

CHAPTER 23

Wireless Communication Facilities

Section 23.1 Purpose

It is the general purpose and intent of this Section to comply with the requirements of the Federal Telecommunications Act of 1996, as amended, and to exercise the Township's zoning powers under state law, by authorizing towers and antennas needed to operate wireless communications systems, subject to certain conditions and requirements. It is the further purpose and intent of this Section to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and overall quality of life of the Township.

Section 23.2 Applicability

All new, expanded or altered wireless communication facilities in the Township shall be subject to this Section. There will be additional costs (which will be charged to the applicant) for professional review of the application and related matters, including by an independent consultant or consultants.

- A. **New Towers.** All new wireless towers shall require a Special Use Permit in accordance with the requirements of Chapter 19 – Special Land Uses, as well as this Chapter.
- B. **Colocation.** The Township encourages the colocation of antennas on existing towers, monopoles, utility poles located in a public right-of-way, water towers, and other existing similar structures. Colocation requests shall be expedited by the Township and approved or denied by the Township Planner in accordance with this Section. The Township Planner may also forward the request to the Site Plan Review Committee if it is determined that the request warrants additional review.

Section 23.3 General Submittal Requirements

All applications for all wireless communication facility requests shall include the following:

- A. **Application.** A fully completed, signed, and dated application, indicating the property owner, service provider, and the provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction, or modification.
- B. **Site Plan.** A detailed site plan showing the following:
 - 1. The location, size, height, design and setbacks of the tower, and the number, size, mounting height, and design of antennas.
 - 2. The location, size, design and setbacks of any accessory structures, fences, and outdoor equipment.
 - 3. The location of all structures within two-hundred (200) feet of the subject site.
 - 4. A landscape plan, showing the location, number, and species of plants.

5. The location of any drives and/or access easements.
 6. Legal description of the parent parcel and leased parcel (if applicable).
 7. Other information required for site plans under Chapter 25.
- C. **Fees.** All applicable fees (including zoning escrow fees where applicable).

Section 23.4 New Tower Submittal Requirements

Applications for new cell towers shall require the following additional information:

- A. **Statement of Need.** A statement of what is proposed and demonstrating the need for the proposed facility based upon the presence of one or more of the following factors:
1. Inability to find a suitable colocation site.
 2. Proximity to an interstate highway or major thoroughfare.
 3. Areas of population concentration.
 4. Concentration of commercial, industrial and/or other business centers.
 5. Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
 6. Topography of the proposed facility location in relation to other facilities within which the area where the proposed facility is to operate.
 7. The need for additional coverage, capacity and/or quality.
 8. Other specifically identified reason(s) for creating the need for the facility.
- B. **Facilities Map.** A map showing existing and known proposed wireless towers, and existing buildings and/or other structures of the same approximate height within a one-half (1/2) mile radius of the proposed site, including sites outside of the Township, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. This information will be used in determining the necessity of a new tower.
- C. **Supplemental Information.** The following information shall also be submitted:
1. **Technology.** The existing form of technology being used and any changes to that technology
 2. **ERP.** The proposed and existing service area of the tower and the attached wireless communication facility, and tower height and type, and signal power expressed in Effective Radiated Power (ERP) upon which the service area has been planned.
 3. **Fall Zone.** A certification by a state of Michigan licensed and registered professional engineer regarding the manner in which the proposed tower will fall. The certification will be utilized in determining appropriate setbacks to be required for the tower.

4. **Other Agencies.** If required, evidence of applicable approvals and licenses from the Federal Aviation Administration, the Federal Communication Commission and the Michigan Aeronautics Commission.
5. **Maintenance.** A maintenance plan to ensure the long term, continuance maintenance of the facility, along with the name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information must be continuously updated and provided to the Township during all times the facility is on the premises.

Section 23.5 Requirements and Standards of Review

All new wireless communications facilities shall comply with all of the following requirements in addition to the requirements as detailed in Chapter 19 – Special Land Uses:

- A. **General.** The proposed tower or antennae shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The proposed tower shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.
- B. **Location.** New towers shall be permitted on a priority basis in descending priority upon the following sites, subject to application of all other standards contained within this Chapter and Chapter 19:
 1. I-1 and I-2 Zoning Districts
 2. C-1 and C-2 Zoning Districts
 3. Municipal and Institutional sites
 4. Public parks and large permanent open spaces
 5. A site with an existing tower
 6. A-B, A-R, and O-S Zoning Districts
 7. RL-14, RL-10, R-3, and R-4 Zoning Districts
- C. **Need.** A proposal for a new tower shall not be approved until and unless it can be documented by the applicant that the communications equipment planned for the proposed tower cannot be feasibly collocated and accommodated on an existing or approved tower (or other existing structure) due to one or more of the following reasons as documented by a qualified and licensed professional engineer:
 1. The planned equipment would exceed the structural capacity of the existing tower, and could not be reinforced, modified or replaced to accommodate planned or equivalent equipment.
 2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the existing tower or other existing structure and the interference cannot be prevented by any other means.

3. Existing towers within a ½ mile radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function.
 4. Refusal of the existing provider to permit a feasible colocation.
 5. Other unforeseen reasons that make it unfeasible to locate the planned communications equipment upon an existing tower or structure.
- D. **Colocation.** Any proposed commercial tower shall be designed to accommodate at least 4 antennae platforms unless shown to be unreasonable given the tower height and type. Proposed towers must be designed to allow for future rearrangement of attached wireless communication facilities upon the tower and to accept attached wireless communication facilities mounted at varying heights.
- E. **Height.** The height of all proposed towers and attached antennae shall be the minimum height necessary to serve its intended function, provided that no tower shall be higher/taller than 195 feet (measured at natural grade) so that the structure does not require lighting per FAA/FCC Regulations. The accessory structures (not on the tower) shall be limited to the maximum height for accessory structures within the respective district.
- F. **Setbacks.** Setbacks for wireless communications facilities shall conform to the following:
1. **Monopole towers.** Monopole tower setbacks shall not be less than the required setbacks for principal buildings in the zoning district in which it is located.
 2. **Other towers.** The setback of all non-monopole towers from any lot line shall be no less than the height of the tower.
 3. **Accessory structures (not on the tower).** Accessory structures setbacks shall conform to the minimum setbacks for accessory structures for that zoning district.
- For good cause shown, the Planning Commission may alter the required setbacks, based on tower height, tower fall zone, and the proximity of any structures or public rights-of-way.
- G. **Access.** There shall be unobstructed access to the tower and accessory structures for maintenance, repair, inspection and emergency purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.
- H. **Use of Existing Building.** Where a wireless communication facility is proposed on the roof of a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that it conforms to all district requirements for accessory buildings.
- I. **Visual Impact.** The Planning Commission shall, with respect to the color of the proposed tower and all accessory buildings, review and approve such items so as to

minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings.

- K. **Radio Frequency.** Wireless communication facilities shall comply with all applicable federal and state standards, including, without limitation, those standards relative to the environmental effects of radio frequency emissions.
- L. **Landscaping.** Landscaping shall be provided which screens the tower base, accessory buildings and enclosures. In all cases, there shall be fencing of at least six feet in height surrounding the accessory buildings and equipment enclosures.

Section 23.6 Colocation Refusal

If a provider refuses to permit a feasible colocation on a tower owned or otherwise controlled by it, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to, the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

- A. **Nonconforming.** If a party who owns or otherwise controls an existing tower fails or refuses to accommodate a proposed and otherwise feasible colocation, such tower shall be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- B. **Penalty.** A party who fails or refuses to allow a feasible colocation shall be prohibited from receiving approval for a new tower within the Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

Section 23.6 Facilities Removal

If, for any reason, a tower ceases operations or is abandoned, the Township may order its removal as well as the removal of any related structures. The owner of the tower and/or property owner will have six (6) months to remove the tower upon receiving notification from the Township to do so. If the tower is not removed within the specified time period, and a time extension is not granted by the Township, the Township may cause the removal of the tower. After removal of the tower by the Township, a notice shall be mailed to the tower owner and the property owner stating the nature of the work done and demanding payment of the costs as certified by the Building Inspector together with an additional twenty (20) percent for inspection and incidental costs. If the amount specified in the notice is not paid within ninety (90) days, it shall become a lien against the property and will be certified as an assessment against the property.