning ordinance. Currently the ordinance prohibits moving and flashing signs. The PC members discussed and have agreed to revise the ordinance to accommodate moving lighted signs. The discussed revision will read as follows: “23.2B Signs may be illuminated in the C-1, C-2, I-1, I-2, and C-F and C-M districts only. Moving, flashing or revolving signs are permitted in C-1 C-F and C-M districts only, except as otherwise expressly permitted under this ordinance. No sign shall constitute a nuisance as that term is defined under Michigan law”. C. Paavola moved to approve recommendation of the

proposed change of the ordinance for a public hearing. Seconded by; T. Ludwig. All ayes; motion passed. A public hearing will be held on Monday, April 1, 2019

Additional Information: E. Szymanski suggested that the “**Procedures of Rescinding a Special Use Permit**” be added to **New Business** of the April 2019 meeting agenda.

Adjournment: With no further business to discuss the meeting was adjourned at 7:34 pm.

Meeting Reminder: The Planning Commission will meet again on Monday, April 1, 2019 at 6:30 pm for the public hearing and 7:00 pm for the regular monthly meeting.

Respectfully submitted; Kimberly S. Bedard, Administrative Assistant


Report to Planning Commission from Township Board

February 11, 2019

Presque Isle Fire Department has extended the contract with Bill Forbush for another year. Recommended by the Fire Board and approved by the Township Board.

The closing policy has been changed regarding school closings. The office Supervisor and/or Clerk will make the call if closing the office is necessary. If a meeting is scheduled it is up to the chair to make the decision.

This concludes my report.

 Cynthia Paavola Liaison to PC

PC Report

From Zoning Administrator

Month of February, 2019

1. Parker House sign is re-lite.
2. Received tax money this month.
3. PC Items:
 - a. Sign Ordinance (Have a draft)
 - b. K. Barkel Concerns
 1. Dietlan Propane Tank
 2. Hunting Lane
 3. Dietlan Cement Blocks
 - c. Working with Gulden on revoking a special use permit.
 - d. Mapping out a meets and bounds property for a PC member.
4. Answering questions from builders getting ready for next summer.
5. Received Judge Pavlich's reversal of January 9, 2019 decision
 - a. I have prepared my information and copied my pertinent documents for possible testimony from me that may come up in the future.
6. Has been a bit slow.

Presque Isle Township Planning Commission
Regular Monthly Meeting
Held April 1, 2019

Call to Order: The meeting was called to order at 6:30 pm by Chairman; T. Guyer.

The pledge of allegiance was recited.

Roll Call: In attendance were; T. Guyer, E. Szymanski, T. Ludwig, C. Paavola, and H. Welsh

Audience Present: 7 guests.

Agenda Approval: H. Welsh moved to approve the agenda as written. Seconded by; C. Paavola. All ayes; motion passed.

Public Hearing Opened @ 6:31 pm.

Sign Ordinance (Lighted & Moving Signs): D. Matuszak read a statement regarding his concerns with lighted and moving signs that would affect the natural beauty of the area and the Master plans mission statement. *(Please see letter attached)*. No other public comments were made.

Public Hearing Closed @ 6:36 pm.

Discussion & Decision: The commission members discussed the proposed revision of the ordinance. The revision will read as follows: "23.2B – Signs may be illuminated in the C-1, C-2, I-1, I-2, and C-F and C-M districts only. Moving, flashing or revolving signs are permitted in C-1, C-F and C-M districts only, except as otherwise expressly permitted under this ordinance. No sign shall constitute a nuisance as that term is defined under Michigan law". Members discussed the dark sky ordinance as well. H. Welsh moved to approve the recommendation of the revised ordinance (As stated above) for approval by the Board of Trustees. Seconded by; T. Ludwig. All ayes; motion passed. C. Paavola advised that she will send the revision to the County Planning Commission for a 30 day comment period.

Public Hearing Meeting adjourned @ 6:45 pm

Scheduled Monthly Meeting - Called to Order @ 7:00 pm.

Approval of Minutes (March 4, 2019): E. Szymanski moved to approve the agenda as written. Seconded by; T. Ludwig. All ayes; motion passed.

Comments from the Audience (3 min. per audience member): K. Barkel made comment that he had sent an email to all planning commission members regarding ordinance violations of the property owners next door to his property.

Correspondence: T. Guyer read an email from K. Barkel that was sent to all planning commission members regarding concerns he has with zoning violations of the property next door to his property.

Reports

- **Township Board of Trustees (C. Paavola):** C. Paavola provided a written report and gave a brief synopsis of the report. *(Please see attached)*.
- **Zoning Administrator (S. Lang):** S. Lang provided a written and discussion was made regarding items in his report. *(Please see attached)*.

- **Zoning Board of Appeals (E. Szymanski):** E. Szymanski advised that they will meet on May 7, 2019.

New Business

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Unfinished Business

- **Appealing approval of a Special Use Permit:** T. Guyer advised that the Planning Commission does not have jurisdiction to decide violations of deed restrictions. He then advised that the Planning Commission does not have any cause to revoke the Special Use Permit for the Bed and Breakfast. He advised that there are some zoning violations that will be handled by the zoning administrator and the violations have nothing to do with the Special Use Permit of the Bed and Breakfast. Commission members agreed.

Adjournment: With no further business to discuss the meeting was adjourned at 7:17 pm.

Meeting Reminder: The Planning Commission will meet again on Monday, May 6, 2019 at 7:00 pm for the regular monthly meeting.

Respectfully submitted; Kimberly S. Bedard, Administrative Assistant

Zoning Meeting Proposed Change held on April 1, 2019

Presque Isle Township MI Trustees & Planning Commission from Drew Matuszak

Dear Planning Commission Members and Trustees,

I am writing with respect to the proposed change to the Township Ordinance concerning the use of flashing lighted and moving signs. First I want to say that I am not opposed to this type of lighting in general in that it serves a useful purpose in terms of what it was designed for. Most metropolitan areas, including Alpena, have a number of such signs and they are very effective in drawing attention.

That said however I believe that like most types of technology they need to be managed in terms of the location and type of information they convey. In my opinion a useful comparison would be cell phones which most of us have and use very effectively. They are wonderful devices but like signs, they also need to be controlled. How many times have we sat in a restaurant and watched a group of people all staring at their phones rather than interacting? Phones also intrude where they are not welcome – church, meetings etc. So although they are a useful device they need to be managed in terms of the location they are used.

Presque Isle is called “Gods Country” by many of the people who visit here. We are blessed with much natural beauty which brings tourists back year after year and which provides our residents with an environment that is becoming harder and harder to find. I believe that people come here not primarily for shopping and restaurants but because of this natural beauty as well as our historical landmarks such as the lighthouses.

The Presque Isle Master Plan which was written in 2014 does a good job of describing this in the Vision Statement which is only four sentences long but in part reads and I quote “growth and development must be balanced against the need to protect the natural beauty and ecosystems of the Township. Presque Isle is a little piece of paradise – one that must be preserved for future generations.” The lighting ordinance also has a focus on providing a “Dark Sky” initiative to keep light intrusion to a minimum and has a significant amount of wording concerning the hazards and issues associated with light pollution and how Presque Isle is dependent on our natural resources to attract tourists and residents. Sec 3.2 D even goes so far as to discourage the use of flashing holiday lights. Obviously a significant amount of thought has been put into this topic as these ordinances were created.

So, although I can understand the need for such lighting for certain applications my concern is if the ordinance is changed to include all business zoning in Presque Isle that we will be taking the Township a step away from what is important to its visitors and residents – its natural beauty. On Grand Lake road alone there are a number of businesses including real estate, landscaping, a builder, a grocery store and a barber shop that over time could choose to install such signs.

On the other hand I can see where such signs can provide a much needed service to Presque Isle residents and visitors in that they can be used to provide community information such as this special meeting date, various events, fire hazards, etc that would not otherwise come to our attention.

So, in closing what I am asking is that when you make your decision on this proposed change that you consider limiting the use of such signs to those facilities that provide a community service (CF zoning). This would allow the people of the township a means to obtain knowledge about meetings such as these, fire hazard warnings, and other township events but would limit the future quantity of such signs and therefore preserve, and not detract from our natural beauty. Thank you for your time and consideration

PC TWP BOARD
Report to the Township Board from the Planning Commission

March 11, 2019

Discussion on the Boat Race on Grand Lake June 8 & 9th. The boats will be Runabout Class D Hydro marathon race. John Sklba from DNR suggested that if any person had concerns that should contact him to share their thoughts. The Township has his number.


Katie Wolf presented the report of the Restoration Fund through the Community Foundation of collects to date. Some tentative planning is happening July 6th for a fund raiser at the Old Lighthouse.

Steve Lang gave his report and suggested that the Zoning fees be \$25.00 the current rate has not been change in years.

If any questions about the Assessing please put the question in writing and we will see to it that Trevor Most gets the message.

The directional sign lighting and moving will be discussed at the Special Meeting 6:30 pm on April 1. Prior to the regular meeting at 7:00 pm

This concludes my report.


Cynthia Paavola Liaison to PC

PC Report

From Zoning Administrator

Month of April, 2019

1. Dietlin Special Use Permit (Bed and Breakfast) revocation:

SECTION 19.5 REVOCATION OF APPROVAL OF SPECIAL LAND USE

Approval of a Special Land Use may be revoked by the Planning Commission upon determination that the use has not been constructed, improved, maintained or conducted in compliance with this Ordinance or with approved permits, site plans or conditions of approval. Such action shall be subject to the following:

A. Public hearing. Such action may be taken only after a public hearing as has been held in accordance with the procedures set forth in Section 19.2 of this Article (Request for a Public Hearing), at which time the owner of an interest in land for which approval is sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to revocation of approval.

B. Determination. Subsequent to the hearing, the decision of the Planning Commission with regard to the revocation shall be made, and written notification of such findings shall be provided to said owner or designated agent.

C. Decision. The decision of the Planning Commission shall be set forth in a Statement of Findings and shall be final in regards to revocation.

SECTION 4.27 BED AND BREAKFAST FACILITIES

While this ordinance is established to enable single family dwelling units to be used as bed and breakfast operations, it is the intent of the Planning Commission

to preserve the character of the residential district in which the operation is located. A bed and breakfast operation is a subordinate use to a single family dwelling unit subject to the following conditions:

A. A bed and breakfast operations shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.

B. The number of rooms available for guests shall be limited to five (5). Each guest room shall be equipped with a separate functioning smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.

C. The maximum length of stay for guests shall be seven (7) consecutive days.
(Effective Date: February 20, 1997)

D. Two (2) off-street paved or graded parking spaces shall be provided for the operator of the bed and breakfast, plus one (1) parking space for each available guest room and one (1) for any non-resident employee.

E. The dwelling unit has no exterior evidence, other than a sign permitted under Article 23, to indicate that the same is being utilized for any purpose other than as a residence.

F. Breakfast may be served only to overnight guests, and in accordance with state and county public health regulations regarding bed and breakfast facilities.

G. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than one (1) non-resident employee may be hired.

H. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.

Hello, Steve:

The Zoning Enabling Act (in MCL 125.3504) provides that “[a] request for approval of a land use or activity shall be approved if the request is in compliance with the standards stated in the zoning ordinance, the conditions imposed under the zoning ordinance, other applicable ordinances, and state and federal statutes.”

The Township’s zoning ordinance as presently written (Article 19) does not include a standard related to the requested use being in compliance with recorded deed restrictions. The special use application completed by Mr. Dietlin asked about deed restrictions, but, unless the zoning ordinance in 1995 included a specific standard requiring compliance with any deed restrictions, I believe the Township would be hard pressed today to impose such a requirement.

It would be helpful to have a copy of the PC’s minutes (and a separate “decision document,” if one was used), to see if the PC addressed the deed restriction issue or imposed a specific condition concerning compliance with deed restrictions (it probably did not). If such a condition was imposed, then I would need to determine whether the PC could lawfully impose such a condition. I would probably conclude that such a condition would be unlawful, because the Michigan Court of Appeals has ruled that “[a municipality] was not required, or authorized, by law to enforce any alleged deed restrictions. Deed restrictions are not land use regulations imposed by the municipality like, for example, zoning ordinances.”

Section 19.5 of the zoning ordinance addresses revocation of approval of a special land use (“may be revoked ... upon determination [by the PC] that the use has not been constructed, improved, maintained or conducted in compliance with this Ordinance or with approved permits, site plans or conditions of approval”). In my best judgment, unless the PC imposed a specific condition requiring compliance with deed restrictions, and if I then determine that the condition could be lawfully imposed, I believe the PC would have a hard time justifying revocation of the site plan under this provision.

It appears that this should not be an actionable issue for the PC. Rather, it should be up to the complaining property owner to decide whether to attempt to privately enforce the deed restrictions.

Please call or email if you would like to discuss this issue.

Tim

Timothy M. Gulden
Gillard, Bauer, Mazrum, Florip, Smigelski & Gulden
109 E. Chisholm St.
Alpena, MI 49707
(989) 356-3444
Fax: (989) 354-2821
tmgulden@gillardlaw.com

It appears that revocation is not an option because the operation is in conformance with the ordinance and enforcement of deed restrictions is also not an option because of Tim's review.

2. Have issued 3 permits for accessory structures and 1 addition.
3. Tentatively, for May PC meeting. 2 site plan reviews for accessory structures with square footage larger than 1200 sq.ft.

Presque Isle Township Planning Commission
Regular Monthly Meeting
Held July 1, 2019

Call to Order: The meeting was called to order at 7:00 pm by Chairman; T. Guyer.

The pledge of allegiance was recited.

Roll Call: In attendance were; T. Guyer, E. Szymanski, T. Ludwig and C. Paavola. Absent member; H. Welsh.

Audience Present: 2 guests.

Agenda Approval: C. Paavola requested the addition of “**Commercial Property**” to **New Business**. T. Ludwig moved to approve the agenda with the addition. Seconded by; C. Paavola. All ayes; motion passed.

Approval of Minutes (April 1, 2019): C. Paavola moved to approve the minutes as written. Seconded by; E. Szymanski. All ayes; motion passed.

Comments from the Audience (3 min. per audience member): L. Fields expressed a concern regarding blight of a property located on Kauffman Rd. at Lake Esau.

Correspondence: None

Reports

- **Township Board of Trustees (C. Paavola):** C. Paavola provided a written report and gave a brief synopsis of the report. *(Please see attached)*.
- **Zoning Administrator (S. Lang):** S. Lang provided a written report and discussion was made regarding items in his report. *(Please see attached)*.
- **Zoning Board of Appeals (E. Szymanski):** E. Szymanski advised that they went over the bylaws and the litigation update. The ZBA will meet again on Tuesday, July 2, 2019.

New Business

- **Review of the Master Plan:** C. Paavola advised that she had spoken with Denise Kline of NEMCOG and she suggested that the PC readopt the master plan with any corrections. Discussion was made regarding the master plan and the ordinances. T. Geyer suggested that members should go over the master plan and highlight any areas of concern to discuss at the August 2019 meeting.
- **Commercial Properties:** Discussion was made by the PC members regarding properties within the township that are zoned commercial and the potential of any such properties to be used as commercial.

Unfinished Business

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Adjournment: With no further business to discuss the meeting was adjourned at 7:43 pm.

Meeting Reminder: The Planning Commission will meet again on Monday, August 5, 2019 at 7:00 pm for the regular monthly meeting.

Respectfully submitted; Kimberly S. Bedard, Administrative Assistant

Report to the Planning Commission from the Township Board

June 10, 2019

The Township has requested that the PC look at the properties within our township to see if any is available to zone commercial.

Tim Maylone from Cherry Capital Communications gave a presentation about internet. Just information at this time.

The Township approved a ^{new} Mechanical system for heating and AC.

This concludes my report

Respectfully submitted


Cynthia Paavola

Planning Commission Report

From Zoning Administrator

Month of June, 2019

1. Permits for the month of June 2019.
 - a. Received the warranty deed for the Township Board approval of the lot split. Construction will resume. Kauffman Rd
 - b. 24 X 36 detached accessory structure; Bell Bay
 - c. 8 X 14 shed; Bayshore Drive
 - d. 12 X 40 deck; E. Grand lake Rd
 - e. 24 X 38 Chalet with loft; Evergreen
 - f. 30 X 40 detached accessory structure; Long Lake Rd
 - g. 40 X 40 addition to a 20 X 32 cottage; Long Lake
 - h. 692 sq. ft. addition to a 1050 sq. ft. cottage; Grand Lake
 - i. 30 X 38 Dwelling Lake Huron; Briar Lane
 - j. 24 X 30 addition to a cottage; Long Lake

2. Settled a neighbor dispute regarding the complete tear down and rebuild of a non-conforming accessory structure which was grandfathered in at the time of new dwelling construction. Structure was directly on the side lot line, in the front set back and 6 feet from the water. Resolution: structure must be moved to the rear of the yard with a 10' side setback and a 20' rear yard setback. My last contact with the owner confirmed that the structure is gone. The owner will now place shrubs along the lot line.

3. The property on Long Lake thought to be a part of Brooks Long Lake Sub. is confirmed to be owned by the Presque Isle County Road Commission. The Road Commission will not allow a dock and hoist to be placed on their property.

4. Received a complaint about short term rentals of a dwelling on Pine Street on Grand Lake. Was asked if there were ordinances which would prohibit such

activity. After researching the ordinance, I could not find anything which would prohibit that use. I will engage the Township Planning Commission in that discussion at their next meeting.

"There comes a time when you have to choose between turning the page and closing the book."

Steve Lang
Zoning Administrator

Presque Isle Township Planning Commission
Regular Monthly Meeting
Held August 5, 2019

Call to Order: The meeting was called to order at 7:00 pm by Chairman; T. Guyer.

The pledge of allegiance was recited.

Roll Call: In attendance were; T. Guyer, E. Szymanski, T. Ludwig, H. Welsh and C. Paavola.

Audience Present: 2 guests.

Agenda Approval: T. Guyer requested the addition of “**Revision of the Zoning Ordinance – NEMCOG**” to **New Business**. H. Welsh moved to approve the agenda with the addition. Seconded by; E. Szymanski. All ayes; motion passed.

Approval of Minutes (July 1, 2019): T. Ludwig moved to approve the minutes as written. Seconded by; H. Welsh. All ayes; motion passed

Comments from the Audience (3 min. per audience member): No Comments.

Correspondence: T. Guyer advised that he had received an email from the TWP attorney – T. Gulden regarding the oral argument of the appeal of the Pardieke’s and Kropp’s. He advised that the judge upheld the decision of the TWP.

Reports

- **Township Board of Trustees (C. Paavola):** C. Paavola provided a written report and gave a brief synopsis of the report. *(Please see attached)*.
- **Zoning Administrator (S. Lang):** S. Lang advised that he has been very busy issuing land use permits. He also advised that he would like to attend a training class in St. Ignace and that he has been working on new land use permit and site plan review forms.
- **Zoning Board of Appeals (E. Szymanski):** E. Szymanski advised that they went over the bylaws and non-conforming lots.

New Business

- **Revision of the Zoning Ordinance – NEMCOG:** Discussion was made by the members regarding the possibility to have NEMCOG go over the zoning ordinances. H. Welsh moved to approve recommendation to the Board of Trustees to allow NEMCOG to go over the ordinances. Seconded by; C. Paavola. A roll call vote was taken. All ayes; motion passed.

Unfinished Business

- **Review of the Master Plan:** Discussion was made by the members regarding changes to the master plan and the new census that will be done in 2020 that will change the master plan and the ordinances. H. Welsh suggested that changes be made to the survey and public input that was implemented in 2014. Members also agreed that the action items are questionable. H. Welsh moved to approve the master plan from 2014-2020 with the exception that the survey and public input would be changed. Seconded by; T. Ludwig. A roll call vote was taken. 4 ayes and 1 nay;

motion passed.

Adjournment: With no further business to discuss the meeting was adjourned at 7:38 pm.

Meeting Reminder: The Planning Commission will meet again on Tuesday, September 3, 2019 at 7:00 pm for the regular monthly meeting.

Respectfully submitted; Kimberly S. Bedard, Administrative Assistant

Report to the Planning Commission from the Township Board

July 8, 2019

Board approved updating the computers to Windows 10.

New Heat and AC installed in the hall.

Township BoT will be looking into raising the burial plots fee.

This concludes my report

Respectfully submitted

A handwritten signature in black ink, appearing to be 'Cynthia Paavola', written in a cursive style.

Cynthia Paavola

Presque Isle Township Planning Commission
Regular Monthly Meeting
Held September 3, 2019

Call to Order: The meeting was called to order at 7:00 pm by Chairman; T. Guyer.

The pledge of allegiance was recited.

Roll Call: In attendance were; T. Guyer, E. Szymanski, T. Ludwig and C. Paavola. Member H. Welsh was absent.

Audience Present: 2 guests.

Agenda Approval: T. Ludwig moved to approve the agenda as written. Seconded by; E. Szymanski. All ayes; motion passed.

Approval of Minutes (August 5, 2019): E. Szymanski moved to approve the minutes as written. Seconded by; C. Paavola. All ayes; motion passed

Comments from the Audience (3 min. per audience member): No Comments.

Correspondence: None

Reports

- **Township Board of Trustees (C. Paavola):** C. Paavola provided a written report and gave a brief synopsis of the report. *(Please see attached).*
- **Zoning Administrator (S. Lang):** S. Lang provided a written report and gave a brief synopsis of the report. Discussion was made by members regarding short term rentals. *(Please see report attached).*
- **Zoning Board of Appeals (E. Szymanski):** E. Szymanski advised that they will be meeting on Wednesday, September 04, 2019 at 7 pm.

New Business

- **Master Plan (Public Hearing?):** Discussion was made by members regarding whether a public hearing needs to be done. Members agreed to postpone the topic until the October 2019 meeting.
- **Timing/Procedure with NEMCOG/Planning Commission (Ordinance Revisions):** T. Guyer advised that NEMCOG will be meeting with the Planning Commission for 7 months (7meetings). Discussion was then made by the members regarding publication of the time frame of the meetings.

Unfinished Business

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Additional Information: S. Lang advised that PITWP does have a few 40 ft. non-conforming lots. He advised that our ordinance does allow building on a 50 ft. non-conforming lot. Discussion was then made by members regarding the minimum size of homes.

Adjournment: With no further business to discuss the meeting was adjourned at 7:25 pm.

Meeting Reminder: The Planning Commission will meet again on Monday, October 7, 2019 at 7:00 pm for the regular monthly meeting.

Respectfully submitted; Kimberly S. Bedard, Administrative Assistant

Report to the Planning Commission from the Board of the Trustees

August 12, 2019

The Board of Trustees approved the NEMCOG contract per our recommendation to go ahead with this process of updating our Ordinances.

The MEDC internet Broadband grant was approved for the Cherry Capital Connection will be asked proof of concept of their proposal focusing on the delivery of Fixed Point Wireless. \$50,000.00 will be allocated to POC.

Dennis Fay controls the water going into Lake Esau. His new assignment.

Bart Hellmuth gave a verbal report of the PI Road Commissions future plans for our roads.

Waiting on Meridian to give Matt a bid cost of paint the top of the 1870 Lighthouse.

Respectfully

A handwritten signature in blue ink, appearing to be 'Cynthia Paavola', written in a cursive style.

Cynthia Paavola – Liaison to PC.

Planning Commission Report

From Zoning Administrator

Month of September, 2019

1. Issued 6 permits for the month of August 2019. These included 2 dwellings, 2 additions, 1 detached accessory structures and 1 deck.

2. A letter were sent to the collapsing dwelling on Kauffman Blvd. So far no response from the owner. I met the PI County Building Official on site and was informed that the structure was not in bad enough shape for him to get involved. The roof structure of the house needs to be in jeopardy of falling in before the County will get involved.

3. No response as yet from the owner of the dwelling with the trees on the deck.

4. Attended a MTA zoning class in St. Ignace that had two interesting subjects on their agenda.
 - a. Short term rentals: Michigan Courts, both Circuit and Appeals have ruled in favor of not only communities with deed restrictions but also zoning laws. The rulings view short term rentals as commercial uses and not allowed in residential districts. Also, short term rentals change the character of the neighborhood. Caveat: the House of Representatives have two bills proceeding through committee that would change the Michigan Planning Enabling Act (MZEA) to provide that short term rentals are a residential use and would be allowed in all residential zones. Further, communities could not develop rules or ordinances to prohibit short term rentals. These changes are scheduled to be in place by April 2020. Spoke to Sue Allor, who is in favor of the bills, informed me that short term rentals bring approximately 200 million dollars to the State. The House majority seems to be on board.

b. Mining: I thought mining would be a great subject for me to jump into but it was more directly pointed to sand and gravel (small) operations. I told the instructor that Presque Isle Township has a mining operation of nearly 6000 acres. Her response, oh my. Her topic was not including large industrial mining operations.

5. I am working with two angry neighbors about an outdoor wood stove. Woodstove installation was prior to the 2006 change in the Zoning Ordinance which makes this a non-conforming use.

The purpose of my life is to not only be happy but to be useful, to be honorable, to be compassionate, to have it make some difference. This will confirm that I have lived and lived well. "

Steve Lang
Zoning Administrator

Presque Isle Township Planning Commission
Regular Monthly Meeting
Held December 2, 2019

Call to Order: The meeting was called to order at 7:00 pm by Chairman; T. Guyer.

The pledge of allegiance was recited.

Roll Call: In attendance were: H. Welsh, E. Szymanski, T. Guyer, T. Ludwig and C. Paavola

Audience Present: 15 guests.

Agenda Approval: T. Ludwig moved to approve the agenda as written. Seconded by: C. Paavola. All ayes; motion passed.

Approval of Minutes (September 3, 2019): H. Welsh motioned to approve the minutes as written. Seconded by: T. Guyer. All ayes; motion passed.

Comments from the Audience (3 min. per audience member): No Comments.

Correspondence: None

Reports

- **Township Board of Trustees (C. Paavola):** C. Paavola provided a written report and gave a brief synopsis of the report. *(Please see attached)*.
- **Zoning Administrator (S. Lang):** S. Lang gave a brief synopsis. Steve reported working on sign violation issue on Shubert Road. Also working on 18" lot line violation/stop order, a fence violation and home occupation with no permit.
- **Zoning Board of Appeals (E. Szymanski):** No meeting. E. Szymanski advised the next ZBA meeting will be on Tuesday, January 14, 2020 at 7 p.m.

New Business

- **Cherry Capital Communication (CCC) Presentation:**

An extensive presentation was given by the CEO of Cherry Capital, Tim Maylone.

Highlights of the presentation are as follows:

- CCC was invited to provide wireless internet and cell service to Presque Isle Twp.
- Phase one CCC would erect cell towers with end result being underground fiber optic lines.
- Initial \$800,000 to be invested in Posen, Alpena area with \$2.5 million in Krakow and Presque Isle, if enough demand. Currently 185 residents want internet in their area.
- MEDC Grant selected to do feasibility study.
- Issues with current zoning ordinance for this concept.
- Looking to amend current zoning ordinance.
- CC will provide Site plan to confirm proposed ordinance is within their scope.
- Looking for best way to proceed .

- **Proposed Revisions to Zoning Ordinance – Section 20.13 – Communication Towers:**
 - Current ordinance with amendments in red were discussed. (*Please see attached.*)
 - After review by Planning Commission members, questions arose as to how tall the cell towers would be. Clarified need to stay no higher than 170 feet due to the fact if towers are 200 feet, they must be lighted.
 - How long would be up? CCC couldn't say for sure, but expectation for Posen/Alpena, Grand Lake and Long Lake would be five years.
 - 10 towers around Grand Lake
 - CCC needs to procure lease agreement. If no lease agreements, end of discussion.
 - After much discussion, two changes were made to amendments.
 1. Page 3 of 9, "D", delete "no closer than seven (7) miles from an existing Wireless Communications Facility."
 2. Page 5 or 9, "Q", delete "located centrally"
 3. If blockage, two or more towers within one mile will be justified by CCC Engineering.
 4. Tower arrangement would be on site plan.
 5. Motion by Tom Guyer to accept ordinance amendments as discussed and written. All ayes; motion passed.

Unfinished Business: None

Additional Information: Guests were given the opportunity to ask questions of Planning Commission and Tim Maylone. Their questions were considered and answered in a satisfactory manner.

Adjournment: With no further business to discuss the meeting was adjourned by Tom Guyer at 8:30 pm.

Meeting Reminder: The Planning Commission will meet again on Monday, January 6, 2020 7:00 pm for the Public Hearing.

Respectfully submitted: Beverly Huard, Administrative Assistant

Report to the Planning Commission from the Township Board

November 11, 2019


The Township has joined both Alpena and Rogers City Chamber of Commerce.

Christmas at the Lighthouse December 7, 2019 from 11:00am to 2pm. The Township will be having Christmas Bazaar from 9am to 3pm on the same day at the hall. Come and enjoy both events. It is the season!

The Township will be discussing the rates for plots at our cemetery this December meeting.

A great deal of discussion about the tower for internet was added on the Township meeting.

The Township Board approved a 2 temporary towers for a duration of 3 years for Cherry Capital for internet service to the community.


Cynthia Paavola-Liaison

**Presque Isle Township
Ordinance No. 1 of 2020**

**An ordinance to amend the Presque Isle Township Zoning Ordinance Section 3.1
“Definitions” and Section 20.13 “Communications Towers” to allow waivers to
be approved by the Planning Commission, to add approval procedures, and to
add Small Cell Wireless Facilities.**

Presque Isle Township, Presque Isle County, Michigan ordains:

Section 1: Amendment to the Presque Isle Township Zoning Ordinance Section 20.13.

That the Presque Isle Township Zoning Ordinance, Section 3.1 (Definitions) is hereby amended to read as follows:

ESSENTIAL SERVICES -

The erection, construction, alteration, or maintenance by public utilities or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution system; collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety and welfare, but not including buildings other than those which are primarily enclosures or shelters for essential services equipment. **Wireless Communications Facilities/Antennas, Alternative Tower Structures, and Wind Energy Systems are not included within this definition of Essential Services.**

WIRELESS COMMUNICATIONS DEFINITIONS –

- 1. ANTENNA ARRAY - One or more rods, panels, discs or similar devices used for the transmission or reception of wireless communications signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.**
- 2. CO-LOCATION - The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.**
- 3. HEIGHT - When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.**
- 4. PERSONAL WIRELESS SERVICES TELECOMMUNICATIONS TOWERS AND FACILITIES - Self-supporting or guyed towers of one hundred fifty feet (150') or less that provide data and internet access within a three to five (3-5) mile radius.**

5. SETBACK - The required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure.
6. SMALL CELL WIRELESS FACILITY - A wireless facility that meets both of the following requirements:
 - a. Each antenna is located inside an enclosure of not more than six (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 six (6) cubic feet.
 - b. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (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.
7. WIRELESS COMMUNICATIONS - Television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
8. 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 excluding wireless communications support structures.
9. WIRELESS COMMUNICATION FACILITY - A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, Wireless Communications Equipment, connection cables, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure. PERSONAL WIRELESS SERVICES TELECOMMUNICATIONS TOWERS AND FACILITIES fall under the definition of a Wireless Communication Facility.
10. WIRELESS COMMUNICATIONS SUPPORT STRUCTURE - Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure. PERSONAL WIRELESS SERVICES TELECOMMUNICATIONS TOWERS AND FACILITIES fall under the definition of a Wireless Communications Support Structure

That the Presque Isle Township Zoning Ordinance, Section 20.13 (Communications Towers) is hereby amended to read as follows:

SECTION 20.13 ~~COMMUNICATION TOWERS~~ WIRELESS COMMUNICATIONS FACILITIES

~~Antenna towers and masts for cellular phone and other personal or business communications services~~ **Wireless communications facilities** may be authorized with a special use permit ~~only~~ by the Planning Commission in the Forest & Recreation Zoning District ~~only~~. **The Planning Commission may grant a waiver for antenna towers and masts to be erected, with a special use permit, in districts other than the Forest & Recreation District pursuant to Subsection R below.** ~~Antenna towers and masts~~ **Wireless communications structures which are** erected and operated as an ~~residential~~ accessory use for a **single residence** and not more than fifty (50) feet in height, as measured between the tower's base at grade and its highest point, are exempt from this Section.

A site plan prepared and sealed by a professional engineer and other materials normally required for special use permits must be submitted with the application. In considering authorization of such **Wireless Communications Facilities** ~~towers and masts~~, the Planning Commission shall apply the standards of Article 17 (Site Plan Review Requirements), Article 19 (Special Use Permit Procedures), and the following specific standards:

- A. The applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the **Wireless Communications Facility** ~~tower~~. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the **Wireless Communications Facility** ~~tower~~ within thirty (30) days of the effective date of the change.
- B. The application for special use permit for the **Wireless Communications Facility** ~~tower~~ shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the **Wireless Communications Facility** ~~tower~~ from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Commission during its first consideration of the application for special use permit before the public hearing.
- C. A ~~cellular phone or other personal and business communications services antenna tower~~ **Wireless Communications Facility** shall be exempt from building height limits established by zoning district regulations, provided that the ~~tower~~ height shall not exceed the minimum height necessary to serve its intended functions or ~~two hundred (200)~~ **one-hundred seventy (170) feet**, whichever is less.

~~Towers~~ **Wireless Communications Facilities** shall be located no closer than seven (7) miles from an existing ~~Wireless Communications Facility~~ telecommunication tower or alternative tower structure, as measured in a straight line between the base of the existing ~~Wireless Communications Facility~~ and the proposed base of the proposed ~~Wireless Communications Facility~~.

- D. **The applicant shall provide evidence of** whether or not it is feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.

- E. The ~~tower~~ **support structure** and any ancillary building or buildings housing equipment needed for operation of the ~~tower~~ **Wireless Communications Facility** shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
- F. Guy cables and anchors shall comply with applicable zoning district setback requirements.
- G. The applicant shall provide documentation of any lighting to be installed on the site. If tower lighting is required or proposed, the ~~tower~~ **Wireless Communications Facility** may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
- H. ~~Towers~~ **Wireless Communications Facilities** shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design must cause the least disturbance to the surrounding views.
- I. ~~Towers~~ **Wireless Communications Facilities** shall either maintain a galvanized steel finish or be painted white to be as unobtrusive as possible. ~~Towers~~ **Wireless Communications Facilities** in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations. The antenna and/or array installed on a ~~tower~~ **support structure** and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the ~~tower~~ **support structure**, so as to make the antenna and related equipment as visually unobtrusive as possible.
- J. No signs other than signs required pursuant to federal, state or local law and ordinance shall be allowed on ~~an antenna or tower or a~~ **Wireless Communications Facility site**.
- K. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
- L. The owner/operator of the ~~tower~~ **Wireless Communications Facility** shall agree to permit use of the ~~tower~~ **support structure** by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the ~~support structure tower~~. The addition of other user's equipment to the ~~tower~~ **support structure** shall be permitted so long as the engineered design capacity of the ~~tower~~ **support structure** or mast is not exceeded.
- M. As a condition of approval, prior to construction, the Planning Commission may require an owner to deposit funds in escrow with the Township, or provide an insurance bond satisfactory to the Township's Attorney to assure the removal of ~~towers and masts~~ **Wireless**

Communications Facilities as prescribed in this **Section Article**. If required, such escrow deposit or insurance bond shall be in an amount equal to one and one-quarter (1.25) times the estimated cost of removal of the **tower Wireless Communications Facility** at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.

- N. If the **tower Wireless Communications Facility** ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the **tower Wireless Communications Facility** within three (3) months of notification by the Township.

- O. If the height required for the **tower Wireless Communications Support Structure** to serve its intended function decreases from such height as installed due to technological advancement, additional **tower Wireless Communications Facility** installations at other locations, or other factors, the Township may order that the **tower Wireless Communications Support Structure** be lowered to such decreased minimum height.

- P. The **tower Wireless Communications Support Structure** shall be ~~located centrally~~ on a continuous parcel of not less than one and one-half (1.5) times the height of the **tower Wireless Communications Support Structure** measured from the base of **tower support structure** to all points on each property line. ~~If adjacent parcels are under the same ownership as the parcel proposed for the development of a Wireless Communications Support Structure and not separated by a right-of-way, the properties may be considered in combination in determining setback of the Wireless Communications Support Structure.~~ The **tower Wireless Communications Support Structure** and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal one and one half (1.5) times the height of the **tower Wireless Communications Support Structure** measured from its base at grade to its highest point. A fence not less than six (6) feet in height with anti-climb features shall be constructed around the base of the **tower Wireless Communications Support Structure**.

- Q. The Planning Commission may grant a waiver to any of the Subsections A through P above and/or may approve a special use permit for Wireless Communications Facilities in a district other than the Forest and Recreation District upon the following findings:
 - 1. Granting the waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 - 2. Granting the waiver will not otherwise impair the public health, safety and general welfare of the residents.
 - 3. Granting the waiver will uphold the spirit and intent of this Ordinance.

A request for waiver shall be considered as part of the special use permit process. The need/reason for the waiver shall be provided, in writing, by the applicant.

R. Wireless Communication Facility Approval Procedure.

1. **Co-location** - Pursuant to Section 3514(9) of P.A. 110 of 2006, as amended, co-location is permitted on existing and approved Wireless Communications Support Structures without a zoning permit. No antenna or similar sending/receiving devices appended to the tower shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. **Wireless Communications Support Structures** - After an application for a communication tower is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
 - a. If, before the expiration of the 14-day period under subsection R.2, the Zoning Administrator 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 subsection R.2 is tolled until the applicant submits the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
 - b. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made the determination required for approval.

S. Small Cell Wireless Facilities.

1. **Exempt Small Cell Wireless Facilities:** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the Small Wireless Communications Deployment Act, 2018 PA 365, as amended. In such case, a utility pole in the ROW may not exceed forty (40) feet above ground level without special use approval and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
2. **Special Use Approval for Non-Exempt Small Cell Wireless Facilities:** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with 2018 PA 365, as amended, shall be subject to review and approval by the Planning Commission as a Special Use in the Forest & Recreation District in accordance with the procedures and standards below. An applicant may request a waiver to allow small cell wireless facilities in districts other than Forest & Recreation, as a special use, and the Planning Commission may grant a waiver pursuant to the waiver standards in Subsection Q (1-3) above.

- a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Subsection, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
 - (2) The running of the time period tolled under subsection (1) resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Planning Commission shall approve or deny the Special Use application and notify the applicant in writing within ninety (90) days after an application for a modification of a small cell wireless facility support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new small cell wireless facility support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.

- b. The Planning Commission shall base their review of the request on the standards contained in Section 17.5 (Criteria for Granting Site Plan Approval) and Section 19.3 (Special Use Review Standards); provided, however that a denial shall comply with all of 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 would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

- c. In addition to the provisions set forth in subsection b, in the Planning Commission's review:
 - (1) 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.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.

- (3) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Planning Commission 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.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

Section 2: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Presque Isle Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Presque Isle Township Supervisor

Presque Isle Township Clerk

I, _____, Clerk for Presque Isle Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 1 of 2020 of Presque Isle Township, adopted by at a meeting of the Township Board of Trustees held on _____.

A copy of the complete ordinance text may be inspected or purchased at the Presque Isle Township Hall, at 12653 E. Grand Lake Road, Presque Isle, Michigan.

Adopted:

Published:

Effective:

_____, subject to PA 110 of 2006 as amended.