

ARTICLE 25
WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS
Amended July 5, 2005

Sec. 25.01 BACKGROUND.

- A.** The Township has received or expects to receive requests to site wireless communications towers and antennas within its boundaries.
- B.** The Township finds that it is in the public interest to permit the siting of wireless communications towers and antennas within its boundaries.
- C.** It is the Township's intent to permit the siting of wireless communications towers and antennas within its boundaries.
- D.** It is the Township's intent to protect and promote the public health, safety and welfare by regulating the siting of wireless communications towers and antennas within its boundaries.

Sec. 25.02 PURPOSE AND GOALS.

This Article's purpose is to establish general guidelines for siting wireless communications towers and antennas. This Article's goals are to:

- A.** Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- B.** Encourage the location of towers and antennas in non-residential areas;

- C.** Minimize the total number of towers and antennas throughout the Township;
- D.** Promote the joint use of existing tower sites rather than construction of additional towers;
- E.** Promote the location of towers and antennas in areas where the adverse impact on the Township is minimal;
- F.** Promote the configuration of towers and antennas to minimize their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques;
- G.** Promote telecommunications services to the Township which are quick, effective, and efficient;
- H.** Protect the public health and safety of the Township and its residents;
- I.** Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. To further these goals, the Township shall consider its Master Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Sec. 25.03 DEFINITIONS.

For purposes of this Article only, the following terms shall have the following meanings.

- A. Alternative Tower Structure:** Man- made trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals including optical or other communication signals.
- C. FAA:** The Federal Aviation Administration.
- D. FCC:** The Federal Communications Commission.
- E. Height:** When referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front of the tower or other building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.

F. Lattice Tower: A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top.

G. Preexisting Towers and Preexisting Antennas: Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the amendment to the Ordinance adding this Article, or any tower or antenna for which no building and/or special use permit was required, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

H. Wireless Communications Facility: Any or all equipment, buildings and other structures and which receives, transmits or relays the electromagnetic and/or optical waves which carry their services, including Cellular, PCS, paging, radio and television broadcasters, wireless data services.

Sec. 25.04 APPLICABILITY.

- A. New Towers and Antennas:** All new towers and new antennas in the Township shall be subject to this Article, except as otherwise provided in this Section.
- B. Amateur Radio Station:** In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations, 47 CFR Part 97, as amended, and Order and Opinion

(PRB-1) of the Federal Communication Commission of September, 1985, a licensed amateur radio operator may locate a tower not to exceed seventy (70) feet in height, provided the following requirements are met:

- a. The tower and any antennas located thereon shall not have any lights of any kind on it and shall not be illuminated either directly or indirectly by any artificial means.
- b. The color of the tower and any antennas located thereon must all be the same and such that it blends into the sky, to the extent allowed under requirements set forth by either the Federal Aviation Administration or the Michigan Department of Transportation, Bureau of Aeronautics.
- c. No advertising logo, trademark, figurines or other similar marking or lettering shall be placed on the tower or any attachments thereto or any building used in conjunction therewith.
- d. The tower shall be located a distance equal to or greater than its height from any existing residential structure located on adjacent parcels of property including any attached accessory structures.
- e. Towers must be at least three quarters (3/4) of its height from any property line on the parcel of property on which it is located,

unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that in the event of collapse, it falls within itself, and in that event, it must be located at least one-third (1/3) of its height from any property line.

- f. No signs shall be used in conjunction with the tower, except for one (1) sign not larger than 8 1/2" high and 11" wide and as required by Federal regulations.
 - g. Towers may be located upon a site where there is another principal use and shall not constitute a second principal use.
 - h. Structures built and operated under this provision shall not be leased or rented to commercial users and shall not otherwise be used for commercial purposes.
 - i. All towers must meet all applicable state and federal statutes, rules and regulations.
- C. Residential Receiving Systems:**
This Article shall not govern any tower, or the installation of any antenna, (i) that is under seventy (70) feet in height and (ii) is operated for the sole use of residential, consumer based services, including AM/FM/TV/Satellite audio and video entertainment and broadband internet. Tower and Antennas under this paragraph must be setback 100% of it's height from adjacent residential dwellings and their attached accessory structures. Dish antennas 24" in diameter or

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less and typical TV antennas less than 10 feet in height, may be mounted directly to the dwelling without regard to setback.

D. Preexisting Towers and

Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Article, other than the requirements of Sec. 25.05F and G, and the general requirements of this Ordinance concerning preexisting structures (i.e. Article 26).

Sec. 25.05 GENERAL REQUIREMENTS.

A. Principal or Accessory Use:

Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on that lot. Likewise, an existing antenna or tower on a lot shall not preclude the location of a different use, building or structure on the same lot.

B. Lot Size: Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulation of the applicable zoning district, including but not limited to setback requirements, lot-coverage requirements, and other such requirements. The area of the lot and the lot dimensions, frontage for example, shall meet the minimum requirements of the zoning district within which it is located.

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C. Inventory of Existing Sites: Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of applicant’s existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Township or within one (1) mile of the Township border, including specific information about the location, height, and design of each tower or antenna.

D. Tower Finish: Towers shall be either maintained a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness available options shall be at the discretion of the planning commission. The finish options may directly impact the lighting options.

E. Wireless Communications Facility: At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

F. Antenna Color: An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

G. Lighting: Towers shall not be artificially lighted, unless required

by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The lighting options may directly impact tower finish requirements.

H. State or Federal Requirements:

All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised and applicable standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply with such revised and applicable standards and regulations shall constitute grounds for the Township to seek a court order, authorizing the Township or its designee to remove the tower and/or antenna at the owner's expense.

I. Building Codes; Safety

Standards: The owner of a tower or antenna shall ensure its structural integrity by maintaining it in accordance with applicable state or local building codes and applicable standards published by the Electronic Industries Association or any similar successor organization,

as amended from time to time. If the Township suspects that a tower or an antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the Township may proceed under applicable State of Michigan law (i.e. Michigan Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.

J. Measurement: Tower setbacks and separation distances shall be measured and applied to facilities located in the Township without regard to municipal and county jurisdictional boundaries.

K. Not Essential Services: Towers and antennas shall be regulated and permitted pursuant to this Article. They shall not be regulated or permitted as essential services, public utilities, or private utilities.

L. Franchises: owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township have been obtained; they shall file a copy of all required franchises with the Zoning Administrator.

M. Signs: No signs or advertising shall be allowed on an antenna or tower. However, the tower owner must post a sign no larger than two (2) square feet in area designating FCC, FAA registration numbers, a person

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to contact in an emergency, together with the person’s telephone number and address. Outdoor equipment cabinets and shelters must be labeled with the owner name and phone number. Electric meter sockets must be labeled with the users’ name.

- N. Metal Towers:** Metal towers shall be constructed with a corrosion-resistant material.
- O. No Interference:** A wireless communications facility shall not interfere with television or radio reception on surrounding properties.
- P. Paving Requirement:** All parking and drive areas shall be constructed in accordance with the requirements of Sec. 21.04.
- Q. Landscaping:** The following requirements shall govern the landscaping surrounding towers for which a special use permit is required. The required landscaping shall be maintained in good condition for the duration of the special use permit and shall be irrigated.
 - a.** Wireless communication facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the facility compound from property then used for dwellings, one-family or multiple-family, or included in a residential zoning district or PUD residential development. The standard buffer shall consist of a landscaped strip at least four (4)

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feet wide outside the perimeter of the compound.

- b.** existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Planning Commission may conclude that natural growth around the property perimeter may be a sufficient buffer.
- R. Security fencing.** Towers and their guy wires, if any, for which a special use permit is required, shall be enclosed by security fencing at six (6) feet in height. The towers shall also be equipped with appropriate anti-climbing devices. Additional fencing of the Wireless Communications Facility may be required as directed by the Planning Commission.

Sec. 25.06 PERMITTED USES. SUBJECT TO SITE PLAN REVIEW BY THE PLANNING COMMISSION FOLLOWING THE PROCEDURES OF ARTICLE 24.

- A. General:** The uses listed in this Sec. Are deemed to be permitted uses by right in any zoning district and shall not require a special use permit.
- B. Permitted Uses:**
 - 1.** Antennas or towers located on property owned, leased, or

otherwise controlled by the Township are permitted uses, provided a license or lease authorizing such antenna or tower has been approved by the Township. This provision shall not be interpreted to require the Township to approve a license or lease.

2. Co-location. The Planning Administrator may approve minor modifications to permitted towers and antennas by site plan review for the purpose of accommodating the location of additional antennas. Any minor modifications shall comply with the standards in this Article except as otherwise provided in this Section. Such minor modifications shall include the construction or placement of additional buildings, equipment shelters or other structures to be used for the housing of additional equipment used or associated with additional, co-located antennas. Such minor modifications shall not include a change in the type of tower, the moving or relocation of a tower by more than 50 feet, or result in a tower height increase of more than twenty (20) feet provided that there is no change in lighting of the tower and the tower otherwise complies with all requirements of this Ordinance. Any modifications to towers and antennas other than those specified in this Section shall be subject to review by the Planning Commission as a special use.

3. Antennas, which are themselves not more than twenty (20) feet in height and located upon any structure in a zone district that permits

commercial, industrial, professional, or institutional uses.

- 4.** The addition to or modification of an antenna or structure shall not cause the structure to require lighting.
- 5.** A tower which is modified or reconstructed to accommodate the co-location of an additional antenna may be modified or rebuilt to a tall height, not more than once per tower and not to exceed twenty (20) feet over the tower’s existing height, provided that the new tower height complies with the setback requirements of Section 25.07.b.5. of this Ordinance.
- 6.** A tower which is modified or reconstructed to accommodate the co-location of an additional antenna may be relocated on site within fifty (50) feet of its existing location, provided that only one (1) tower remains on the lot.

Sec. 25.07 SPECIAL USE PERMITS.

A. General: The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commissions.

- 1.** If the tower or antenna is not a permitted use under sec. 25.06 of this Ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in any zoning district.
- 2.** Applications for special use permits under this Sec. Shall be subject to the general procedures and

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requirements of this Ordinance for special uses, except as modified in the Section.

3. In granting a special use permit, the Planning Commission may impose such conditions that the Planning Commission concludes are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. This engineer shall certify in writing that the tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements.
5. In any case where a special land use has not been established within one year after the date of granting such use, the special land use shall automatically be declared null and void without further action by the Planning Commission. In addition, any use established as special land use that is discontinued for one year or longer shall not be reestablished without application to and approval by the Planning Commission.
6. New wireless communications facilities exceeding seventy (70) feet in height shall not be allowed within 2500 feet of the centerline of M-45.

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B. Processing Special Use Applications:

1. **Information required.** Applicants for a special use permit for a tower or an antenna shall submit the following information, in addition to any other information required by this Ordinance.
 - a. A scaled site plan showing the location, type and height of the proposed tower or antenna; on-site land uses and zoning; adjacent land uses (including buildings and structures located thereon) and zoning (even if adjacent to another municipality); Master Plan classification of the site and all properties within the applicable separation distances set forth in Table 2 in this Article; small scale sketch of properties, streets and uses within one-half mile of the proposed tower or antenna; adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed tower or antenna and any other structures; topography; parking; and other information deemed necessary by the Zoning Administrator or Planning Commission to assess compliance with this Ordinance.
 - b. Legal description of the lot and the leased portion of the lot (if applicable), together with a copy of the applicant's deed or lease pertaining to that lot.
 - c. The separation distance between the proposed tower or antenna and the nearest dwelling, platted residential

- properties, and unplatted residentially zoned properties.
- d.** The separation distance from other towers or antennas described in the inventory of existing sites submitted pursuant to Sec. 25.05C, the type of construction of those existing towers or antennas, and the owners/operators of those existing towers and antennas, if known.
- e.** A landscape plan showing specific landscape materials, both existing and proposed.
- f.** Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
- g.** Sealed construction plans for the tower and/or antenna.
- h.** A description of compliance with the requirements of this Article, and of all applicable federal, state, county or Township laws, rules, regulations, and ordinances.
- i.** A notarized statement by the applicant for a tower, indicating if the tower will accommodate 2 or more “cellular” type tenants, as determined by the Planning Commission.
- j.** A description of the services to be provided by the proposed new tower or antenna, and any alternative ways to provide those services without the proposed new tower or antenna.
- k.** A description of the feasible location(s) of applicant’s future planned towers or antennas within

- the township based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected.
- 2. Factors Considered in Granting Special Use Permits for Towers or Antennas.** In addition to any other standards specified in this Ordinance for considering special use permit applications, the Planning Commission shall consider the following factors in determining whether to issue a special use permit under this Article.
 - a.** Height of the proposed tower or antenna;
 - b.** Proximity of the proposed tower or antenna to residential structures and residential district boundaries;
 - c.** Nature of uses on adjacent and nearby properties;
 - d.** Surrounding topography;
 - e.** Surrounding tree coverage and foliage;
 - f.** Design of the proposed tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g.** Proposed ingress and egress to the proposed tower or antenna;
 - h.** Availability of suitable existing towers or antennas, alternative tower structures, other structures, or alternative technologies not

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- requiring the use of towers or antennas or other structures, as discussed below in this Section;
- i. The effect of the proposed tower or antenna on the conforming properties and the surrounding neighborhood; and
 - j. Whether or not the proposed tower or antenna is located in zoning districts or on structures where the Township intends at least most towers and antennas in the Township to be located, as subsequently described in this Section.
- 3. Township Intentions Concerning the Location of Most if Not All Towers and Antennas.** The Township intends that most if not all towers and antennas will be located as described below.
- a. The Township encourages the location of towers and antennas, including the placement of additional buildings or other supporting equipment used in connection with the, in the C-2 and I-2 zoning districts.
 - b. The Township encourages the location of antennas on existing structures or towers consistent with the terms of subsections (i) and (ii) below.
 - (i) The Township encourages antennas on existing structures which are not towers, as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided the antenna
- does not extend more than twenty (20) feet above the highest point of the structure;
- (ii) The Township encourages antennas on existing towers, provided that a tower which is modified or reconstructed to accommodate the con-location of one or ore additional antennas shall be of the same tower type as the existing tower or a monopole;
 - c. The Township encourages the location of new towers in non-residential zoning districts, other than any industrial or heavy commercial district, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; and provided the tower is no more than ninety (90) feet in height if for a single user, no more than one hundred twenty (120) feet in height if for two (2) users, and no more than one hundred fifty (150) feet in height if for three (3) or more users.
- 4. Availability of Suitable Existing Tower, Antennas, Alternative Tower Structures, Other Structures, or Alternative Technology.** No new tower or antenna shall be permitted unless the applicant demonstrates to the Planning Commission that no existing tower, antenna, alternative tower structure or alternative technology can provide the services sought by the applicant without the erection of the applicant’s requested new tower or antenna. Evidence that no existing tower, antenna, alternative tower structure,

structure, or alternative technology can provide the services sought by the applicant may consist of the following.

- a. The applicant could demonstrate that no existing towers, antennas, alternative tower structures, alternative technology, or other structures are available within the geographical area which meet the applicant’s engineering requirements.
- b. The applicant could demonstrate that existing towers, antennas, alternative tower structures, or other structures are not of sufficient height to meet the applicant’s engineering requirements, and that their height cannot be increased to meet such requirements.
- c. The applicant could demonstrate that existing towers, alternate tower structures, or other structures do not have sufficient structural strength to support the applicant’s proposed antenna and related equipment, and that their strength cannot practically be increased to provide that support.
- d. The applicant could demonstrate that the proposed antenna would cause electromagnetic interference with existing towers or antennas, or that existing towers or antennas would cause interference with the applicant’s proposed antenna.
- e. The applicant could demonstrate that the costs to co-locate an antenna exceed the costs of erecting a new tower or antenna.
- f. The applicant could demonstrate

that there are other limiting factors that render existing towers, antennas, alternative tower structures, and other structures unsuitable.

- g. The applicant could demonstrate that an alternative technology that does not require the use of towers or antennas is cost-prohibitive or unsuitable.
- 5. **Setbacks.** The following setback requirements shall apply to all towers for which a special use permit is required.
 - a. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.
 - b. Guys and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.
 - c. Towers must be setback 200 feet or 100 percent of its height, whichever is greater, from adjacent residential use or residential zoned lot lines.

Sec. 25.08 ACCESSORY UTILITY BUILDINGS.

All utility buildings and structures accessory to a tower or an antenna shall comply with all other requirements of this Ordinance, shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of

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the zoning district where the tower or antenna is located. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of non- vegetative screening better reflects and complements the architectural character of the surrounding neighborhood. Fencing may be required as directed by the Planning Commission.

Sec. 25.09 REMOVAL OF ABANDONED ANTENNAS AND TOWERS.

Notwithstanding anything to the contrary elsewhere in this Ordinance, any antenna that is not operated or any tower that is not utilized for an operating antenna for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same with ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower with the ninety (90) days shall be grounds for the Township to proceed under applicable State of Michigan law to remove the tower or antenna at the owner's expense.

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Sec. 25.10 EXPANSION OF NONCONFORMING USE.

Notwithstanding any other provisions of this Ordinance to the contrary, towers that are constructed and antennas that are installed in accordance with this Article shall not be deemed to be the expansion of a nonconforming use or structure.

Sec. 25.11 PROFESSIONAL FEE REIMBURSEMENT.

The Township may, at a reasonable cost, retain professional engineering, legal, and consulting assistance in reviewing submissions under this Article. The applicant shall reimburse the cost for such services.

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