

ARTICLE 15

WIRELESS COMMUNICATION FACILITIES

Section 15.01 Purpose.

The purpose of this Article is to carry out the will of the United States Congress by permitting facilities within the City that are necessary for the operation of wireless communications systems. In recognition of the public need and demand for advanced telecommunication and information technologies and services and the impacts such facilities may have on properties within the City of Richmond, it is the further intent of this Article to:

1. Maximize the use of existing and future wireless communication facilities by encouraging co-location of multiple antennae on a facility where feasible.
2. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and buildings from potential adverse impacts of such facilities.
3. Minimize the adverse visual and other impacts of such facilities through innovative design, adequate screening, sufficient setback area, and timely removal of facilities upon the discontinuance of use.
4. Minimize the adverse impacts caused by these facilities on the public health and safety of persons and property within the City, as well as to minimize the adverse aesthetic impacts caused by these facilities.

It is not the intent of this Article to materially limit wireless transmission or reception, or unnecessarily burden access to wireless services or competition among different communication providers.

Section 15.02 Application.

The following information shall be provided with any application for approval of a wireless communications facility:

1. **Applicant information.** The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.
2. **Site plan.** A site plan, on eleven inch by seventeen inch (11" x 17") paper, which identifies the type of wireless communications facility, as defined in this Ordinance, and includes the following:
 - a. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within 300 feet of the boundaries of the zoning lot.

- b. A screening plan, with details of proposed fencing and screening materials.
 - c. Elevation drawings of all proposed towers and other structures on the site.
 - d. A location map for the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within one (1) mile of the proposed location.
3. **Service area coverage maps.** A map of the area served by the provider’s existing wireless communications facilities shall be provided, along with a map of the same area showing the additional service area coverage of proposed facilities.
 4. **Construction drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, heights, electrical components, methods of construction and type of illumination for each wireless communications facility.
 5. **Permission to locate.** The applicant shall submit copies of a signed lease or other proof, satisfactory to the City Attorney, of permission to locate a wireless communications facility on the site.
 6. **Co-location agreement.** The applicant for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the site plan and elevation drawings.
 7. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the City of Richmond as the certificate holder and naming the City of Richmond, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the City as certificate holder. The City may require the applicant to supply a \$1,000.00 cash bond to the City, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
 8. **Maintenance agreement.** The applicant shall submit a plan for the long-term maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the City if maintenance responsibilities change.
 9. **Removal agreement.** The applicant shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the City Attorney, for the removal of towers or antennae as applicable. The applicant shall demonstrate that adequate funds will be available to the City for the removal of such towers or antennae, restoration of the site and associated administrative costs incurred by the City in the event that the applicant, property owner or their successors fail to remove the tower or antenna(e) in a timely manner as required by this Section.
 10. **Engineering certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be

submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.

11. **Tax-related information.** The applicant shall supply to the City Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the City Planner that this condition has been satisfied.

Section 15.03 Type of Review Required.

The purpose of this Section is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following table:

SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	PLANNING COMMISSION	ZONING PERMIT	EXEMPT
TOWERS AND ANTENNAE INSTALLATION			
Construction, alteration or enlargement of wireless communications facilities.	◆	◆	
Installation of antennae on existing structures, other than wireless communications towers.	◆	◆	
Construction of television, radio, microwave, or public utility transmission towers, antennae or antennae arrays.	◆	◆	
Co-location of antennae and support facility on an existing approved tower.		◆	
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna up to one (1) meter in diameter accessory to a RESIDENTIAL USE.			◆
Installation of a satellite dish antenna up to two (2) meters in diameter accessory to any non-residential use.			◆
Installation of a satellite dish antenna over two (2) meters in diameter accessory to any non-residential use.		◆	
AMATEUR RADIO ANTENNAE			
Installation of amateur radio transmission/reception antennae.		◆	

SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	PLANNING COMMISSION	ZONING PERMIT	EXEMPT
Installation of citizen band radio facilities, short wave facilities, amateur radio reception-only antennae and governmental facilities subject to federal or state laws or regulations that preempt municipal regulatory authority.			◆
OTHER PROJECTS			
Installation of new antennae or similar transmission devices on light poles, on other public utility structures or within road rights-of-way.	◆	◆	
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable codes.			◆
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			◆

1. **Exempt facilities.** Activities listed as exempt from review shall be permitted by-right, subject to the applicable standards of this Article.
2. **Facilities subject to permit review.** Such facilities shall be subject to review and approval of appropriate permits by the City Planner and Building Official in accordance with the applicable standards of this Article, Section 1.08 (Zoning Permits), State Construction Code enforced by the City, and other applicable building, fire, and electrical codes.
3. **Facilities subject to Planning Commission review.** Such facilities shall be subject to a public hearing, and review and approval by the Planning Commission in accordance with the applicable standards of this Article and the review procedures specified in Section 15.04 (Planning Commission Review).

Section 15.04 Planning Commission Review.

After a complete and accurate application has been submitted in accordance with the requirements of Section 15.02 (Application), wireless communications facilities subject to Planning Commission approval shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate City officials and staff for review and comment. The City Planner may also submit the plans to applicable outside agencies and designated City consultants for review and comment.
2. **Public hearing.** A public hearing shall be scheduled and held before the Planning Commission for all wireless communications facilities subject to Planning Commission

review, in accordance with the City and Village Zoning Act (P.A. 207 of 1921, as amended) and Section 1.12 (Public Hearing Procedures).

3. **Planning Commission action.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments.
 - a. The Planning Commission shall determine whether the facility is in compliance with the requirements of this Article and Ordinance.
 - b. The Planning Commission shall determine whether the facility satisfies the criteria for approval listed in Section 15.10 (Criteria for Approval).
 - c. The Planning Commission shall then consider its findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.
4. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the City Planner and Building Official to review and issue permits for work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the Planning Commission. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that addresses any deficiencies in the denied application materials, facility design or location.
5. **Expiration of approval.** Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the City prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this Article.

Section 15.05 General Standards.

The following regulations shall apply to all wireless communications facilities:

1. **Federal, state and local standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with the State Construction Code enforced by the City, and all other applicable building, electrical and fire codes.
2. **Public safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency emissions, and shall be designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.

3. **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.
4. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.

Section 15.06 Standards for Wireless Communications Towers.

The following shall apply to all wireless communications towers, in addition to Section 15.05 (General Standards):

1. **Location.** Wireless communications towers shall be limited to lots in the B-3 (General Business), I-1 (Limited Industrial), I-2 (General Industrial), and PSP (Public/Semi-Public Services) Districts that have sufficient land area to accommodate the minimum setback requirements of this Section. Such towers may be located on a zoning lot containing other principal uses.
2. **Height.** Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower.
3. **Setbacks.** Towers shall be set back from all lot boundaries and street rights-of-way a minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
4. **Co-location.** Wireless communications tower shall be designed, constructed and maintained to accommodate co-location of multiple antennae on a single tower. The applicant shall demonstrate that there is a need for new wireless communications facilities that cannot be met by use, alteration or replacement of an existing tower, or placement of antennae on an existing structure. The Planning Commission shall consider the following factors in determining whether such a need exists:
 - a. Insufficient structural capacity of existing towers or other suitable structures and infeasibility of reinforcing or replacing an existing tower.
 - b. Unavailability of suitable locations to accommodate system design or engineering on existing towers or other structures.
 - c. Radio frequency interference or other signal interference problems at existing towers or other structures.
 - d. The denial of the application for a proposed tower will result in unreasonable discrimination among providers of functionally equivalent wireless communication service providers, or will have the effect of prohibiting the provision of wireless communication services.
 - e. The refusal of owners or parties who control existing towers or other suitable structures to permit antennae to be attached or co-located.
 - f. Other factors which demonstrate the reasonable need for the new tower.

5. **Tower design.** Wireless communication tower design shall be subject to the following:
 - a. Towers shall be of a slim-line or low profile monopole design, except where the applicant demonstrates to the Planning Commission's satisfaction that such design is not feasible to accommodate the user or co-location.
 - b. The Planning Commission may approve towers of a stealth design, such as those disguised to appear as a flagpole, tree or light pole.
 - c. Towers shall not be used for advertising purposes nor contain any signage except a nameplate identifying the service provider and emergency telephone numbers.
6. **Ground equipment enclosure.** All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by an eight (8) foot high fence or wall with a lockable gate to prevent unauthorized access. Screening shall be provided on all sides of the ground equipment enclosure in accordance with Section 11.04 (Methods of Screening and Buffering), subject to Planning Commission approval.
7. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

Section 15.07 Standards for Antennae Located on Structures.

The following shall apply to antennae located on principal or accessory structures, in addition to Section 15.05 (General Standards):

1. **Location.** Such antennae shall be limited to structures in the B-2 (Downtown Business), B-3 (General Business), I-1 (Limited Industrial), I-2 (General Industrial), and PSP (Public/Semi-Public Services) Districts, subject to the following:
 - a. Such antennae shall be limited to structures with a minimum height of 35 feet.
 - b. Such antennae shall be prohibited on any single-family or two-family dwelling.
 - c. Antennae proposed to be located on a historic building or any building in the B-2 (Downtown Business) or PSP (Public/Semi-Public Services) Districts may be denied if the Planning Commission determines that the antennae would detract from the character of the building or district.
2. **Height.** The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than ten (10) feet.
3. **Equipment shelter.** Any accessory equipment shelter shall not exceed 15 feet in height, and shall conform to the minimum required yard setbacks specified in Article 4 (Dimensional Standards).
4. **Design.** All antennae shall be designed to complement the aesthetic character of the structure, taking into consideration the antennae location, visibility, and distance from the right-of-way and neighboring uses.

Section 15.08 Standards for Satellite Dish Antennae.

The following shall apply to all satellite dish antennae subject to zoning permit approval per Section 15.03 (Type of Review Required), in addition to the provisions of Section 15.05 (General Standards).

1. **Prohibited antennae.** Satellite dish antennae over one (1) meter in diameter shall be prohibited accessory to a RESIDENTIAL USE in any zoning district.
2. **Maximum permitted.** A maximum of one (1) satellite dish antenna subject to zoning permit approval shall be permitted accessory to a non-residential use on a zoning lot. This limitation shall not include satellite dish antennae that are exempt from review per Section 15.03 (Type of Review Required).
3. **Location.** Satellite dish antennae shall be located only in the rear yard, subject to the following:
 - a. Satellite dish antennae shall be set back from all side and rear lot lines a minimum distance equal to the height of the antenna and support structure.
 - b. Satellite dish antennae may be located in the side yard or roof-mounted where documentation from the installer or service provider shows that the permitted rear yard location would materially limit satellite transmission or reception.
 - c. Roof-mounted satellite dish antennae shall be located in a manner that minimizes visibility from street rights-of-way.
4. **Installation.** Satellite dish antennae and support structures shall be permanently secured to a structure or foundation, and shall be designed and constructed to resist wind and seismic forces. Manufacturer standards for ground and roof installation shall be complied with regarding allowable wind loads, stresses, supports, and fastenings.

Section 15.09 Standards for Amateur Radio Antennae.

The following shall apply to all amateur radio antennae, in addition to the provisions of Section 15.05 (General Standards).

1. A maximum of one (1) such antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
2. Amateur radio antennae shall be limited to lots in any zoning district that have sufficient lot area to accommodate the minimum setback requirements of this Section.
3. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

Section 15.10 Criteria for Approval.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

1. **Operating requirements.** The applicant shall demonstrate that operating requirements necessitate locating within the City and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
2. **Engineering requirements.** The applicant shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
3. **Impact on adjacent uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas, and road rights-of-way will not be adversely impacted by the location of the wireless communications facility.
4. **Site characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures, and other inherent site characteristics are compatible with the installation of wireless communications facilities.
5. **Site design.** The design, lighting, color, construction materials, landscaping, fencing, screening, and other design elements are in compliance with applicable provisions of this Article and Ordinance.

Section 15.11 Existing Towers and Antennae.

Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 15.05 (General Requirements) and all approved plans, permits, and conditions of approval. A lawfully constructed wireless communications facility may be altered, expanded or replaced, subject to the following:

1. The new or altered wireless communications facility shall comply with all applicable requirements of this Article.
2. An existing wireless communications facility to be replaced shall be removed within 90 days of completion of the replacement facility.
3. If the existing wireless communications facility must be removed before or during construction of the replacement facility, temporary wireless communications facilities may be used on the site to ensure continuity of services, subject to City approval. Such temporary facilities shall be removed within 30 days of the completion of the replacement wireless communications facility.

Section 15.12 Rescinding Approval of Wireless Communications Facilities.

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the City about the facility as required by this Article or maintain and operate the facility in compliance with the provisions of this Article shall be grounds for the City to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the wireless communications facility for which approval was sought, or the owner’s designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

Section 15.13 Removal of Wireless Communications Facilities.

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than 365 contiguous days, shall be removed by the owner or operator within 60 days of receipt of notice from the City requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the City to seek court approval for such removal at the expense of the facility owner or operator.

Section 15.14 METRO Act Telecommunication Facilities.

Nothing in this Ordinance shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended).