

155.210 Article 11 Wireless Communications Towers and Antennas

155.211 Intent

The intent of this Article is to establish regulations and guidelines for the siting of wireless communications towers and antennas within the municipal boundaries to protect the public health, safety and welfare of its residents. Objectives of the City's intent are listed as follow:

- (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 community;
- (D) Strongly encourage the joint use (collocation) 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 community is minimal;
- (F) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas 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 community quickly, effectively, and efficiently;
- (H) Consider the public health and safety of communication towers; and
- (I) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (J) The City shall give due consideration to its master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

155.212 Definitions

For the purposes of this chapter, the following definitions shall apply:

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.

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 telecommunications signals or other communication signals.

Backhaul network. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA The Federal Aviation Administration.

FCC The Federal Communications Commission.

Height. The distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna when referring to a tower or other structure.

Preexisting towers and preexisting antennas. Any tower or antenna for which a building permit or special condition use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting 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.

155.213 Applicability

- (A) **New Towers and Antennas**
All new towers or antennas in the City shall be subject to these regulations, except as provided in Section 155.213 (B) through (D), inclusive.
- (B) **Amateur Radio Station Operators/Receive Only Antennas**
Federal law shall govern installation and operation of amateur radio stations and receive only satellite dishes.
- (C) **Preexisting Towers or Antennas**
Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Section 155.214 (F) and (G).
- (D) **AM Array**
For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one 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.

155.214 General Requirements

- (A) **Principal or Accessory Use**
Antennas and towers may be considered either principal or accessory uses.
- (B) **Lot Size**
For purposes of determining whether the installation of a tower or antenna complies with district development regulations, 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 City an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height,

and design of each tower. The City may share such information with other applicants applying for administrative approvals or special condition use permits under this ordinance or other organizations seeking to locate antennas within its jurisdiction, provided however, the City 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 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 bring such towers and antennas into compliance with such revised standards and regulations within 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 removal of the tower or antenna at the owner's expense.

(G) **Building and Safety Codes**

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- (H) **Measurement**
For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City 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 City have been obtained and shall file a copy of all required franchises with the Community Development Director.
- (K) **Public Notice**
For purposes of this Article, any special condition use request, variance request, or appeal of an administratively approved use or special condition use 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 Table 11-2, in addition to any notice otherwise required for Special Condition Uses in Section 155.291 Public Hearing Notification Requirements.
- (L) **Signs**
No signs 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 this Section.
- (N) **Multiple Antenna/Tower Plan**
The City encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

155.215 Permitted Uses

- (A) **General.** Antennas or towers located on property owned, leased, or otherwise controlled by the City, provided a license or lease authorizing such antenna or tower has been approved by the City Council, are deemed to be permitted uses and shall not require administrative approval or a special condition use permit.

155.216 Special Condition Use Permits

- (A) **General**
All new antennae or alterations to current antennae are considered Special Conditions. There is no provision to administratively approve such construction or modification. The following provisions shall govern the issuance of special condition use permits for towers or antennae by the City Council:
 - (1) Applications for special condition use permits under this Section shall be subject to the procedures and requirements of Section 155.288

Procedures for Special Condition Use Review and Section 155.289 Standards for Special Condition Use Approval, except as modified in this Section.

- (2) In granting a special condition use permit, the City Council, upon recommendation of the Planning Commission and City Planner may impose conditions to the extent the City Council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (4) An applicant for a special condition use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the City Council to reimburse the City for the costs of reviewing the application.

(B) Towers

- (1) Information required. In addition to any information required for applications for special condition use permits pursuant to Section 155.288 Procedures for Special Condition Use Review and Section 155.289 Standards for Special Condition Use Approval applicants for a special condition use permit for a tower shall submit the following information:
 - (a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including adjacent municipalities,) Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 155.216 (B)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Community Development Director or designee to be necessary to assess compliance with this ordinance.
 - (b) Legal description of the parent tract and leased parcel.
 - (c) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - (d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 155.214 (C) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - (e) A landscape plan showing specific landscape materials.
 - (f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

- (g) A description of compliance with Sections 155.214 General Requirements and 155.216 Special Condition Use Permits and all applicable federal, state or local laws.
 - (h) A notarized statement by the applicant's engineer as to whether construction of the 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 City.
 - (j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - (k) A description of the feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (2) Factors Considered in Granting Special Condition Use Permits for Towers. In addition to any standards for consideration of special condition use permit applications pursuant to Sections 155.288 Procedures for Special Condition Use Review and 155.289 Standards for Special Condition Use Approval, the City Council, upon recommendation of the Planning Commission and Community Development Director, shall consider the following factors in determining whether to issue a special condition use permit, although the City Council may waive or reduce the burden on the applicant of one or more of these criteria if the City Council concludes that the goals of this ordinance are better served thereby:
- (a) Height of the proposed tower;
 - (b) Proximity of the tower to residential structures and residential district boundaries;
 - (c) Nature of uses on adjacent and nearby properties;
 - (d) Surrounding topography;
 - (i) Surrounding tree coverage and foliage;
 - (ii) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (iii) Proposed ingress and egress; and
 - (iv) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 7(b) of this ordinance.
- (3) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning

Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (c) Existing towers or structures do not have sufficient structural strength to support 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 or structure or to adapt an existing tower or structure for sharing exceed new tower development.
 - (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a 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 for which a special condition use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- (a) Towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line.
 - (b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (5) Separation. The following separation requirements shall apply to all towers and antennas for which a special condition use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance

would be better served thereby.

- (a) Separation from off-site uses/designated areas.
- (b) Tower separation shall be measured from 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.
- (c) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 11-1: Separation Distances from Land Use Type

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units (footnote 1)	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower (2) whichever is greater (footnote 2)
Vacant unplatted residentially zoned lands (footnote 3)	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

Footnote 1 Includes modular homes and mobile homes used for living purposes.

Footnote 2 Separation measured from base of tower to closest building setback line.

Footnote 3 Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

- (d) 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. The separation distances (listed in linear feet) shall be as shown in Table 11-2.

Table 11-2: Separation Distances Between Tower Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000	5000	1,500	750
Guyed	5000	5000	1500	750
Monopole 75 Ft in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

- (6) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device. Such fencing shall be constructed of a color to blend with surrounding development and not noticed.
- (7) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special condition use permit is required.
 - (a) Tower facilities shall be landscaped with a buffer of plant materials that effectively and opaquely screens the view of the tower compound. Design and installation shall meet requirements and the spirit and intent of this Zoning Code.
 - (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - (c) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (8) Buildings or Other Equipment Storage.
 - (a) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall be contained within the building upon which the antennae are mounted.
Equipment storage buildings or cabinets shall comply with all applicable building codes.
 - (b) Antennas Mounted on Utility Poles, Flag Poles, or Light Poles. The equipment cabinet or structure used in association with antennas shall be no greater than 8 feet in height or 100 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 8 feet in height or an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.
 - (c) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 300 square feet of gross floor area or be more than 9 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
 - (d) Modification of Building Size Requirements. The requirements of Sections 155.216 may be modified by the Community Development Director or designee in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special condition use to encourage collocation.

- (9) Removal of Abandoned Antennas and Towers.
Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- (10) Nonconforming Uses.
- (a) Nonexpansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - (b) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.
 - (c) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 9, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special condition use permit and without having to meet the separation requirements specified in Sections 7(b). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 9.

155.217 Insurance Obligation

All applicants shall provide insurance holding the City of Inkster harmless of all legal and financial obligations.

155.218-155.229 Reserved