

**ARTICLE XXVI
WIRELESS TELECOMMUNICATIONS ORDINANCE**

SECTION 26.01 PURPOSE

The purpose of this Wireless Telecommunications Ordinance is to ensure that residents, public safety operations and businesses in the Township have reliable access to wireless telecommunications networks and state of the art communications services while also ensuring that this objective is achieved in a fashion that preserves the intrinsic aesthetic character of the community and is accomplished according to the Township’s zoning, planning, and design standards, the Telecommunications Act of 1996 preserved, the Sequestration Act of 2012 and the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, with certain limitations, local government land use and zoning authority concerning the placement, construction and modification of Wireless Telecommunications Facilities.

To accomplish the above stated objectives and to ensure that the placement, construction or modification of Wireless Telecommunications Facilities complies with all applicable Federal laws and is consistent with the Township’s land use policies, the Township adopts this single, comprehensive, Wireless Telecommunications Ordinance.

SECTION 26.02 INTENT

This Ordinance establishes parameters for the siting of Wireless Telecommunications Facilities within the Township. By enacting this Ordinance it is the Township’s intent to:

- A. Ensure the Township has sufficient wireless infrastructure to support its public safety communications throughout its jurisdiction;
- B. Ensure access to reliable wireless communications services throughout all areas of the Township;
- C. Encourage the use of Existing Structures for the collocation of Wireless Telecommunications Facilities;
- D. Encourage the location of Support Structures, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;
- E. Facilitate the responsible deployment of Wireless Telecommunications Facilities in residential areas to ensure comprehensive wireless services across the Township;
- F. Minimize the potential adverse effects associated with the construction of Monopoles and Towers through the implementation of reasonable design, landscaping and construction practices; and
- G. Promote the public health, safety, welfare and convenience.

SECTION 26.03 DEFINITIONS

For purposes of this Article XXVI and for site plan review of any proposed Antenna, Existing Structure, Support Structure, Telecommunications Facility, Concealed Telecommunications Facility, Equipment Compound, Wireless Telecommunications Equipment Shelter, Tower, Wireless Telecommunications Facility, Wireless Telecommunications Support Structure or Wireless Telecommunications Antenna the following words shall have the following meanings:

“Abandon” – Occurs when an owner of a Support Structure intends to permanently and completely cease all business activity associated therewith.

“Accessory Equipment” - Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

“Antenna(s)”- Any structure or device used to collect or radiate electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

“Collocate” - Means to place or install Wireless Communications Equipment on an existing Wireless Communications Support Structure or in an existing Equipment Compound.

“Collocation” - The act of siting Telecommunications Facilities on an Existing Structure without the need to construct a new Support Structure and without a substantial increase in the size of an Existing Structure.

“Concealed Telecommunications Facility(ies)” - Any Telecommunications Facility that is integrated as an architectural feature of an Existing Structure or any new Support Structure designed so that the purpose of the Telecommunications Facility or Support Structure for providing wireless services is not readily apparent to a casual observer.

“Equipment Compound”- Means an area surrounding or adjacent to the base of a Wireless Communications Support Structure and within which Wireless Communications Equipment is located.

“Existing Structure(s)” – A previously erected Support Structure or any other structure, including but not limited to, buildings and water tanks, to which Telecommunications Facilities can be attached.

“Ordinary Maintenance” - Ensuring that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a Support Structure’s foundation or of the Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape and color and Accessory Equipment within an existing Telecommunications Facility and relocating the Antennas of approved Telecommunications Facilities to different height levels on an existing Monopole or Tower upon which they are currently located.

“Replacement” - Constructing a new Support Structure of proportions and of equal height or such other height that would not constitute a substantial increase to a pre-existing Support Structure in order to support a Telecommunications Facility or to accommodate Collocation and removing the pre-existing Support Structure.

“Support Structure(s)” – A structure designed to support a Telecommunications Facility including, but not limited to, Monopoles, Towers and other freestanding self-supporting structures.

“Telecommunications Facility(ies)” - Any unmanned Telecommunications Facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service and paging service. A Telecommunications Facility can consist of one or more Antennas and Accessory Equipment or one base station.

“Telecommunication(s)” – The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

“Tower(s)”- A lattice-type structure, guyed or freestanding, that supports one or more Antennas.

“Wireless Telecommunications Antenna(s)” – The physical device through which electromagnetic, wireless telecommunications signals authorized by the FCC are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

“Wireless Communications Equipment” - Means the set of equipment and network components used in the provision of Wireless Communications Services, including, but not limited to, Antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency communication Support Structure.

“Wireless Telecommunications Equipment Shelter(s)” – The structure in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed. “Wireless Telecommunications Facility(ies)” – A Telecommunications Facility consisting of equipment and Support Structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

“Wireless Communication Support Structure(s)”- Means a structure that is designed to support, or is capable of supporting, Wireless Communications Equipment, including a Monopole, self- supporting lattice tower, guyed tower, water tower, utility pole or building.

SECTION 26.04 GENERAL PROVISIONS

The following requirements apply to all Wireless Telecommunications Facilities regardless of the zoning District or height category in which they are located. These General Provisions are to be supplemented with any specific requirements set forth in for Article III, Section 3.36, Article IV Sections 4.02 and 4.03, Article V Sections 5.02 and 5.03 and Article XIV Section 14.04 of the Ordinance.

- A. The location of new Wireless Telecommunications Facilities and Wireless Communications Equipment shall comply with all natural resource protection standards established by federal laws and regulations, state laws and regulations and the Township;
- B. Security fencing minimum eight feet in height shall surround the Wireless Telecommunications Facilities (Tower, Equipment Compound and any guy wires, either completely or individually) as determined by the Planning Commission;
- C. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible;
- D. The Tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation's Administration (FAA).
- E. No advertising is permitted anywhere at the Wireless Telecommunications Facility, except identifying signage;
- F. "No Trespassing" signs shall be posted around the Wireless Telecommunications Facility with a telephone number of who to contact in the event of an emergency;
- G. Applicants will provide evidence of legal access to the Wireless Telecommunications Facility thereby maintaining access regardless of other developments that may take place on the property;
- H. Any decision to deny a request to place, construct or modify an Antenna and/or Tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning Commission; and
- I. Underground Wireless Telecommunications Equipment Shelters are encouraged, especially in nonindustrial districts, and may be requested by the Planning Commission.

SECTION 26.05 GENERAL EXEMPTIONS

The following are exempt from the requirements in Section 3.36, provided that they otherwise meet the requirements of the Ordinance: Citizen band radio facilities, short wave facilities, television reception antennas, satellite dishes, communication systems used primarily for a farm operation, and government facilities which are subject to state and federal laws or regulations that preempt municipal regulatory authority.

SECTION 26.06 HEIGHT EXCEPTIONS

Transmission antennas and towers which do not exceed one hundred (100) feet in height shall be exempt from height regulations in all districts. Wireless Communications Equipment and Wireless Communications Support Structures shall not exceed fifty (50) feet.

**SECTION 26.07 REQUIREMENTS FOR WIRELESS COMMUNICATION
TOWERS AND ANTENNAS**

- A. Wireless communication Towers and Antennas which do not exceed a height of fifty feet must satisfy the requirements of Section 3.35; and
- B. Wireless communication Towers and Antennas exceeding a height of fifty feet as a use by right must satisfy the requirements of Section 3.36.

SECTION 26.08 NON RESIDENTIAL DISTRICTS

Wireless Telecommunications Facilities located in the Neighborhood Commercial District, FPR Forest Preservation and Recreation District, AP Amusement Park District, Open Space Planned Unit Development Districts shall be subject to the following conditions:

- A. A Wireless Telecommunications Facility is permitted as a sole use on a lot subject to the following conditions:
 - 1. The lot shall have a minimum lot size allowable for the district in question.
 - 2. Minimum yard requirements:
 - i. Tower: The minimum distance to any single-family or two-family residential use or district lot shall be three-hundred feet.
 - 3. Maximum Height:
 - i. Tower: Two-hundred feet (including Antenna)
 - ii. Wireless Communications Equipment Shelter: Three-hundred square feet for a single Wireless Telecommunications Equipment Shelter, or, if there is more than one, seven-hundred-fifty total square feet.
 - 4. Maximum size of Wireless Communications Equipment Shelter: Three-hundred square feet for a single shelter, or, if there is more than one, seven-hundred-fifty total square feet.
- B. Combined with another use:
 - 1. A Wireless Telecommunications Facility is permitted on a property with an existing use subject to the following conditions:
 - 1. The existing use on the property may be any permitted use in the District or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider. The Wireless Telecommunications Facility will not be considered an addition to the existing use or value of a nonconforming use;

2. The Wireless Telecommunications Facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary Ordinary Maintenance (except during construction or emergency);
3. The minimum lot area shall be the area needed to accommodate the Wireless Telecommunications Facility, tower (and guy wires, if used), the Wireless Telecommunications Equipment Shelter, and security fencing;
4. Minimum yard requirements:
 - a. Tower: The minimum distance to any single-family or two family residential use or district lot line shall be three-hundred feet; and
 - b. Wireless Telecommunications Equipment Shelter: Shall comply with the minimum setback requirements for the primary lot.
5. Access: The service access to the Wireless Telecommunications Equipment Shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
6. Maximum Height: Tower: Two-hundred feet (including Antenna)
7. Maximum size of Wireless Telecommunications Equipment Shelter: Shall not exceed three-hundred square feet for a single Wireless Telecommunications Equipment Shelter, or, if there is more than one, seven-hundred-fifty total square feet.

C. Combined with an Existing Structure:

Where possible an Antenna for a Wireless Telecommunications Facility shall be attached to an Existing Structure subject to the following conditions:

1. Maximum height: Twenty feet or twenty percent above the Existing Structure height, whichever is greater;
2. If the applicant proposes to locate the Wireless Communications Equipment in a separate Wireless Telecommunications Equipment Shelter (not located on, or attached to, the Existing Structure), the Wireless Telecommunications Equipment Shelter shall comply with the following:
 - a. The Antenna shall comply with the maximum or minimum setback requirements for the subject zoning District;
 - b. Service access to the Wireless Telecommunications Equipment Shelter shall not interfere with parking or vehicular circulation on the site for the principal use; and

- c. The maximum size of the Wireless Telecommunications Equipment Shelter shall not exceed three-hundred square feet, or, if there is more than one, seven-hundred-fifty total square feet.

SECTION 26.09 RESIDENTIAL DISTRICTS

Wireless Telecommunication Facilities that include Towers are not permitted in the Medium Density Residential District, Medium High Density Residential District, High Density Residential District, Manufactured Home Park District, Inland Lakes District, Lake Michigan Shoreline District, or the Water Front Marine District, with the exception of placement on any property with an institutional use (e.g., church, park, library, municipal/government, hospital, school, utility etc.), that might be located in such districts. However, Antennas attached to Existing Structures are permitted. In applying for a permit in any Residential District, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone. Once those efforts have been exhausted, a Wireless Telecommunications Facility may be located in a Residential District subject to the following conditions:

- A. General: The Wireless Telecommunication Facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary (except during construction or emergency) Ordinary Maintenance. This shall apply to B, C, D, and E below.
- B. Combined with a nonresidential use: An Antenna may be attached to a nonresidential Existing Structure that is a permitted use in the District; including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility. The following conditions shall be met:
 - 1. Maximum height: Twenty feet or twenty percent above the Existing Structure, whichever is greater;
 - 2. If the applicant proposes to locate the Wireless Communications Equipment in a separate Wireless Telecommunications Equipment Shelter, the Wireless Telecommunications Equipment Shelter shall comply with the following:
 - i. The Wireless Telecommunications Equipment Shelter shall comply with the minimum or maximum setback requirements for the subject zoning District;
 - ii. The maximum size of the Wireless Telecommunications Equipment Shelter shall not exceed three-hundred square feet, or, if there is more than one, seven-hundred-fifty total square feet; and
 - iii. Service access to the Wireless Telecommunications Equipment Shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.

C. Located on a nonresidential-use-property where permitted:

A Tower to support an Antenna may be constructed on a property with a nonresidential use that is a permitted use with the District, including but not limited to a church, hospital, school, municipal, or government building, facility or structure, agricultural use and a utility use, subject to the following conditions:

1. The Tower shall be set back from the property line abutting a single-family or two family residential lot by three-hundred feet;
2. Maximum height:
 - i. Tower: Two-hundred feet (including Antenna)
 - ii. Wireless Telecommunications Equipment Shelter: (include the maximum building height for the District)
3. The maximum size of the Wireless Telecommunications Equipment Shelter shall not exceed three-hundred square feet, or, if there is more than one, seven-hundred-fifty total square feet;
4. Service access to the Tower and Wireless Telecommunications Equipment Shelter shall, whenever feasible, be provided along the circulation driveways of the existing use; and
5. In order to locate a Wireless Telecommunications Facility on a property that is vacant or with an agricultural use the tract shall be at least two and one half acres.

D. Located on a residential building:

An Antenna for a Wireless Telecommunications Facility may be attached to an Existing Structure such as a mid-rise or high-rise apartment building subject to the following conditions:

1. Maximum height: Twenty feet above the Existing Structure;
2. If the applicant proposes to located the Wireless Communications Equipment in a separate Wireless Telecommunications Equipment Shelter, the Wireless Telecommunications Equipment Shelter shall comply with the following:
 - i. The Wireless Telecommunications Equipment Shelter shall comply with the minimum setback requirements for the subject zoning District;

- ii. The maximum size of the Wireless Telecommunications Equipment Shelter shall not exceed three-hundred square feet, or, if there is more than one, seven-hundred-fifty total square feet; and
- iii. Service access to the Wireless Telecommunications Equipment Shelter shall not interfere with the parking or vehicular circulation on the property for the principal use.

E. Located in Open Space:

A Wireless Telecommunications Facility is permitted on land that has been established as permanent open space, or a park subject to the following conditions:

- 1. The Tower shall be set back from the property line abutting a single-family or two family residential lot by three-hundred feet;
- 2. Maximum height:

Tower: 200 feet (includes antenna)
Equipment Shelter shall not exceed the maximum building height allowed within the applicable district.
- 3. The maximum size of the Wireless Telecommunications Equipment Shelter shall not exceed three-hundred square feet, or, if there is more than one, seven-hundred-fifty total square feet;
- 4. The open space shall be owned by the municipality, county, or state government, a homeowners association, charitable organization, or a private, non-profit conservation organization;
- 5. The Tower shall be set back from any single-family or two-family property line three-hundred feet.

SECTION 26.10 DISTRICT'S PERMITTED

A. RURAL RESIDENTIAL DISTRICT

- 1. Land and/or buildings in the RR District may be used for the following purposes as Uses Permitted by Right:
 - i. Wireless communication Towers and Antennas which do not exceed a height of fifty feet as regulated by Section 3.35 of this Ordinance; and
 - ii. Existing wireless communication Towers and Antennas exceeding a height of fifty feet as regulated by Section 3.36 of this Ordinance.

2. Wireless Communications Equipment and Wireless Communications Support Structures, exceeding fifty feet in height may be used following review by the Planning Commission as a Special Land Use as regulated by Section 14.04.

B. LOW DENSITY RESIDENTIAL DISTRICT

1. Land and/or buildings in the LDR District may be used for the following purposes as Permitted by Right: Uses

- i. Wireless communication Towers and Antennas which do not exceed a height of fifty feet as regulated by Section 3.35 of this Ordinance; and
- ii. Existing wireless communication Towers and Antennas exceeding a height of fifty feet as regulated by Section 3.36 of this Ordinance.

2. Wireless Communications Equipment and Wireless Communications Support Structures, exceeding fifty feet in height may be used following review by the Planning Commission as a Special Land Use as regulated by Section 14.04.

SECTION 26.11 SPECIAL LAND USES

A Wireless Telecommunications Facility which includes a Tower may be permitted as a special use in a multi-family residential, institutional or commercial district, or located on an institutionally-used property in any residential district. In order to be considered for review, the applicant must prove that a newly-constructed Tower is necessary in that opportunities for collocation on an existing Tower are not feasible. The applicant must follow the steps outlined in Section 14.04 EE to be considered for review in this category.