

ARTICLE TWENTY (20)

WIRELESS COMMUNICATIONS TOWERS & ANTENNAS

Changing technology in the field of communications has resulted in the reliance upon more versatile and convenient forms for communications. Business, individuals and government have all developed a strong dependence upon the ability to quickly contact others. These regulations are intended to balance the need for providing telecommunications services including wireless data and other forms, with federal and state law and the community's need to insure that the placement of these facilities will not burden natural development and to encourage the co-location of communications services.

20.01 Communication Tower Height Requirements:

All communications towers shall conform to this section with the following exceptions:

- A. Television receivers, towers, and antennas less than 60 feet in height as measured from the base to the highest point on the tower.
- B. Amateur Ham, CB, AM or FM transmitters less than seventy five (75) feet in height as measured from the base to the highest point on the tower.
- C. Freestanding two-way unlicensed wireless Internet towers up to 200 feet above ground level. If any tower is above 100ft it needs to conform to set backs within Article 20.

20.02 Communication Tower Site Development:

The following site development requirement shall apply:

- A. A communications tower may be principal or accessory use.
- B. The tower is permitted in AR-1 Agricultural or C-1 Commercial Districts.
- C. The use of guy (or guide) wires is strictly prohibited within C - 1 Commercial Districts.
- D. The base of the tower and wire cable supports shall be fenced with minimum five (5) foot high fence.

20.03: General Requirements and Performance Standards:

- A. The tower must be setback from all property lines a distance equal to its height.
- B. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to the property line than thirty (30) feet. Nothing shall prevent the applicant from applying for a setback variance.
- C. All setback requirements with the zoning ordinance shall be met.
- D. Containment fences shall be constructed with appropriate gates and locks so as to eliminate and prevent unauthorized access.
- E. The plans for the tower construction shall be certified by a registered structural engineer and provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- F. All towers must meet standards of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) .
- G. Metal towers shall be constructed of, or treated with, corrosive - resistant material.
- H. Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- I. Towers shall be designed to hold four (4) communications carriers and shall meet applicable uniform wind loading standards of the building code.
- J. All signals and remote control conductors of low energy extending substantially horizontally above the ground between the tower or antenna and a structure or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- K. Towers shall be located so that there is room for vehicles doing maintenance to maneuver on the property being owned or leased by the applicant.
- L. Towers shall not be artificially lighted unless required by the FAA.

M. Existing on site vegetation shall be disturbed to the minimum extent practical.

N. There shall be no advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

O. The structure shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

P. Where the property adjoins any commercially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10) feet to any structure.

Q. A site plan with neighboring properties shall be submitted.

R. The tower may be located on private or township property.

20.04 Removal of Abandoned Antennas and Towers:

Any antenna that is not operated or any tower that is not utilized for an operating antenna for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within 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. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The owner of each antenna and/or tower shall submit to the Township in January of each year evidence satisfactory to the Township that the antenna and/or tower is being currently operated and utilized. A performance bond shall be maintained with the Township Board by the property owner or lessee for the removal of the tower. At the time of application, the Township Board will determine who is responsible to supply the bond. Renewal shall be subject to revision at subsequent permit renewals.

20.05 Telecommunications Towers Requiring Special Use Permits:

A. Any communication tower located in AR-1 Agricultural or C-1 Commercial Districts, except for those listed in 20.01.

20.06 Inventory of Existing Sites:

The co-location of communications equipment on a communications tower shall be reviewed by the Planning Commission, under Section 20.03 provisions and relevant standards of this section. 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.

20.07 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.