

Adopted Zoning Ordinance Text Amendments
Wireless Communication Facilities
Davison Township
Genesee County, Michigan

Adopted by the Davison Township Board at a Meeting Held
On April 14, 2014

Article XVII

Section 1739. Wireless Communication Facilities.

1. *Purpose and Intent.* The general purpose and intent of these regulations is to regulate the establishment of Wireless Communications Equipment Compounds (WCEC) in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Township. It is the further purpose and intent of these regulations to:
 - a. Provide for the appropriate location and development criteria for Wireless Communications Support Structures (WCSS) and Wireless Communications Equipment (WCE) within the Township;
 - b. Allow and encourage the location of WCEC in non-residential zoning districts, where possible;
 - c. Minimize the adverse effects of such facilities through careful design, siting and screening criteria;
 - d. Maximize the use of existing and future WCEC and encouraging multiple uses on such facilities;
 - e. Protect the character of residential areas throughout the Township from the effects of WCEC; and
 - f. Promote the public health, safety, and welfare.
2. *Definitions.* As used in this section:
 - a. *Collocate* - means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. Collocation has a corresponding meaning.
 - b. *Wireless Communications Equipment Compounds (WCEC)* - means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

- c. *Wireless Communications Equipment (WCE)* - means the set of equipment and network components used in the providing of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- d. *Wireless communications Support Structure (WCSS)* - 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.

3. *Collocation of Wireless Communications Equipment (WCE).*

- a. To encourage collocation and to minimize the number of WCEC within the Township, WCE shall be considered a permitted use and not subject to local zoning approval by the Township when all of the following criteria are met:
 - 1) The WCE will be collocated on an existing WCSS or an existing equipment compound.
 - 2) The existing WCSS or existing equipment compound is in compliance with local zoning requirements or received prior approval by the Township.
 - 3) The proposed collocation will not:
 - a. Increase the overall height of the WCSS by more than 20 feet or 10% of its original height, whichever is greater.
 - b. Increase the width of the WCSS by more than the minimum necessary to permit co-location.
 - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - 4) The proposed collocation complies with the terms and conditions of any previous final approval of the WCSS or equipment compound by the Township.

4. *The installation of a Wireless Communication Equipment (WCE) not part of a proposed collocation activity.*

- a. The installation of a new WCE not part of a proposed collocation activity shall comply with the following provisions:
 - 1) WCE shall require no personnel on the premises except as is necessary for maintenance and repair of the WCE and/or supporting, WCSS.

- 2) Equipment shelters, cabinets and similar structures which are part of a WCEC shall not be greater than 15 feet in height and shall meet all requirements for accessory buildings specified under Article XVII, Section 1705 of the Davison Township Zoning Ordinance.
- 3) A WCE shall not be permitted on any site occupied by a single family dwelling unit except in agricultural areas.
- 4) All WCE shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical, taking into consideration the location of the WCE and its visibility and distance from the right-of-way and neighboring uses.
- 5) WCE proposed to be located on a historic landmark or in a designated historic district may be denied if the WCE would visually detract from the historic character of the historic landmark or district.
- 6) This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).

5. Wireless Communications Equipment (WCE) approval process.

- a. WCE installations that are part of a proposed collocation activity that meet the requirements of subsection 3a1 and subsection 3a2 above, but do not meet the requirements of subsection 3a3 or subsection 3a4 above, shall be subject to special condition use permit approval procedures outlined in Article XIX; however, the Township Building Official shall determine that the special condition use permit application is administratively complete within 14 business days of its receipt. The Township Board, upon receipt of the findings and recommendation of the Township Planning Commission, shall also approve or deny the application not more than 60 days after the application is considered to be administratively complete.
- b. WCE installations that are part of a proposed collocation activity and which also fully meet the requirements of subsection 3a shall be considered a permitted use of property and not subject to special condition use procedures or any other zoning approval by the Township. Plans for such installation shall be administratively reviewed by the Township Building Official to verify compliance with such requirements. The Township Building Official shall complete his or her administrative review of the proposed installation plans within 14 business days of his or her receipt of such plans.
- c. The installation of a new WCE not part of a proposed collocation activity meeting the requirements of subsection 4a above shall be considered to be a permitted use of property not subject to special condition use permit approval. The Township Building Official shall determine that the application for approval is administratively complete within 14 business days of its receipt. The Township Building Official shall approve or deny the application not more than 60 days after the application is considered

to be administratively complete. Such review by the Township Building Official shall be without notice.

6. *Establishment of a New Wireless Communication Equipment Compound (WCEC).*

- a. A newly established WCEC shall meet the following ~~General~~ criteria and submittal requirements:
 - 1) All WCEC shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
 - 2) The WCEC shall comply with all applicable Federal Aviation Administration (FAA) requirements.
 - 3) The WCEC shall not be used for commercial advertising purposes and shall not contain any signage except signage which shall show the identity of the service provider, emergency telephone numbers, and/or FAA or FCC signage requirements.
 - 4) The WCEC may be located on a zoning lot containing other principal uses. The WCEC may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCEC is located shall be the area subject to the requirements of this subsection, rather than the entire zoning lot, unless otherwise provided herein.
 - 5) The WCEC shall meet all requirements of the zoning district in which it is located which are not inconsistent with this subsection. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of the WCEC.
 - 6) The WCEC shall have a landscaped buffer so that the base of the WCSS and WCE shall be screened from any right-of-way, neighboring residential use, or neighboring residential zoning district. Such landscaped buffer shall be placed on the site in a manner which will maximize the aesthetic and environmental benefits, while at the same time providing the visual buffer required herein. Such landscaped buffer shall consist of hedges planted leaf to leaf which shall reach a height of not less than six feet at maturity and conifer trees planted on 15-foot centers along the approved buffer of a species approved by the Township Building Official unless safety requirements of the principal use requires otherwise (i.e., utility substations).
 - 7) The application shall contain information showing the geographic search area within which the proposed WCEC must be located and

shall also provide locations of all structures of similar height to the WCSS (proposed to be located within the WCEC) within the search area.

- 8) If collocation is not part of the application, then the applicant must demonstrate in the application as to why collocation is not possible a practical alternative.
- 9) A site plan prepared in accordance with Article XVIII (Site Plan Review Procedures) shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- 10) The site plan shall also include a detailed landscaping plan. The purpose of landscaping is to provide screening for the WCSS base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan fencing which is required to safeguard the WCE and WCSS from trespass by children and other unauthorized persons. Fences shall not exceed a height of eight feet and not contain barbed wire, razor wire, electric current, or charge of electricity.
- 11) The application shall include a certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure would fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate fall zone setback to be required for the WCSS. In no instance shall a fall zone setback be less than a distance equal to 50 percent of the tower height, measured from the boundary of the zoning lot to the closest portion of the WCSS.
- 12) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection 9 below. In this regard, the security shall be in the form of cash, surety bond, irrevocable letter of credit, or an agreement in a form approved by the Township's Supervisor, creating a first security interest on the site as security for removal.
- 13) The application shall include a map showing existing and known proposed WCECs within the Township, and further showing existing and known WCECs within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
- 14) The application shall contain the name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated

during all times the WCEC is on the premises.

- 15) The applicant must include a statement in the application of its good faith intent to allow the collocation of the WCE of other entities, provided that the cost of modifying the WCEC to accommodate the collocation WCE is borne by the collocating entity.
- 16) The applicant shall send a written notice to all potential users of the new WCEC offering an opportunity for collocation. The list of potential users shall be provided by the applicant based on known entities who have requested approval of a WCEC in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Township at the time the application is filed. If, during a period of 30 days after the notice letters are sent to potential users, a user or user's request, in writing, to collocate on the new WCEC, the applicant shall accommodate the request(s), unless co-location is not reasonably possible based on the criteria of this subsection.
- 17) Not less than one off-street parking space shall be provided on-site for use by service and public safety vehicles, designed in accordance with the requirements of Article XVII, Section 1706 and Section 1707.
- 18) Adequate ingress and egress to the WCEC by means of clearly limited and defined drives not less than 12 feet wide and of asphalt or concrete construction shall be provided.
- 19) No WCEC shall be placed within a public right-of-way or within a public or private easement.
- 20) New WCECs shall meet the following additional criteria:
 - i. The WCSS shall not exceed 180 feet in height.
 - ii. All WCSSs over 100 feet in height shall be designed for co-location.
 - iii. The construction of the WCSS within an equipment compound shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the co-location needs of future wireless communication providers.
 - iv. WCSSs shall not have a shiny or metallic finish.

7. Wireless Communication Equipment Compound (WCEC) approval process.

- a. All WCECs which are located in a zoning district allowing residential development, or which is located within a distance equal to the height of the WCSS as measured from its base from residentially zoned or used property, shall be subject to special condition use permit approval

procedures outlined in Article XIX and the additional criteria of subsection 6. The Township Building Official shall determine the special condition use permit application is administratively complete within 14 business days of its receipt. The Township Board, upon receipt of the findings and recommendation of the Township Planning Commission, shall approve or deny the application not more than 90 days after the application is considered administratively complete.

- b. The installation of a new WCEC not subject to the requirements of subsection 7a shall be subject to administrative site plan approval by the Township Building Official. The Township Building Official shall determine that the permit application is administratively complete within 14 business days of its receipt. The Township Building Official shall also approve or deny the application not more than 90 days after the application is considered to be administratively complete.

8. *Review and approval criteria for a new WCEC.*

- a. new WCEC shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCEC which cannot be met by placing WCE on an existing WCSS or on other structures or through the replacement of an existing WCSS. Information concerning the following factors shall be considered in determining that such need exists:
 - 1) Insufficient structural capacity of existing WCSSs or other suitable structures, and the infeasibility of reinforcing or replacing an existing WCSS.
 - 2) Unavailability of suitable locations to accommodate system design or engineering on an existing WCSS or other structures.
 - 3) Radio frequency interference or other signal interference problems at existing WCECs or others structures.
 - 4) The refusal of owners or parties who control WCECs or other structures to permit WCE to be attached to such WCECs or structures.
 - 5) Other factors which demonstrate the reasonable need for the new WCEC.
- b. *Additional criteria for special condition use permit review and approval.* The installation of a new WCEC as a special condition use as specified in subsection 7a shall also be subject to the following:
 - 1) WCECs shall meet all of the criteria and submittal requirements of subsection 6.
 - 2) WCECs shall be located on lots or parcels of not less than two acres.

- 3) Site selection shall be prioritized on the ownership of site as set forth below. Sites shall be selected in descending order based upon their availability and ability to meet the transmission needs of the applicant. In the event a particular parcel is demonstrated to be unavailable and/or functionally inappropriate for transmission purposes, the applicant shall select the next available and appropriate site from the site options listed below.
 - i. Davison Township
 - ii. Federal, state, or county governmental entities
 - iii. Schools, colleges, and universities
 - iv. Utility companies
 - v. Cemeteries
 - vi. Golf courses and associated facilities (public and private)
 - vii. Publicly owned parks and recreational areas
 - viii. Vacant residentially zoned property not less than ten acres in size
- 4) If the WCEC is not entirely surrounded by commercial or industrial uses, a written justification of the need for this site showing why other non-residential sites are not suitable.
- 5) WCECs proposed to be located on a historic landmark or in a designated historic district may be denied if the WCEC visually detracts from the historic character of the historic district.
- 6) The Planning Commission may require a visual/line of site analysis to enable the Township to assess visual impacts. Such analysis may require the applicant to provide visualization of the WCEC on-site which may include graphic representations or other acceptable methods to demonstrate the visual character of the proposed WCEC.

9. Application and approval requirements for replacement WCECs.

- a. The installation of a replacement WCEC shall be considered to be a permitted use of property, not subject to special condition use permit approval. The Township Building Official shall determine that the application for approval is administratively complete within 14 business days of its receipt. The Township Building Official shall approve or deny the application not more than 90 days after the application is considered administratively complete. Such review by the Township Building Official shall be without notice.

10. Removal of abandoned WCECs.

- a. Any WCEC which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCE or other commercial antenna has been operational and located on the WCSS for 180 days or more. Where the removal or demolition of an abandoned WCEC has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the Township may remove or secure the removal of the facility or required

portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from a cash bond or irrevocable bank letter of credit posted at the time application was made for establishing the WCEC or the Township may place a lien on the property to cover costs for the removal of the WCEC. A lien on the property shall be superior to all other liens except taxes.

11. Replacement of existing WCSS.

- a. An existing WCSS which was lawful at the time of its construction may be replaced for purposes of accommodating collocation of additional WCE, or otherwise, provided that:
 - 1) The replacement WCSS shall not exceed a total height of 180 feet or, if the existing WCSS has an approved height greater than 180 feet, the replacement WCSS shall not exceed the approved height.
 - 2) The replacement WCSS shall be located within the same zoning lot as the existing WCSS and shall be located so as to maximize compliance with existing minimum yard requirements.
 - 3) The applicant shall cause the existing WCSS to be removed within 90 days of completion of the replacement WCSS and the relocation or installation of the WCE. In any event, the existing WCSS shall be removed within 180 days of the Township's final construction inspection of the replacement WCSS.
 - 4) If the location of the replacement WCSS is such that the existing WCSS must be moved before the replacement WCSS is constructed, temporary portable equipment support facilities may be used, but must be removed within 30 days of the completion of the replacement WCSS and the relocation or installation of the WCE. In any event, the temporary portable equipment facilities must be removed within 60 days of the Township's final construction inspection of the replacement WCSS.

12. Variances and appeals.

- a. Variances from this section may be requested from the Board of Appeals. Requests for additional height to any permitted or previously approved WCSS may be granted by the Building Official to provide for co-location of additional WCE so long as such additional height does not exceed 20 feet.