CHAPTER 17.20
WIRELESS TELECOMMUNICATION FACILITIES

17.20.010 PURPOSE

It is the general purpose and intent of the city to carry out the will of the United States Congress by authorizing telecommunication facilities needed to operate wireless telecommunication systems. However, it is the further purpose and intent of the city to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless telecommunication services and coverage, it is the further purpose and intent of this section to:

A. Facilitate adequate and efficient provision of sites for wireless telecommunication facilities and ensure that wireless telecommunication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

B. Establish predetermined zoning districts of the number, shape, and in the location, considered best for the establishment of wireless telecommunication facilities, subject to applicable standards and conditions.

C. Recognize that operation of a wireless telecommunication system may require the establishment of facilities in locations not within the predetermined zoning districts. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the city. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.

D. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.

E. Minimize the adverse impacts of technological obsolescence of such facilities, including possible removal of unused and/or unnecessary facilities in a timely manner.

F. Minimize the negative visual impact of wireless telecommunication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice tower structures that are unnecessary, taking into consideration the purposes and intent of this section.
G. The City finds that the presence of numerous tower structures, would decrease the attractiveness and destroy the character and integrity of the city. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

17.20.020 COLOCATION

Colocation of attached wireless telecommunication facilities on any existing buildings or structures, where the existing building or structure is not, at the discretion of the Building Official, proposed to be either materially altered or materially changed appearance, shall be permitted.

A. STANDARDS FOR COLOCATION

Colocation shall be deemed to be feasible for purposes of this section where all of the following are met:

1. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

2. The colocation being considered is technologically reasonable, e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure and antennae.

3. The height of the structure necessary for colocation shall not be increased beyond a point deemed to be permissible by the city, taking into consideration the standards contained in Section 17.20.040.

B. REQUIREMENTS FOR COLOCATION

1. All new and modified wireless telecommunication facilities shall be designed and constructed so as to accommodate colocation.

2. If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to alter a support structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
C. OFFER OF COLOCATION REQUIRED

An application for a new wireless telecommunication support structure shall include a letter from the applicant to all potential providers and users offering an opportunity for colocation. The list of potential users shall be based on current Federal Communications Commission license holders. If a user requests, in writing, to colocate on the new support structure, the applicant shall accommodate the request, unless colocation is not feasible based on the criteria of this section.

17.20.030 MONOPOLES

A. Within the nonresidential zoning districts, monopoles shall be authorized as special land uses in the following circumstances.

1. At the time of the submittal, the applicant shall demonstrate to the satisfaction of the city that a location within a permitted zoning district cannot reasonably meet the coverage or capacity needs of the provider.

2. Wireless telecommunication facilities shall be of a design such as a steeple, bell tower, or other form that is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the city.

B. In residential zoning districts, monopoles shall be authorized as special land uses, subject to application of all other standards contained in this section and the location criteria outlined below:

1. Municipally owned sites
2. Other governmentally owned sites
3. Religious or other institutional sites
4. Public parks and other large permanent open space areas when compatible
5. Public or private school sites

17.20.040 SITE REQUIREMENTS

All applications for monopoles shall be reviewed in accordance with the standards and conditions of this section and Section 17.60.070 Special Land Use Approval, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission or City Council at their discretion.

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 harmonious with the surrounding areas.

C. Wireless telecommunication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
D. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

E. The maximum height shall not exceed 100 feet, including antennae and all apparatus measured from the grade at the base of the support structure when occupied by one telecommunications provider. In the event the support structure provides antennae for more than one provider, the maximum height may increased to not more than 125 feet measured from the grade at the base of the support structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

F. The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.

G. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.

H. Where an attached wireless telecommunication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.

I. The Planning Commission shall, with respect to the color of the support structure and all accessory buildings, review and approve 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 telecommunication facility in a neat and orderly condition.

J. The support system shall be constructed in accordance with Chapter 15.04, Building Code, of the Hazel Park Municipal Code. The requirements of the Federal Aviation Administration, Federal Telecommunication Commission, and Michigan Aeronautics Commission shall be noted within the application.

K. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

L. The City may require as a condition of approval, the furnishing of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond to be deposited with the City Clerk. The minimum performance guarantee to be required shall be deposited at the time of the issuance of the permit. The City shall not require the deposit before the date on which the City is prepared to issue the permit.

M. A 6 foot decorative fence shall be installed around the entire perimeter of the facility with one deciduous or evergreen shrub of at least 36 inches in height per 4 linear feet of perimeter planted around the exterior of the fence.
N. If equipment buildings are to be located on the site, the exterior of the structures shall be constructed of brick or brick like material on all sides and shall have a 6:12 pitched roof and be shingled.

O. Equipment buildings or shelters shall not be used for offices, long term vehicle storage, broadcast studios or other uses that are not needed to send or receive transmissions.

P. Equipment at transmission facilities shall be automated to the greatest extent possible to reduce traffic and congestion. As part of the application process, the applicant shall describe anticipated site and building maintenance needs including the frequency of service, personnel needs, equipment needs, and the traffic, noise, or safety impacts of such maintenance.

Q. The site shall be landscaped in accordance with Chapter 17.12, *Landscaping Standards*, and all other requirements of the zoning district where it is located.

R. All building and tower lighting shall conform to the standards contained in the district in which it is located. When lighting is required and is permitted by the Federal Aviation Administration or other federal or state authority, it shall be oriented inward so as to not to project onto surrounding property.

S. Vehicular access to the tower sited facility shall consist of a paved, 12 foot wide driveway.

T. The tower or monopole shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission or Federal Aviation Administration.


17.20.050 APPLICATION REQUIREMENTS

A. A site plan prepared in accordance with Section 17.60.080, *Site Plan Review*, shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

B. The site plan shall also include a detailed landscaping plan where a support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

C. The application shall include a map showing existing and known proposed wireless telecommunication facilities within the city, and further showing existing and known proposed wireless telecommunication facilities within areas surrounding the borders of the city in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility.
D. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCLA 15.243(l)(g)). This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality shall be prominently stated in order to bring it to the attention of the city.

E. The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

F. The application shall include a description of security to be posted at the time of receiving a building permit for a support structure to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 17.20.060. In this regard, the security shall, at the election of the applicant, be in the form of: cash; a surety bond; a letter of credit; or an agreement in a form approved by the City Attorney and recordable at the office of the Oakland County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney’s fees incurred by the city in securing removal.

17.20.060 REMOVAL

A. A condition of every approval of a wireless communication support structure shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

1. When the facility has not been used for 6 months or more. For purposes of this section, the removal of antennae or other equipment from the facility, or the cessation of operations (transmission or reception of radio signals) shall be considered as the beginning of a period of non-use.

2. Six months after new technology is available at reasonable cost that permits the operation of the communication system without the requirement of the support structure.

B. The situations in which removal of a facility is required, as set forth in subsection A, above may be applied and limited to portions of a facility.

C. Upon the occurrence of one or more of the events requiring removal, specified in subsection A above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Building Official.

D. If the required removal of a facility or a portion thereof has not been lawfully completed within 3 months of the applicable deadline, and after at least 30 days written notice, the city may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
17.20.070 VIOLATIONS

If a party who owns or otherwise controls a support structure shall fail or refuse to permit a feasible colocation, and this requires the construction or use of a new support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the city, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless telecommunication support structure within the city for a period of 5 years from the date of the failure or refusal to permit the colocation.