

7.09 Telecommunication Facility/Communication Tower

A Telecommunication Facility/Communication Tower shall be permissible as a conditional use in the "AG", "AGOS" and "B4" zoning districts, subject to the terms and conditions set forth in this section.

7.09-1 Definitions For purposes of this section, the following terms shall be defined as set forth below:

- A. Telecommunication Facility/Communication 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, guyed towers, and monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and also includes any supporting apparatus; provided that for purposes of the Zoning Ordinance this term shall not include any tower/antenna under 50' in height that is owned and operated by a federally licensed amateur radio station operator or that is used exclusively for receive-only antennas.
- B. Applicant: The applicant for a permit to erect a Telecommunication Facility/Communication Tower as defined above.
- C. Application: The application is a written request by the applicant for the permits and approvals necessary for a Telecommunication Facility/Communication Tower.

7.09-2 Application Process

- A. Before any Telecommunication Facility/Communication Tower is constructed within the Township, the application (with required permit fees) shall be filed with the Township Clerk by the applicant. Such application shall, at a minimum, contain the following information, as well as any other information subsequently determined to be necessary by the Planning Commission.
 - 1. A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the tower is 75 feet or more in height.
 - 2. A site survey to scale, showing all structures within 1,000 feet, and including a legal description of the real estate.

3. A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. Such buffering shall include but not be limited to the planting of evergreen or similar trees, which will provide year-round screening, a fence no less than six feet tall, and the material out of which said fence shall be erected.
4. The proposed height of the Telecommunication Facility/Communication Tower.
5. The location and size of all accessory buildings.
6. The type of construction of the Telecommunication Facility/Communication Tower.
7. Each application shall be accompanied by a report prepared by a Michigan licensed professional engineer describing the Telecommunication Facility/ Communication Tower height and design, including a cross-section of the structure. The report shall demonstrate the tower's compliance with applicable sub-structural standards and describe the tower's load design. The report shall certify that the Telecommunication Facility/Communication Tower will be in compliance with all applicable federal, state and local codes, regulations and ordinances. The report shall also include a certificate by the engineer that the structure, if built according to the plans submitted, will comply with Section 7.09-3 hereinafter set forth.
8. The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the Telecommunication Facility/Communication Tower. Such demonstration shall be evidenced by a study comparing at least two other potential host sites. Reasons for excluding a site include, but are not limited to:
 - (1) Unwillingness of a land owner to allow a Telecommunication Facility/Communication Tower on his/her property.
 - (2) Topographical limitations of the site.
 - (3) Adjacent impediments that would obstruct adequate telecommunication transmissions.

- (4) Physical site constraints that would preclude the construction of a Telecommunication Facility/Communication Tower.
 - (5) Technical limitations of the telecommunication system.
 - (6) Lack of legal description of the property.
9. Minimum spacing between self-supporting Telecommunication Facilities/Communication Towers 75 feet and above in height shall be three miles in order to prevent a concentration of such structures in one area. The Planning Commission shall have authority to waive all or part of this requirement if it finds that, given the nature of the tower, the subject property and/or neighboring properties, such separation is unnecessary to satisfy the standards for the granting of a conditional use permit hereunder.
 10. The application shall contain information which will demonstrate that there is an existing need for the structure in question.

7.09-3 Minimum Standards

- A. All communication towers shall be inspected annually by a competent and licensed inspector to ensure the structural integrity of the tower, appurtenances added to the tower, and fixtures added to the tower. A report of the results of the inspection shall be provided to the Township Clerk on or before August 1 of each year. Such report shall be at the expense of the structure owner. If the owner fails to provide such a report, the Township may obtain such from a qualified individual of its choice and recover its costs from the owner. If the owner fails to pay such amount within 30 days after written notification from the Township to pay such, the Township shall collect such using any lawful method.
- B. All Telecommunication Facilities/Communication Towers shall be harmonious with and in accordance with the general objectives, intent and purposes of the Tompkins Township Zoning Ordinance and not be hazardous or disturbing to the existing or future neighboring uses.
- C. Telecommunication Facilities/Communication Towers shall not be artificially lighted unless otherwise required by the FAA or other federal, state or local authority. If such lighting is required, it shall

be oriented and designed so as to minimize disturbance to surrounding properties.

- D. There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least eight feet in height within two years of planting and a row of trees at least six feet in height at the time of placement with ten foot centers and a minimum mature height of 35 feet.
- E. Minimum property line setbacks shall be 50 feet plus the height of the self-supporting telecommunication facility, plus 10% of the height of the tower, or 120 feet, whichever is greater, in Agricultural, Agriculture Open Space and Commercial Districts. No tower shall be located closer than 400 feet from the property line when the adjacent property is residential; providing, further that where a proposed tower will be located on a parcel of land surrounded on all four sides by commercially, agriculturally, and/or industrially zoned property, the Planning Commission may, in its discretion, reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the tower will be less than the required setback in this Ordinance, but in no event shall the setback be less than that required for structures erected in the zoning district in which the tower is located. The setback distance shall be measured from the base of the tower to the lot line.
- F. The Telecommunication Facility/Communication Tower shall conform to the ANSI standards for RF exposure. The Telecommunication Facility/Communication Tower shall be upgraded to meet any change in the ANSI standards. The owner or applicant shall immediately inform the Township of any ANSI standard changes and shall provide proof of compliance with the modified ANSI standards at its cost.
- G. The total square footage of accessory buildings shall not exceed 400 square feet per user of the Telecommunication Facility/Communication Tower. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography, and scale of buildings.
- H. Fuel tanks shall be buried or screened with landscaping, fencing or berms. Trash areas must be screened. Alternative fuel supplies shall meet applicable state law.
- I. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed state or local noise standards and shall conform to

recommended decibel standards adopted by the appropriate local, state or federal agency.

- J. Metal towers shall be constructed of, or treated with, corrosive resistant material.
- K. Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
- L. There shall not displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any tower, except such identification as may be required for emergency purposes.
- M. All parking and drive areas must be paved. However, the Planning Commission in its sole discretion, may allow an alternative type of finished surface for the parking and drive areas.
- N. All telecommunication devices added to existing facilities or towers must meet the requirements of this Ordinance.

7.09-4 Abandonment

In the event the use of any Telecommunication Facility/ Communication Tower has been discontinued for a period of 180 days, the Telecommunication Facility/Communication Tower shall be deemed to be abandoned. Upon abandonment, the owner/operator of the Telecommunication Facility/Communication Tower shall have an additional 180 days within which to reactivate the Telecommunication Facility/Communication Tower or dismantle and remove the Telecommunication Facility/Communication Tower.

7.09-5 Federal, State and Local Regulations

The owner or applicant of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be required to adhere to all federal, state and local rules, regulations, statutes and ordinance. A violation of any of the foregoing shall constitute reasonable grounds for the Planning Commission to revoke a conditional use permit granted hereunder.

7.09-6 Tower Space and Tower Rights

The applicant shall provide to Tompkins Township, tower space and tower use rights for public safety, communication and other municipal communications at

no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.

7.09-7 Site Plan Review and Approval

Planning Commission approval of the site application documents for the proposed Telecommunication Facility/Communication Tower shall be deemed to constitute site plan approval as provided for at MCL 125.3501.

7.09-8 Bonds

The owner of the Telecommunication Facility/Communication Tower shall post a bond with the Township in an amount to cover the reasonably estimated costs and expense of dismantling the Telecommunication Facility/Communication Tower in the event the same is abandoned and the owner fails to dismantle and/or remove the same within 180 days. The amount of the bond shall be established by the Planning Commission and may be adjusted by it on a five year basis to reflect increased costs of dismantling and removal due to inflation.

7.09-9 Transfer of Ownership

These regulations and standards shall apply to successor owner(s) of the Telecommunication Facility/Communication Tower if title or ownership of Telecommunication Facility/Communication Tower is transferred to another person, partnership, corporation or other entity. The Tompkins Township Clerk shall be notified if ownership is transferred.

7.09-10 False Statements in Application

Any application containing a materially false statement shall be deemed null and void.

7.09-11 Stealth Design Requirements

The Planning Commission may require camouflage or innovative design for a Telecommunication Facility/Communication Tower. Such design requirements may include, but are not limited to, camouflaging the facility/tower, requiring a specific paint color and/or paint scheme, or requiring the facility/tower to be so designed as to blend into the existing environs and background of the facility/tower.

7.09-12 Co-Location Requirements

All Telecommunication Facilities/Communication Towers erected, constructed or located within the Township shall comply with the following requirements.

- A. The proposal for a new Telecommunication Facility/Communication Tower shall not be approved unless the Planning Commission finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a one mile search radius of the proposed tower due to one or more of the following reasons:
1. The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a qualified and licensed Michigan professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented and certified by a qualified and licensed Michigan professional engineer and the interference cannot be prevented at a reasonable cost.
 3. Existing or approved towers or building within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.
 4. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building. Any proposed Telecommunication Facility/Communication Tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for a minimum of two users if the tower is over 100 feet in height, or for at least one additional user if the tower is over 75 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower to accept antennas mounted at varying heights.
 5. No communication tower shall be constructed unless there is proof that co-location on an existing tower cannot meet the needs of the applicant.
 6. An applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the communication tower for other users and shall make the

tower available at a fair market rate as determined by customary industry standards.