

ARTICLE 14

WIRELESS COMMUNICATIONS FACILITIES

Section 14.01 Purpose.

The purpose of this Article is to:

- A. Carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennae on a single tower.
- B. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks, natural beauty areas and public rights-of-way from potential adverse impacts of towers and antennae.
- C. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

Section 14.02 Application.

The following information shall be provided with any application for approval of a wireless communications facility:

- A. Name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor.
- B. Street address, parcel identification number or location of the property on which the facility is to be located.
- C. Type of wireless communications facility, as defined in this Ordinance.
- D. **Sketch plan.** A sketch plan shall be provided on eleven inch by seventeen inch (11" x 17") paper that includes:
 - 1. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within three hundred feet of the boundaries of the zoning lot.
 - 2. A landscaping and screening plan that includes details of proposed fencing and the location, size, height and species of all existing and proposed landscaping and screening materials.
 - 3. Elevation drawings of all proposed buildings, towers and other structures on the site.
 - 4. A location map showing the location of the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within one mile of the proposed location.

- E. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of the same area showing the service area coverage provided by the addition of any proposed facilities.
- F. **Construction drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, electrical components, methods of construction and type of illumination for each wireless communications facility.
- G. **Permission to locate.** The petitioner shall submit copies of a signed lease or other proof, satisfactory to the Township Attorney, of permission to locate a wireless communications facility on the site.
- H. **Co-location agreement.** The petitioner for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the sketch plan and elevation drawings.
- I. **Insurance certificate.** The petitioner shall submit a valid certificate of insurance, to be renewed annually, listing Quincy Township as the certificate holder and naming the Quincy Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The Township may require the petitioner to supply a \$1,000.00 cash bond to the Township, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
- J. **Maintenance agreement.** The petitioner shall submit a plan for the long term continuous maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the Township if maintenance responsibilities change.
- K. **Removal agreement.** The petitioner shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township Attorney, for the removal of towers or antennas as applicable. The petitioner shall demonstrate that adequate funds will be available to the Township for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the Township in the event that the petitioner, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Article.
- L. **Engineering certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.
- M. **Backhaul network information.** The petitioner shall identify the entities providing the backhaul network for the facilities described in the application and other sites owned or operated by the applicant in the Township.

Section 14.03 Type of Review Required.

The purpose of this Section and table, below, is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following:

SITUATION or USE	REQUIRED REVIEW AND APPROVAL			
	TOWNSHIP BOARD	PLANNING COMMISSION	ZONING PERMITS	EXEMPT
NEW TOWERS AND ANTENNAS				
Construction, alteration or enlargement of wireless communications facilities	◆	◆	◆	
Installation of antennas on existing structures	◆	◆	◆	
Construction of television, radio, microwave, or public utility transmission towers, antennas or antenna arrays	◆	◆	◆	
COLOCATION ON EXISTING TOWERS				
Co-location of antennas on an existing approved tower			◆	
SATELLITE DISH ANTENNAS				
Installation of satellite dish antennas with a diameter of less than 1.5 meters				◆
Installation of satellite dish antennas with a diameter 1.5 meters or larger			◆	
AMATEUR RADIO ANTENNAS				
Installation of amateur radio transmission and reception antennas			◆	
Installation of citizen band radio facilities, short wave facilities, amateur radio reception-only antennas and governmental facilities subject to federal or state laws or regulations that preempt local regulatory authority				◆
OTHER PROJECTS				
Installation of new antennas or similar transmission devices on light poles, on other public utility structures or within street rights-of-way	◆	◆	◆	
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable building, fire and electrical codes				◆

Section 14.04 Review Procedure.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed in accordance with the following procedures:

- A. **Permit review and exempt facilities.** Activities listed as exempt from review shall be permitted by-right, subject to the applicable standards of this Article. Facilities listed as subject to zoning permit review may also be subject to review and approved by the Zoning Administrator in accordance with Section 1.07 (Permits).
- B. **Planning Commission and Township Board review.** Wireless communications facilities subject to Planning Commission and Township Board review shall be reviewed in accordance with the following procedure:
 - 1. **Application submittal.** Application materials shall be submitted in accordance with the requirements of Section 14.02 (Application).
 - 2. **Technical review.** Prior to Planning Commission and Township Board consideration, the application materials shall be distributed to appropriate Township officials and staff for review and comment. If deemed necessary by the Planning Commission or Township Board, the plans shall also be submitted to applicable outside agencies and designated Township consultants for review.
 - 3. **Public hearing.** A public hearing shall be held by the Planning Commission for all proposed wireless communications facilities subject to Planning Commission and Township Board review, in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures).
 - 4. **Planning Commission recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments.
 - a. The Planning Commission shall address whether the facility is in compliance with the requirements of this Article and Ordinance, including, but not limited to the standards listed in Section 14.05 (General Requirements) and Section 14.06 (Site Requirements by Situation or Use).
 - b. The Planning Commission shall address whether the facility satisfies the criteria for approval listed in Section 14.07 (Criteria for Approval).
 - c. The Planning Commission shall then report its findings and recommendations to the Township Board.
 - 5. **Township Board action.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall review all findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.
 - 6. **Effect of Township Board action.** Approval of the wireless communications facility by the Township Board shall allow the Zoning Administrator to review and issue a permit for the work associated with the application. No work may take place on the site except

in accordance with an approved permit and the design and plans approved by the Township Board. If the Township Board denies the wireless communications facility, the applicant may submit a new wireless communications facility application that addresses any deficiencies in the denied application materials, facility design or location.

7. **Expiration of approval.** Township Board approval of a wireless communications facility shall expire three hundred sixty five (365) days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the Township prior to the expiration date, the Township Board may grant an extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Article.

Section 14.05 General Requirements

- A. **Federal, state and local standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.
- B. **Public safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency (RF) emissions, and shall be designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.
- C. **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.
- D. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.
- E. **Colors.** Towers, and antennas located on towers, shall be painted white. Antennas on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.
- F. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

Section 14.06 Site Requirements by Situation or Use

- A. **Wireless communications towers:** The following shall apply to all wireless communications towers:
 1. **Location.** In the R-1, R-2, and MHP districts, wireless communications towers shall be limited to lots with a minimum area of ten (10) acres occupied by a COMMUNITY USE, as specified in Article 4 (Land Use Tables). In all other zoning districts, wireless communications towers shall be located on lots that have sufficient lot area to accommodate the minimum setback requirements of this Article and Ordinance.

2. **Height.** Towers shall not exceed one hundred ninety five feet (195') in height as measured from grade-level to the highest point of the tower, including any antennas attached to the tower.
 3. **Setbacks.** Towers shall be set back from the boundaries of adjacent lots, districts and uses as follows:
 - a. **From lot boundaries:** A minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of twenty feet (20'). If located on the same lot with another permitted use, such facilities shall not be located in a front yard.
 - b. **From adjacent districts and uses:** A minimum of three hundred feet (300') from the boundary of a residential zoning district or lot occupied by a residential use.
 4. **Fencing.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by a six foot (6') high fence or decorative masonry wall, with a lockable gate to prevent unauthorized persons from accessing the tower. Barbed-wire is not permitted.
 5. **Screening.** Existing vegetation shall be preserved to the maximum extent possible. Proposed landscaping shall be designed to screen the facility, and shall include the following:
 - a. **Ground equipment screening.** A screen on all sides consisting of evergreen trees planted ten to fifteen feet (10' – 15') apart (on center) in two staggered rows ten feet (10') apart, or one (1) row of upright arborvitae planted no more than three feet (3') apart with a six foot (6') starting height. The Planning Commission may waive or modify this requirement upon finding that site conditions render such additional screening unnecessary or impractical.
 - b. **Street trees buffer zone.** A greenbelt, consisting of one (1) deciduous tree for every thirty feet (30') of lot frontage on a public road, shall be provided to buffer the view of the tower from adjacent public road. The Planning Commission may waive or modify this requirement upon finding that site conditions render such additional screening unnecessary or impractical.
 6. **Co-location.** Wireless communications facilities shall be designed, constructed and maintained in a manner that accommodates co-location of multiple antennae on a single tower.
- B. **Antennas located on structures:** The following shall apply to all antennas located on structures:
1. The primary use is a conforming use in the zoning district, and the structure has a minimum height of thirty five feet (35').
 2. The antenna and support structure shall be permanently secured to the structure.

3. Where the antenna and support structure is located on a primary building, it shall be set back from the outermost vertical wall or parapet of the building a minimum distance equal to one hundred fifty percent (150%) of the height of the antenna and support structure. The antenna and support structure shall not exceed the height of the building by more than ten feet (10').
 4. The equipment enclosure shall be in a secured space within the structure, or may be located on the structure, provided that the design is architecturally compatible with the structure.
- C. **Amateur radio antennas:** One such antenna shall be permitted per lot, with a maximum height of sixty feet (60'), and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height. Such antennas shall be accessory to a primary building on the same lot, and shall be located in the rear yard area.
- D. **Satellite dish antennas:** One such antenna shall be permitted per lot, with a minimum setback from all lot boundaries equal to one hundred fifty percent (150%) of the height of the antenna and support structure. Such antennas shall be accessory to a primary building on the same lot, and shall be permanently installed on the primary building or located in the side or rear yard area in a manner not visible from any road right-of-way.

Section 14.07 Criteria for Approval.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

- A. **Operating requirements.** The petitioner shall demonstrate that operating requirements necessitate locating within the Township and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
- B. **Engineering requirements.** The petitioner shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
- D. **Impact on adjacent uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas and street rights-of-way will not be adversely impacted by the location of the wireless communications facility.
- C. **Site characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures and other inherent site characteristics are compatible with the installation of wireless communications facilities on the site.
- D. **Site design.** The design, lighting, color, construction materials, landscaping, fencing, screening and other design elements are in compliance with applicable provisions of this Article.

Section 14.08 Existing Towers and Antennas.

Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 14.05 (General Requirements) and all approved plans, permits and conditions of approval.

Section 14.09 Rescinding Approval of Wireless Communications Facilities.

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the Township about the facility as required by this Article, or maintain and operate the facility in compliance with the provisions of this Article shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures), at which time the owner, operator or leaseholder of the facility shall be given an opportunity at the hearing to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision with regard to rescission shall be made by the Township Board. Written notification of the decision, and any order for removal, shall be provided to said owner, operator or leaseholder.

Section 14.10 Removal of Wireless Communications Facilities.

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than three hundred sixty five (365) contiguous days, shall be removed by the owner or operator within ninety (90) days of receipt of notice from the Township requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.