

Ray Township Zoning Ordinance; Adopted 2/18/2014(36-14-01)

O. Wireless Communication Towers

1. Purpose and Intent

It is the general purpose and intent of Ray Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems as may be required by law. However, it is the further purpose and intent of the Township to provide for such authorization only in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this Ordinance, an attempt has been made to balance these potentially competing interests.

It is the intent of this Section to:

- a. Protect residential areas and land uses from the potential adverse impact of towers and antennas.
- b. Establish predetermined districts or zones of the number, shape, and in the location considered best for the establishment of wireless communication facilities as special land uses, subject to conformance with applicable standards.
- c. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings, and limit inappropriate physical and aesthetic overcrowding of land use activities and adverse impact upon existing population, transportation systems, and other public services and facility needs by regulating and limiting the establishment, placement and manner of wireless communication facilities.
- d. Minimize the total number of towers or antennas throughout the community.
- e. Promote the public health, safety and welfare.
- f. Provide for adequate public information about plans for wireless communication facilities, and allow the Township to efficiently plan for the location of such facilities.
- g. Minimize the adverse impacts of technological obsolescence of such facilities, including timely removal of facilities.
- h. Encourage users of towers and antennas to configure them (stealth technology) in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- i. Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of tower structures.
- j. In furtherance of these goals, Ray Township shall give due consideration to the Township's Master Plan, Zoning Ordinance, existing land uses, and environmentally sensitive areas in considering sites for the location of towers and antennas

2. General Provisions

Commercial wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication, and similar communication services and facilities, shall be permitted as a special land use in the Local Business, General Business, Industrial Residential, Industrial Districts, when

found to be needed or desirable to the public convenience or welfare and in conformance with the following requirements.

It is noted that communication towers do not fall under the classification of essential services and may in no way be regulated as such. The development of new towers is specifically prohibited in all other zoning districts in the Township. The Township strongly encourages the development of necessary towers on suitable Township-owned property as a principal permitted use regardless of zoning.

- a. A signed and sealed written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted by a State of Michigan Certified Professional Engineer. This information shall also address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided.
- b. If a new tower is proposed, the application shall include a map showing existing and known proposed wireless communication facilities within the Township and, further, showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township, in the location and area relevant in terms of potential co-location or in demonstrating the need for the proposed facility. The Township may also request that the applicant provide mapping identifying all of the tower locations, "search rings," or coverage areas within Ray Township and the nearest adjoining units of government which are within a one (1) mile radius of the applicant's site.
- c. In order to maximize the efficiency of providing such services, while minimizing the negative impact of such facilities on the Township, co-location of such facilities on an existing tower or other existing structure is required, when feasible. If the application represents a new tower/antenna facility, the applicant shall provide a letter of intent to lease excess space on the tower and shall commit itself to:
 - (1) promptly responding to any requests for information from a potential co-user of their tower/antenna;
 - (2) negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and
 - (3) make no more than a reasonable charge for a shared use lease.
- d. Co-location may be permitted by the Planning Commission, after site plan review, on all existing towers and existing similar structures, regardless of the zoning district in which it is located, and the requirement for special land use approval and the associated public hearing shall be waived. The application shall for co-location shall include a site plan as well as documentation by the co-user as to their ability to co-locate on the tower.
- e. The location and improvement of wireless communication towers shall be subject to the following additional requirements:
 - (1) The overall height of the tower/antenna shall not exceed two hundred (200) feet in height above the average grade around the structure it is mounted upon.
 - (2) Monopole (stealth or equivalent type) antenna structures shall be required where such are technologically feasible.

- (3) The tower site shall be landscaped in an aesthetically pleasing and functional manner. The tower base, accessory buildings, and protective fencing shall be screened from the view of any public right-of-way and/or adjacent properties by an obscuring greenbelt. Landscaping shall also be incorporated along access drives servicing the tower site.
- (4) Setback requirements will be determined in relation to the tower/antenna design and collapse data previously required in this Section. Minimum setback requirements, are as follows (setback requirement shall also apply to any accessory buildings):
 - (a) When adjacent to non-residential zoning districts, the setback shall not be less than the overall height of the tower/antennas.
 - (1) If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a non-residential zoning district may be reduced to no less than fifty (50) feet.
 - (b) When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas, plus fifty (50) feet.
 - (c) Further modifications to the side and rear yard setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created by constructing the tower.
 - (d) Additional setbacks may be required if the established fall zone of the tower/ antennae is greater than the above stated setback requirements. The setbacks shall be no less than the fall zone as established by the design engineer or the above mentioned setback, whichever is greater.
 - (e) In no instance shall any tower facility be located within a front yard.
- f. The applicant shall submit a letter agreeing that, should any tower/antenna facility approved under this Section cease to be used for its approved use for more than ninety (90) continuous days, or more than ninety (90) days of any one hundred and twenty (120) day period, it shall be removed from the site within one hundred eighty (180) days of such cessation. Removal of the tower/ antenna and its accessory use facilities shall also include removing the top three (3) feet of the caisson upon which the tower is located and covering the remaining portion with top soil. The letter of agreement may include a financial guarantee, if deemed appropriate by the Township Planning Commission, to insure removal of any or all of the facilities. Any such agreement, including any financial guarantee shall be in a form acceptable to the Township Attorney. The financial guarantee may also include a provision for periodic adjustments to reflect changes in the Consumers Price Index or other similarly established and accepted price indexes.
- g. As necessary, any pertinent information on file at the Township which relates to the use, contact information, structural information, etc., shall be updated when such information becomes available. Any such information which is a trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCL 15.243(1)(g)). This Ordinance shall serve as the promise to maintain confidentiality must be prominently stated in order to bring it to the attention of the Township.