

## CHAPTER XIV-B

### WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS

#### SECTION 14B.01 BACKGROUND.

- (a) The Township has received or expects to receive requests to site wireless communications TOWERS and antennas within the municipal boundaries.
- (b) The Township finds that it is in the public interest to permit the siting of wireless communications TOWERS and antennas within the municipal boundaries.
- (c) It is the intent of the Township to permit the siting of wireless communications TOWERS and antennas within the municipal boundaries.
- (d) It is the intent of the Township to protect and promote the public health, safety and welfare by regulating the siting of wireless communications TOWERS and antennas.

**SECTION 14B.02 PURPOSE.** The purpose of this Chapter is to establish general guidelines for the siting of wireless communications TOWERS and antennas. The goals of this Chapter are to: A. protect residential areas and land uses from potential adverse impacts of TOWERS and antennas; B. encourage the location of TOWERS in non-residential areas; C. minimize the total number of TOWERS throughout the Township; D. strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use TOWERS; E. encourage users of TOWERS and antennas to locate them, to the extent possible, in areas where the adverse impact on the Township is minimal; F. encourage users of TOWERS and antennas to configure them in a way that minimizes their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques; G. enhance the ability of the providers of telecommunications services to provide such services to the Township quickly, effectively, and efficiently; H. consider the public health and safety of the Township and its residents; and I. avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower STRUCTURES. In furtherance of these goals, the Township shall give due

consideration to its master land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of TOWERS and antennas.

**SECTION 14B.03 DEFINITIONS.** For purposes of this Chapter only, the following terms shall have the meanings set forth below.

- (a) Alternative Tower STRUCTURE: Man-made trees, clock TOWERS, bell steeples, light poles and similar alternative-design mounting STRUCTURES that camouflage or conceal the presence of antennas or towers.
- (b) Antenna: Any exterior transmitting or receiving device mounted on a TOWER, BUILDING or STRUCTURE and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.
- (c) Backhaul Network: The lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- (d) FAA: The Federal Aviation Administration.
- (e) FCC: The Federal Communications Commission.
- (f) Height: When referring to a TOWER or other BUILDING or STRUCTURE upon which an antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front of the BUILDING or STRUCTURE to the highest point on the TOWER or other BUILDING or STRUCTURE, including the base pad and any antenna.
- (g) Lattice TOWER: A support STRUCTURE constructed of vertical metal struts and cross braces, forming a triangular or square STRUCTURE which often tapers from the foundation to the top.
- (h) Preexisting Towers and Preexisting Antennas: Any TOWER or antenna for which a BUILDING permit or SPECIAL USE PERMIT has been properly issued prior to the effective date of the amendment to the Ordinance adding this Chapter, or any TOWER or antenna for which no BUILDING and/or SPECIAL USE PERMIT was required, including

permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

- (i) TOWER: Any STRUCTURE that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting (i.e. without guy wires or other external means of support) lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative TOWER STRUCTURES, and the like. The term includes the STRUCTURE and any support thereto.

#### **SECTION 14B.04 APPLICABILITY.**

- (a) New Towers and Antennas: All new towers or antennas in the Township shall be subject to this Chapter, except as otherwise provided in this Section.
- (b) Amateur Radio Station Operators/Receive Only Antennas; Television Antennas: This Chapter shall not govern any TOWER, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station or is used exclusively for receive only antennas, or is used for television reception.
- (c) Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Chapter, other than the requirements of subsections F and G in the following Section, and the requirements of this Ordinance concerning non-conforming uses (i.e. Chapter XVIII).
- (d) AM Array: For purposes of implementing this Chapter, an AM array, consisting of one (1) or more TOWER units and supporting ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) TOWER. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional TOWER units may be added within the perimeter of the AM array by right.

**SECTION 14B.05 GENERAL REQUIREMENTS.**

- (a) Principal or Accessory Use: Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing BUILDING or STRUCTURE on the same lot shall not preclude the installation of an antenna or TOWER on such lot.
- (b) Lot Size: For purposes of determining whether the installation of a TOWER or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (c) Inventory of Existing Sites: Each applicant for an antenna and/or TOWER shall provide to the Zoning Administrator an inventory of its 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 border thereof, including specific information about the location, height, and design of each TOWER or antenna. The Zoning Administrator may share such information with other applicants applying for permits under this Ordinance or other organizations seeking to locate towers or antennas within the jurisdiction of the Township, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (d) Aesthetics: Towers and antennas shall meet the following requirements.
  - 1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - 2. At a TOWER site, the design of the BUILDINGS and related STRUCTURES shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding BUILDINGS.

3. If an antenna is installed on a STRUCTURE other than a TOWER, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting STRUCTURE so as to make the antenna and related equipment as visually unobtrusive as possible.
- (e) Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
  - (f) State or Federal Requirements: All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall, to the extent required by the FAA or the FCC, bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the Township to seek a court order, authorizing the Township or its designee to remove the TOWER or antenna at the owner's expense.
  - (g) BUILDING Codes; Safety Standards: To ensure the structural integrity of towers and antennas, the owner of a TOWER or antenna shall ensure that it is maintained in compliance with standards contained in applicable state or local BUILDING codes and the applicable standards for towers and antennas that are published by the Electronic Industries Association, or any similar successor organization, as amended from time to time. If, upon inspection, the Township believes that a TOWER or an antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then the Township may proceed under applicable State of Michigan law (i.e. Michigan Public Act 144 of 1992, as amended, or any successor

statute) or common law to bring the TOWER or antenna into compliance or to remove the TOWER or antenna at the owner's expense.

- (e) Measurement: For purposes of measurement, TOWER setbacks and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdictional boundaries.
- (i) Not Essential Services: Towers and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (j) 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 and shall file a copy of all required franchises with the Zoning Administrator.
- (k) Public Notice: For purposes of this Ordinance, any SPECIAL USE request, variance request, or appeal shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 14B.08, Table 2, in addition to any notice otherwise required by this Ordinance and the Zoning Act.
- (l) SIGNS: No SIGNS or advertising shall be allowed on an antenna or TOWER.
- (m) BUILDINGS and Support Equipment: BUILDINGS and support equipment associated with antennas or towers shall comply with the requirements of Section 14B.09.
- (n) Multiple Antenna/TOWER Plan: The Township encourages the users of towers and antennas to submit a single application for approval of as many towers and/or antenna sites as the users deem necessary to provide coverage for the particular use throughout the Township. Applications for approval of multiple sites shall be given priority in the review process over applications for approval of single sites.

- (o) Metal Towers: Metal towers shall be constructed with a corrosion-resistant material.
- (p) No Interference: Towers and antennas shall not interfere with television or radio reception on surrounding properties.
- (q) Paving Requirements: All PARKING and drive areas must be paved as provided in this Ordinance.

**SECTION 14B.06 PERMITTED USES.**

- (a) General: The uses listed in this Section are deemed to be permitted uses and shall not require a SPECIAL USE PERMIT.
- (b) Permitted Uses:
  - 1. Antennas or towers located on property owned, leased, or otherwise controlled by the Township are specifically permitted in any zoning district, provided a license or lease authorizing such antenna or TOWER has been approved by the Township. This provision shall not be interpreted to require the Township to approve a license or lease.
  - 2. Antennas which are themselves not more than thirty (30) feet in height and which are located upon legally existing lattice electric transmission towers are permitted uses.

**SECTION 14B.07 ADMINISTRATIVELY APPROVED USES.**

- (a) General: The following provisions shall govern the issuance of administrative approvals for towers and antennas.
  - 1. The Zoning Administrator may administratively approve the uses listed in this Section.
  - 2. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in subsections B.1 and B.3 of the following Section and a nonrefundable fee as established by resolution of the Township Board

to reimburse the Township for the costs of reviewing the application.

3. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with the preceding General Requirements Section, as well as subsection B.4 and subsection B.5 of the following Section.
  4. The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within sixty (60) days, then the application shall be deemed to be approved.
  5. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively reduce by up to fifty percent (50%) any zoning district setback requirements in subsection B.4 of the following Section or separation distances between towers in subsection B.5 of the following Section.
  6. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow any existing TOWER to be reconstructed as a monopole.
  7. If any administrative approval is denied, the applicant shall file an application for a SPECIAL USE PERMIT pursuant to the following Section prior to filing any other appeal that may be available under this Ordinance or applicable law.
- (b) List of Administratively Approved Uses: The following uses may be approved by the Zoning Administrator after conducting an administrative review.
1. The Zoning Administrator may approve the location of a TOWER or antenna, including the placement of additional BUILDINGS or other supporting equipment used in connection with the TOWER or antenna, in any industrial zoning district or the most

intensive commercial zoning district provided in this Ordinance.

2. The Zoning Administrator may approve the location of antennas on existing STRUCTURES or towers consistent with the terms of subsections 2.a and 2.b below.

a. Antennas on existing STRUCTURES. Any antenna which is not attached to a TOWER may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family STRUCTURE of eight (8) or more DWELLING units, provided:

(1) The antenna does not extend more than thirty (30) feet above the highest point of the STRUCTURE;

(2) The antenna complies with all applicable FCC and FAA regulations; and

(3) The antenna complies with all applicable BUILDING and other construction codes;

b. Antennas on existing towers. An antenna which is attached to an existing TOWER may be approved by the Zoning Administrator. To minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following.

(1) A TOWER which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same TOWER type as the existing TOWER, unless the Zoning Administrator allows reconstruction as a monopole.

(2) An existing TOWER may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna. This height change referred to in this subsection may only occur one time per communication TOWER. The additional height referred to in this subsection shall not require an additional distance separation as set forth in the following Section. The tower's premodification height shall be used to calculate such distance separations.

(3) A TOWER which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location. However, after the TOWER is rebuilt to accommodate collocation, only one (1) TOWER may remain on the site. A relocated onsite TOWER shall continue to be measured from its original location for purposes of calculating separation distances between towers pursuant to the following Section. The relocation of a TOWER pursuant to this subsection shall not be deemed to cause a violation of the following Section. However, the onsite relocation of a TOWER which comes within the separation distances to residential units or residentially zoned lands as established in the following Section shall only be permitted when approved by the Zoning Administrator upon the Zoning Administrator's specific finding that the benefits of collocation outweigh the encroachment upon the residential units or residentially zoned land.

c. The Zoning Administrator may approve the location of a new TOWER in a non-residential zoning district other than an industrial district or the most intensive commercial zoning district, provided a licensed

professional engineer certifies the TOWER can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the TOWER is in conformity with the goals set forth in the first Section of this Chapter and with the General Requirements Section of this Chapter; the TOWER meets the setback requirements in and the separation distances in the following Section; and the TOWER meets the following height and usage criteria:

- (1) For a single user, up to ninety (90) feet in height;
  - (2) For two users, up to one hundred twenty (120) feet in height; and
  - (3) For three or more users, up to one hundred fifty (150) feet in height.
- d. The Zoning Administrator may approve the location of an alternative TOWER STRUCTURE in a zoning district other than the industrial district or the most intensive commercial district if, in the judgment of the Zoning Administrator, the alternative TOWER STRUCTURE conforms with the goals set forth in the first Section of this Chapter.
- e. The Zoning Administrator may approve the installation of a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or through similar technology that does not require the use of towers.

#### **SECTION 14B.08 SPECIAL USE PERMITS.**

- (a) General: The following provisions shall govern the issuance of SPECIAL USE permits for towers or antennas by the Planning Commission.
1. If the TOWER or antenna is not a permitted use by right or permitted administratively (i.e. pursuant to either of the two preceding Sections of this

Chapter), then a SPECIAL USE PERMIT shall be required for the construction of a TOWER or the placement of an antenna in any zoning district.

2. Applications for SPECIAL USE PERMITS under this Section shall be subject to the SPECIAL USE procedures and requirements of this Ordinance, except as modified in this Section.
3. In granting a SPECIAL USE PERMIT, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed TOWER or antenna on adjoining properties.
4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Such an engineer shall certify that the TOWER or antenna will be structurally sound and will comply with all applicable BUILDING and other construction code requirements.
5. An applicant for a SPECIAL USE PERMIT shall submit the information described in this Section and a non-refundable fee as established by resolution of the Township Board to reimburse the Township for the costs of reviewing the application.

(b) Processing SPECIAL USE Applications:

1. Information required. In addition to any information required for applications for SPECIAL USE permits pursuant to this Ordinance, applicants for a SPECIAL USE PERMIT for a TOWER or an antenna shall submit the following information.
  - a. A scaled site plan clearly indicating the location, type and height of the proposed TOWER or antenna, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master land use plan classification of the site and all properties within the applicable separation distances set forth in this Section, adjacent roadways,

proposed means of access, setbacks from property lines, elevation drawings of the proposed TOWER or antenna and any other STRUCTURES, topography, PARKING, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this Ordinance.

- b. Legal description of the lot and the leased portion of the lot (if applicable), together with a copy of the deed or lease pertaining to that lot.
- c. The setback distance between the proposed TOWER or antenna and the nearest DWELLING, platted residentially zoned properties, and unplatted residentially zoned properties.
- d. The separation distance from other towers or antennas described in the inventory of existing sites submitted pursuant to subsection C of the General Requirements Section of this Chapter shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing TOWER(s) or antenna(s), as well as the owner/operator of the existing TOWER(s) or antenna(s), if known.
- e. A landscape plan showing specific landscape materials.
- f. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
- g. A description of compliance with the requirements of the General Requirements Section of this Chapter, as well as with the requirements of this Section, and with all applicable federal, state, county or Township laws, rules, regulations and ordinances.
- h. A notarized statement by the applicant as to whether construction of a TOWER will accommodate collocation of additional antennas for future users.

- i. Identification of the entities providing the backhaul network for the TOWER(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
  - j. A description of the suitability for the use of existing towers, antennas, other STRUCTURES or alternative technology not requiring the use of towers or antennas or other STRUCTURES to provide the services to be provided through the use of the proposed new TOWER or antenna.
  - k. A description of the feasible location(s) of future towers or antennas within the Township based upon existing physical, engineering, technological or geographical limitations in the event the proposed TOWER or antenna is erected.
2. Factors Considered in Granting SPECIAL USE Permits for Towers or Antennas. In addition to any other standards for consideration of SPECIAL USE PERMIT applications pursuant to this Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a SPECIAL USE PERMIT under this Chapter, although the Planning Commission may waive or reduce the burden on the applicant for one (1) or more of these criteria if the Planning Commission concludes that the goals of this Ordinance are better served thereby:
- a. Height of the proposed TOWER or antenna;
  - b. Proximity of the TOWER or antenna to residential STRUCTURES and residential district boundaries;
  - c. Nature of uses on adjacent and nearby properties;
  - d. Surrounding topography;
  - e. Surrounding tree coverage and foliage;
  - f. Design of the TOWER or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

- g. Proposed ingress and egress; and
- h. Availability of suitable existing towers or antennas, other STRUCTURES, or alternative technologies not requiring the use of towers or antennas or other STRUCTURES, as discussed in the following subsection B.3.

3. Availability of Suitable Existing Towers, Antennas, Other STRUCTURES, or Alternative Technology. No new TOWER or antenna shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing TOWER, antenna, STRUCTURE or alternative technology can accommodate the applicant without the erection of the applicant's requested new TOWER or antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, antennas or other STRUCTURES or alternative technology. Evidence submitted to demonstrate that no existing TOWER, antenna, STRUCTURE or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following.

- a. No existing towers, antennas or other STRUCTURES are located within the geographical area which meet the applicant's engineering requirements.
- b. Existing towers, antennas or other STRUCTURES are not of sufficient height to meet the applicant's engineering requirements.
- c. Existing towers or other STRUCTURES do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or STRUCTURES, or the antenna on the existing towers or STRUCTURES would cause interference with the applicant's proposed antenna.

- e. The fees, costs, or contractual provisions required by the owner in order to share an existing TOWER, antenna or other STRUCTURE or to adapt an existing TOWER, antenna or other STRUCTURE for sharing are unreasonable. Costs exceeding new TOWER or antenna development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers, antennas and other STRUCTURES unsuitable.
  - g. The applicant demonstrates that an alternative technology that does not require the use of towers, antennas or other STRUCTURES, such as cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new TOWER or antenna development shall not be presumed to render the technology unsuitable.
4. Setbacks. The following setback requirements shall apply to all towers and antennas for which a SPECIAL USE PERMIT is required.
- a. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the TOWER from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the TOWER.
  - b. Guys and ACCESSORY BUILDINGS must satisfy the minimum setback requirements for the applicable zoning district.
5. Separation. The following separation requirements shall apply to all towers and antennas for which a SPECIAL USE PERMIT is required.
- a. Separation from off-site uses/designated areas.

- (1) TOWER separation shall be measured from the perimeter or outside edge of the base of the TOWER to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1. The separation distance shall be measured by drawing or following a straight line between the base of the proposed TOWER and the off-site uses or designated areas, pursuant to a site plan of the proposed TOWER.
- (2) Separation requirements for towers shall comply with the minimum standards (listed in linear feet) established in Table 1.

Table 1:

Off-Site Use/Designated Area	Separation Distance <sup>2</sup>
Single-family or two-family dwelling units <sup>1</sup>	200 feet or 300% height of tower whichever is greater
Unimproved "R-1" or "R-2" land which is platted, has preliminary subdivision plan approval which is not expired, or has PUD approval which is not expired	200 feet or 300% height of tower whichever is greater
Other unimproved residentially zoned lands <sup>3</sup>	100 feet or 100% height of tower whichever is greater
Existing multiple-family dwelling units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses, if not covered by any of the above categories	None; only setbacks apply

<sup>1</sup>Includes modular homes and MOBILE HOMES used for living purposes.

<sup>2</sup>Separation measured from base of TOWER to closest BUILDING setback line.

<sup>3</sup>Includes any unplatted residentially zoned properties without a preliminary subdivision plan or development approval and any land zoned for more intensive residential use than duplexes.

b. Separation distances between towers.

- (1) Separation distances between towers shall be applicable for and measured between the proposed TOWER and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing TOWER and the proposed base, pursuant to a site plan, of the proposed TOWER.
- (2) Separation distances between towers shall comply with the minimum distances (listed in linear feet) established in Table 2.

Table 2:

Existing Towers - Types

Proposed Tower	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less than 75 Feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Feet in Height or Greater	1,500	1,500	1,500	750
Monopole Less than 75 Feet in Height	750	750	750	750

6. Security fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height. The towers shall also be equipped with appropriate anti-climbing devices.
7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a SPECIAL USE PERMIT is required. The required landscaping shall be maintained for the duration of the SPECIAL USE PERMIT.

- a. TOWER facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the TOWER compound from property then used for DWELLINGS, single-family or two-family or multi-family, or included in a residential zoning district. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
- b. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Planning Commission may conclude that natural growth around the property perimeter may be a sufficient buffer.

**SECTION 14B.09 BUILDINGS OR OTHER EQUIPMENT STORAGE.**

- (a) Antennas Mounted on STRUCTURES or Rooftops: The equipment cabinet or STRUCTURE used in association with antennas shall comply with the following requirements.
  1. The cabinet or STRUCTURE shall not contain more than one hundred twenty (120) square feet of gross FLOOR AREA or be more than ten (10) feet in height. In addition, for BUILDINGS and STRUCTURES which are less than sixty-five (65) feet in height, the related unmanned equipment STRUCTURE, if over one hundred twenty (120) square feet of gross FLOOR AREA or ten (10) feet in height, shall be located on the ground and shall not be located on the roof of the STRUCTURE.
  2. If the equipment STRUCTURE is located on the roof of a BUILDING, the area of the equipment STRUCTURE and other equipment and STRUCTURES shall not occupy more than ten (10) percent of the roof area.
  3. Equipment storage BUILDINGS or cabinets shall comply with all applicable BUILDING codes.
- (b) Antennas Mounted on Utility Poles or Light Poles: The equipment cabinet or STRUCTURE used in association with

antennas shall be located in accordance with the following requirements.

1. In residential districts, the equipment cabinet or STRUCTURE may be located:
  - a. In a front or side YARD, provided the equipment cabinet or STRUCTURE is no greater than eight (8) feet in height or eighty (80) square feet of gross FLOOR AREA and the cabinet STRUCTURE is located a minimum of twenty (20) feet from any side lot line (the cabinet/STRUCTURE shall be screened by an evergreen hedge with an ultimate height of at least forty-two [42] inches and a planted height of at least thirty-six [36] inches); or
  - b. In a rear YARD, provided the equipment cabinet or STRUCTURE is no greater than ten (10) feet in height or one hundred twenty (120) square feet in gross FLOOR AREA, the cabinet/STRUCTURE shall be screened by an evergreen hedge with an ultimate height of at least eight [8] feet and a planted height of at least thirty-six [36] inches.
2. In commercial or industrial districts, the equipment cabinet or STRUCTURE shall be no greater than ten (10) feet in height or one hundred twenty (120) square feet in gross FLOOR AREA (the STRUCTURE or cabinet shall be screened by an evergreen hedge with an ultimate height of at least eight [8] feet and a planted height of at least thirty-six [36] inches).
3. The equipment cabinet or STRUCTURES shall be screened from view of any property used for residences or included in a residential zone and which abuts or is directly across the street from the cabinet or STRUCTURE by a solid fence six (6) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.

(c) Antennas Located on Towers: The related unmanned

equipment STRUCTURE shall not contain more than one hundred twenty (120) square feet of gross FLOOR AREA or be more than ten (10) feet in height, and shall be located in accordance with the minimum YARD requirements of the zoning district in which located.

**SECTION 14B.10 REMOVAL OF ABANDONED ANTENNAS AND TOWERS.**

Notwithstanding anything to the contrary in Chapter XVIII, any antenna or TOWER that is not operated for a continuous period of twelve (12) 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 Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or TOWER within said 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.

**SECTION 14B.11 NONCONFORMING USES.** Towers that are constructed and antennas that are installed in accordance with the provisions of this Chapter shall not be deemed to constitute the expansion of a nonconforming use or STRUCTURE.