

Sec. 78-216. - Wireless communication.

(a) *Purpose and intent.*

(1) It is the policy of the city to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes. It is further the purpose and intent of the city to provide for such authorization in a manner which will protect the public health, safety, and welfare and retain the integrity of neighborhoods and the character and aesthetic quality of the community at large. This policy is consistent with the Federal Telecommunications Act of 1996 and PA 110 of 2006, as amended (MCL 125.3514).

(b) *Authorization.* Wireless telecommunication facilities may be permitted within the City of Plymouth as either a permitted use subject to administrative review, permitted use subject to site plan approval, or as a special use according to the following regulations:

(1) Wireless communication equipment as a permitted use subject to administrative review.

A proposal for attached wireless communication facilities that satisfies the following criteria does not require special use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review by the building Official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in subsection (c), General regulations, with the certification to identify any items of noncompliance. The wireless facility shall also comply with the following:

- a. The existing wireless communications support structure and/or wireless communications equipment compound are in compliance with this section and, if not, are in compliance with a prior approval under this section.
- b. The proposal will not increase the height of the wireless communications support structure by more than 20 feet or ten percent of its original height (as first erected without any later additions), whichever is greater.
- c. The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
- d. The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.

(2)

As a permitted use subject to site plan approval. In the I-1 and I-2 zoning districts, a wireless communication facility shall be a permitted use subject to the standards and conditions of this section. The following wireless communication facilities shall also be considered a permitted use:

- a. A proposed collocation upon a wireless communication support structure which has been approved by the city for such collocation but which is not permitted by administrative review under subsection (b)(3).
- b. Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no substantial change in physical dimensions of the existing pole.

(3) *As a special use.*

- a. A collocation on an existing structure which does any of the following: increases the height of the support structure by more than 20 feet or ten percent of its original height, increase the width of the support structure or increases the area of the equipment compound greater than 2,500 square feet.
- b. Subject to the standards and conditions set forth in this section, new wireless communication facilities shall be considered as a special use in any areas outside of the I-1 and I-2 zoning districts.
- c. If it is demonstrated by an applicant that a wireless communication facility, in order to operate, is required to be established outside of I-1 and I-2 districts and that existing structures are not available for collocation in other parts of the city, such wireless communication facilities shall be considered elsewhere in the city as a special land use, subject to the following:
 1. At the time of the submittal, the applicant shall demonstrate that alternative locations cannot reasonably meet the coverage and/or capacity needs of the applicant.
 2. Where feasible, wireless communication facilities shall be of a design such as a steeple, bell tower, water tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the city.
 3. Locations outside of the I-1 and I-2 districts may only be considered at the following locations, subject to application of all other standards contained in this section:
 - i. Municipally-owned sites.

- ii. Other governmentally owned sites.
 - iii. Religious or other institutional sites.
 - iv. Public or private school sites.
 - v. Public utility sites.
4. If sites are not available in the I-1 or I-2 district, or on parcels identified above in subsection 2(c)(iii), other locations where there is a demonstrated need for service can be considered.
 5. All other criteria and standards set forth below in Subsection c. and d. are met as follows:

(c) *General regulations.*

- (1) *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.
 - a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - b. Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
 - c. Applicants shall demonstrate an engineering justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - d. The following additional standards shall be met:
 1. The maximum height of the new or modified support structure and antenna shall not exceed height limits provided in Table 216-1, and shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure.

Table 216-1

Support Structure Height Limits by Zoning District

Zoning District	Height Limit
R-1, RT-1, RM-1, RM-2, O-1, O-2, B-1, B-2, B-3, ARC, P-1	145 feet
I-1, I-2	180 feet

Additional height over that which is provided in Table 216-1 may be permitted, in the sole discretion of the planning commission, when it can be demonstrated by the applicant that additional height is required to permit collocation. Evidence of collocation shall be provided by the applicant if additional height over that which is provided in Table 216-1 is requested. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective zoning district.

2. The setback of the support structure and accessory structures shall be 200 feet from the boundary of any residentially zoned property. Otherwise, the setback of the support structure and accessory structures shall be 100 feet or a distance equal to one hundred and 125 percent of the height of the support structure (whichever is greater) from an adjacent property boundary and all existing or proposed rights-of-way.
3. There shall be unobstructed access to the support structure, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
4. The city shall review and approve the architecture and color of the support structure and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. If lighting is required by the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, or other governmental agencies, it shall be red between sunset and sunrise, white between sunrise and sunset, and shall blink or flash at the longest permitted intervals, unless otherwise required.
5. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be submitted by the applicant in the original application for approval. The applicant shall furnish a written certification from the manufacturer or designer

of the support system that the support system has been evaluated by a registered professional engineer and that the support system can safely accommodate attached antennas under expected weather conditions.

- (2) *Standards and conditions applicable to special land use facilities.* Applications for wireless communication facilities which shall be approved as special land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions of this section and in accordance with the following standards:
- a. The applicant shall demonstrate the need for the proposed facility based upon one or more of the following factors:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. A demonstrated need, including deficiency of service, proof of dropped calls, and/or inadequate capacity to accommodate call volume. The city may seek the advice of experts in the field or independent third parties for technical assistance regarding radio frequency engineering.
 - b. The proposal shall be reviewed in conformity with the collocation requirements of this section.

(d) *Application requirements.*

- (1) Building permit applications shall be required for wireless facilities proposed as a permitted use subject to administrative review.
- (2) A site plan and special use application shall be required for wireless facilities proposed as a special use, in accordance with Article XX and Article XXIII.

For wireless facilities subject to special use application, a site plan shall also include a detailed landscape plan prepared in accordance with section 78-203. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of six feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.

(3)

An application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection (f). In this regard, the security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or, (3) other security arrangement found acceptable by the city manager.

(e) *Procedures.*

(1) *Review and administrative actions on special land use and site plan approval applications.*

- a. The building official shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in subsection (d). If the application is not complete, no later than 14 business days after receiving it the building official shall provide a written or electronic notice to the applicant specifying the information necessary to complete the application. Such initial review for completeness by the building official shall be on behalf of the planning commission for special land use and site plan approvals.
- b. The building official shall review supplemental information submitted in response to an incomplete application notice and notify the applicant of any remaining deficiencies.
- c. An application shall be administratively complete upon the building official's determination or the expiration of 14 business days from receipt of the application without a notice to the applicant of deficiencies.
- d. Upon a special use or site plan approval application being administratively complete, the building official shall promptly schedule it for a planning commission meeting that will allow for a planning commission site plan decision or special land use decision after the required public hearing within the time periods in subsection (e)(2) below.
- e. If the applicant has disclosed professional opinions supporting the application and the building official or planning commission has determined that independent professional review for the city of any such opinion should be performed, the reasonable costs of such review may be assessed to the applicant by a written notice from the building official as a professional review cost to be paid in accordance with the notice.

(2) *Decisions on special use and site plan approval applications.*

- a.

The planning commission shall approve or deny a special land use application for a new wireless communications support structure not more than ninety (90) days after it is administratively complete.

- b. For all special use, site plan applications, and applications subject to administrative review, other than new wireless communications support structures, the planning commission shall approve or deny the application not more than 60 days after it is administratively complete.

- (3) *Post-approval costs, fees, and administrative actions.* Zoning permits to implement and grant the authority allowed by a special land use or site plan approval for wireless communication facilities, and zoning certificates of use and occupancy for such facilities, shall be issued subject to and conditioned on all of the following:
 - a. Any conditions of the special land use or site plan approval.
 - b. Payment of any outstanding professional review costs as described in subsection e.1) (e).
 - c. Payment of permit fees in an amount established by or in accordance with a Resolution of city commission.

(f) *Removal.*

- (1) A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after the construction of an approved tower.
- (2) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon cessation of operation.

(Ord. of 10-6-03; Ord. No. 2014-03, § 6, 2-17-14)