

TOWNSHIP OF HEATH

HEATH TOWNSHIP ORDINANCE NO. 55

AMENDMENT TO TOWNSHIP ZONING ORDINANCE

Adopted: July 8, 2002

Effective: July 25, 2002

An ordinance to amend the Heath Township Zoning Ordinance by the addition of Sections 3.10a and 3.35a of Chapters III, and amending Chapter XI, Sections 11.04 and 11.24 to provide for the regulation of cellular towers; and to repeal all ordinances or parts of ordinances in conflict therewith.

**HEATH TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

AMENDMENT TO CHAPTER III - "DEFINITIONS"

Chapter III of the Heath Township Zoning Ordinance is hereby amended by the addition of the following definitions:

- 3.10a "Commercial Wireless Telecommunications Services": Licensed commercial wireless telecommunication service including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public.®
- 3.35a "Tower": Any ground or roof mounted pole, spire, structure or combination thereof taller than fifteen feet, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar device above grade.®

SECTION II

AMENDMENT TO CHAPTER XI, SECTIONS 11.04 AND 11.24

Chapter XI "General Provisions", Sections 11.04 and 11.24, is hereby amended by the revision of Section 11.04 and the addition of Section 11.24, as follows:

- 11.04 Essential Services: The erection, construction, alteration or maintenance by public utilities or Township departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains,

sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings except those expressly referred to herein) reasonably necessary for the furnishing of adequate service by such public utilities or Township departments or commissions, or for the public health, safety or general welfare. This definition does not include towers or other buildings or structures intended specifically to service commercial wireless telecommunications such as cellular, personal communications services, specialized mobilized radio, enhanced specialized mobile radio, paging and similar services.

11.24 Cellular Towers: *Transmitting Towers for Commercial Radio and Television, Commercial Wireless Telecommunications, and for Public Utility Microwave or Television, are special exception uses in the "state game area" "AG", "C-1" and "I-1" zoning districts subject to the following conditions:*

- (a) Co-location. To minimize the proliferation of towers within the Township, the following shall apply:
 - (1) Towers shall not be established unless the antenna cannot be accommodated on an existing or approved tower because the structural capacity would cause interference; existing towers could not accommodate the planned equipment at the height necessary, or for other unforeseen reasons.
 - (2) Towers shall be designed and constructed to accommodate both the applicant's equipment and that of a minimum of two other users.
 - (3) Antennas to be placed on roofs, walls, and existing towers must meet the requirements of this Section to include a Site Plan which shall include elevations and screening on any shelter or cabinet and a report by a qualified professional engineer.
 - (4) In a situation in which the entity desires to co-locate on an existing tower, then a permit is obtained from the zoning administrator and a review from the planning commission is not required. Information on the antenna including elevations, screening on a shelter or a cabinet shall be submitted to the zoning administrator for review and in order to receive a permit. However, if the co-location were to expand the compound, then this would require planning commission review.
- (b) Design Standards: All steel towers and antenna supporting structures shall be designed to meet the current structural standards of the Telecommunications Industry Association and Electronic Industries Association known as TIA/EIA-222, or its successor. Said towers are exempt from ordinance height restrictions.
- (c) Minimum Setback Distances:

- (1) Towers shall be setback from all property lines and street rights-of-way a minimum of the total height of the structure, to include any antennae projecting above the top of the tower. The planning commission may reduce the set back distance based on the design (supported by a letter from an engineer) and at their discretion. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or rights of way. When a tower is to be mounted on another structure, the total height shall be the combined heights of the structure, tower, and projecting antennas.
 - (2) Anchorages for guyed towers must be on the same parcel of land as the tower and setback from property lines a minimum of 20 feet.
 - (3) Accessory buildings shall be compatible in appearance with the surrounding area and buildings and set backs from the tower shall be at the discretion of the planning commission.
- (d) Security Fencing: The tower base and any accessory buildings shall be enclosed by a security fence of an anti-climbing design or a fence consisting of a six-foot tall chain link fence topped with three strands of barbed wire, or an eight-foot tall chain link fence.
 - (e) Obscuring Screen: At the discretion of the planning commission, a seven-foot tall obscuring screen of evergreens and shrubs shall be established to screen the tower base and associated accessory buildings from any residential district or public property located with 500 feet of the tower. Further, at the discretion of the planning commission, the base and screening may be required near the road frontage or at the property line.
 - (f) Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights or other warning lights unless specifically required by the Federal Aviation Administration, or other federal or state having authority over a particular tower. Any lights on a shelter shall be of a sharp cutoff type.
 - (g) Signs: The use of any portion of the tower for signs other than the minimum required for warning or equipment information is prohibited.
 - (h) Removal of Unused or Abandoned Towers: Towers or portions of towers and associated facilities that are no longer used or have been abandoned shall be removed within 12 months of the cessation of the operations unless an extension of the 12 month period has been approved by the Township planning commission. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relative documents, such as a signed lease, deed, or land contract. Before construction can begin a removal bond shall be filed with the township. In the event a tower is not removed within the time period stated above (or as extended by the ZBA), the township may execute on the removal bond and the tower and associated facilities shall be removed by the Township and any other cost of removal assessed against the real property.

- (i) Lot size. Property that is purchased or leased for purposes of locating a commercial tower shall not be subject to the lot size requirements in the respective zoning classifications.
- (j) Additional Requirements. In addition to the information required for Site Plan Review (Chapter XIX) and special exception use (Section 11.22) applications for towers shall include the following supplementary information:
 - (1) Tower plans and sealed drawings from a qualified licensed professional engineer which provide tower height and design, including cross sections and elevations; capacity of the tower; steps taken by the applicant to avoid interference; a professional engineer's stamp and registration number certifying compliance with FCC and FAA regulations, Building and Electrical Codes and other applicable Township Ordinances, if any; and other information necessary to evaluate the request.
 - (2) A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower with reasonable terms and conditions.
 - (3) The applicant shall also submit a search area map and a promulgation map.
 - (4) The applicant shall also submit a map showing other sites within the township; other sites within a 7 mile radius and future Ato build sites@.

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

HEATH TOWNSHIP
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