

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

MINUTES OF MEETING HELD THURSDAY, April 17, 1997

AGENDA

TEXT AMENDMENT - Neighborhood Commercial Draft #2

TEXT AMENDMENT - Telecommunications Tower Ordinance

A special meeting of the Oshtemo Township Planning Commission was conducted Thursday, April 17, 1997, commencing at 7:00 p.m. at the Oshtemo Township Hall.

Members Present: Wilfred Dennie, Chairman
 Marvin Block
 Ted Corakis
 Ken Heisig
 Libby Heiny-Cogswell
 C. Lara Meeuwse

Members Absent: Millard Loy

Also present was Ms. Rebecca Harvey, Planning & Zoning Official.

CALL TO ORDER

The Chairperson called the meeting to order at 7:10 p.m.

APPROVAL OF AGENDA

Mr. Block moved to approve the agenda. Mr. Heisig seconded the motion. The motion carried unanimously.

TEXT AMENDMENT - Neighborhood Commercial Center

Master Land Use Plan:

Ms. Harvey distributed a map of the Township which was marked with all the locations that would comply with the (preliminary) standards ~~we had set for the~~ Residential Convenience Center and the Rural Convenience Center, along with the existing Neighborhood Commercial "nodes". This helped Commission Members to visualize the (locational) distance standards ~~that~~ needed to be established ~~(.)~~ ~~and~~ ~~appropriate changes were made to the Master Land Use Plan~~. The Chairperson stated that we needed to recognize the planned commercial and existing neighborhood commercial land use(s). Ms. Harvey responded that she would (draft) ~~incorporate~~ language to that effect into the MLUP.

Zoning Ordinance:

Ms. Harvey provided information regarding parcel size, building size, and number of parking spaces for existing uses representative of what Commission Members had envisioned as permitted uses in the Neighborhood Commercial Centers. With these examples, they confirmed and changed some of the standards in the draft zoning ordinance. Ms. Harvey will include these changes in the next draft of this ordinance.

TEXT AMENDMENT - Telecommunications Tower Ordinance

Ms. Harvey stated that telecommunications towers have previously been reviewed under the "essential services" provision of the ordinance. However, with the Telecommunications Act of 1996, many municipalities are establishing a specific ordinance for these towers. Reference was made to model language provided, sample language from the City of Kalamazoo, and proposed draft language. The Chairperson then reviewed the proposed ordinance, Section 60.600, with Commission Members and language for the ordinance was finalized. Ms. Meeuwse moved to schedule a public hearing for the proposed ordinance on May 22, 1997. Mr. Block seconded the motion. The motion carried unanimously.

OTHER BUSINESS

The quarterly report was reviewed against the proposed workplan for 1997. Due to public requests for rezonings, the workplan is slightly behind schedule. However, the Commission Members stated that addressing public requests in a timely manner was important. There were also some adjustments made to the workplan as Members thought certain issues had higher priority.

The Chairperson reminded us that there would be a joint meeting with the ZBA and the Township Board on May 20, 1997. The following agenda was set: 9th Street Focus Area (Overlay Zone), Telecommunications Tower Ordinance, Work Plan.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:15 PM.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By: *Lara Meeuwse*
Lara Meeuwse, Secretary

Minutes prepared:
4/18/97

Minutes approved:
5/8/97

AGENDA: _____

DATE: April 17, 1997

MINUTES: Planning Commission

SENT: June 5, 1997

ZBA

- _____ Lara M.
- _____ Dave B.
- ✓ Bill S.
- ✓ Brian
- ✓ Tom B.

PEOPLE

Home Builders Association
5700 West Michigan
Kalamazoo, MI 49009

McGraw-Hill/F.W. Dodge
Attn: Linda Hibbard
4000 Portage Road
Kalamazoo, MI 49009

PC

- ✓ Libby
- ✓ Marvin
- ✓ Lara
- ✓ Ken H.
- ✓ Millard
- ✓ Ted C.
- ✓ Wilfred

5-7-97

Oshtemo Business Association
P.O. Box 1
Oshtemo, MI 49077

TB

- ✓ Fred
- ✓ Dave B.
- Marvin
- ✓ Norm

OFFICE

- ✓ Becky
- ✓ Bob
- ✓ Marci
- ✓ Lois
- ✓ Ron
- ✓ Tony
- ✓ Jim
- _____ Attorney's
- _____ Index
- ✓ Elaine

Total

✓ Mike West



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

NOTICE

OSHTEMO TOWNSHIP SPECIAL PLANNING COMMISSION MEETING

April 17, 1997
7:00 p.m.

AGENDA

1. Call to Order
2. Approval of Agenda
3. Text Amendment - Neighborhood Commercial Center

Master Land Use Plan

- Board Review : Locational Guidelines

Zoning Ordinance

- Board Review : Application (Illustration) of Design Standards
: Draft #2

4. Text Amendment - Telecommunications Tower Ordinance

- Telecommunications Act of 1996
- Proposed Ordinance - Section 60.600
- Schedule for Public Hearing

5. Quarterly Report
6. Other Business
7. Adjourn

-over-

**** SCHEDULE OUTLINE**

April 24, 1997 Planning Commission Meeting

: Rezoning - Balkema ("KL" Avenue)

AGENDA: Special PC
MINUTES: _____

DATE: April 17, 1997
SENT: April 14, 1997 (Hand Del.)

ZBA

- _____ Lara M.
- _____ Dave B.
- Bill S.
- Brian
- Tom B.

PC

- Libby
- Marvin
- Lara
- Ken H.
- Millard
- Ted C.
- Wilfred

TB

- Fred
- Dave B.
- Marvin
- Norm

OFFICE

- Becky
- Bob
- Marci
- Lois
- Ron
- Tony
- Jim
- Attorney's
- _____ Index
- Elaine

Total

PEOPLE

Dave Person
Kalamazoo Gazette
P.O. Box 2007
Kalamazoo, MI 49003

Home Builders Association
5700 West Michigan
Kalamazoo, MI 49009

Oshtemo Business Association
P.O. Box 1
Oshtemo, MI 49077

Cripps Fontaine Excavating
7729 Douglas Avenue
Kalamazoo, MI 49004

Wightman Ward Corporation
1818 W. Centre Street
Portage, MI 49024

John Van Stratt
Miller-Davis Company
P.O. Box 2888
Kalamazoo, MI 49003



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

To: Planning Commission

Meeting Date: 4-17-97

From: Planning/Zoning Department

Agenda Item: #4

Text Amendment Request: Section 60.610 - Communications Towers

Background Information

- Currently, communication towers are interpreted as 'essential services' under the Ordinance and reviewed/approved accordingly (ie. permitted uses, special exception uses). The Ordinance is currently silent as it relates to design issues specific to towers, such as tower height, setbacks, etc.
- The Ordinance definition of 'essential services' has raised questions as to the appropriateness of placing the commercial communication industry under the 'essential services' umbrella.
- Further, with the increase in activity in the establishment of tower sites, the lack of Ordinance language limiting the placement of towers or subjecting tower sites to special exception use criteria and specific design standards has created land use concerns.
- As a result, amended text language has been proposed that will effectively limit the establishment of tower sites to the industrial districts within the Township, unless a special exception use permit is granted (for another zoning district). Further, standards regulating design elements such as tower height, setbacks, lighting, and collocation are included.
- The proposed draft language is presented for Board discussion and should be reviewed for its ability to further Township land use objectives.

Reference Material

: 'The Telecommunications Act of 1996', *The Kalamazoo Planner* (2-97) [including model ordinance language]

: Proposed Text Amendment - Communication Towers, City of Kalamazoo

: Proposed Text Amendment: Section 60.600 - Communication Towers



the KALAMAZOO PLANNER

Kalamazoo County Planning News

February 1997

THE TELECOMMUNICATIONS ACT OF 1996

**SPECIAL
EDITION!**

And what the wireless revolution means to local government

On February 8, 1996, President Clinton signed into law the Telecommunications Act of 1996, after the House and Senate overwhelmingly approved the measure. It was a close call for county and local governments as the act originally included language that would override a municipality's zoning controls over telecommunications towers. This language was removed shortly before passage, however and the Act now reads, "Except as provided (herein), nothing in this act shall limit to affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities."

Another key victory in the final version of the landmark telecommunications overhaul was the provision of language to guarantee that local governments can manage their public rights-of-way and receive fair and reasonable

compensation for the use of public rights-of-way by all telecommunications providers.

The basic assumption of the Act is that competition will benefit all consumers of telecommunications services and that competition in the

Based on a 1995 survey by the American Planning Association, the primary concern related to cellular tower siting is aesthetics appearance, followed by structural integrity and health risks.

marketplace is now possible in most areas and for most kinds of services. The basic goal of the Act is to encourage competition wherever and whenever possible. The technique of the legislation is to remove as much regulation of telecommunications providers as possible.

The Act does place three important

limitations on local governments:

1) communities may not "unreasonably discriminate among providers of functionally equivalent services", 2) communities may not "prohibit or have the effect of prohibiting the provision of personal wireless services", and 3) communities may not regulate personal wireless services "on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the (FCC's) regulations concerning such emissions."

Fortunately, the Act includes strong language affirming local government authority over the siting of cellular towers and other wireless communications facilities. Section 704 of the Act retains local zoning control of placement, construction, and modification of mobile services and wireless common carrier sites so long as it is done in a reasonable and nondiscriminatory manner. All

See TELECOM on Page 2

TELECOM Continued...

disputes are to be settled in the courts, except for issues relating to radio frequency emission which are to be handled by the Federal Communications Commission (FCC). The act specifically states that "any pending FCC rulemaking concerning the preemption of local zoning authority over the placement, construction or modification of CMS (commercial

mobile services) facilities should be terminated."

The expansion of the wireless telecommunications industry, along with its recent technological improvements, will have many positive effects, including lower rates, higher quality service, higher security, and the ability to transmit data and video signals from remote locations. Unfortunately, the positive aspects of this new technology will be accompanied by a proliferation of new towers. Local governments will need to work closely with the wireless telecommunications industry to provide high quality service while minimizing the negative impacts of numerous towers.

In response to the siting of wireless facilities, the granting of permission to locating wireless facilities, and the timing of approval or denial of requests, local governments are advised to follow two steps. Step 1 is to review the current zoning ordinance and any proposed cellular siting language to determine if the ordinance "unreasonably discriminates among providers of functionally equivalent services." Step 2 is to review your local zoning ordinance to determine if it totally "prohibits or has the effect of prohibiting" the provision of personal wireless services. In addition, other ways to accommodate facilities is to encourage co-location of facilities, plan for future tower sites, map appropriate sites, and enter joint ventures between local public safety communications and private telecommunications providers. □

TELECOMMUNICATION TERMS...

Personal wireless services include cellular telephone, personal communication services, mobile radio services, and any other FCC-licensed wireless common carriers. Although classed together, each service works with a somewhat different technology and requires a different type of antenna and transmission facility.

Co-location means that a number of different providers locate their transmitting facilities together in the same place or on the same towers or monopoles. Although competitors may balk, most communications towers can - and typically do - carry several transmitters of several different providers.

Cellular telephone service works by transmitting signals from low-power transmitters on tall towers, typically monopoles. Each transmitter covers an area or "cell." As the user travels through one cell to another, the signal is "handed off" from one transmitter to another in the adjacent cell.

Personal communication service (PCS) is a newer technology just starting to be constructed that uses even smaller "cells" than the traditional cellular service. It will compete with cellular telephone service and may become the service of the future if it provides better quality and reception. Since PCS transmitters cover an even smaller geographic area, more transmitters and towers will be needed and be placed much closer together.

Specialized mobile radio (SMR) services typically consist of one or more base station transmitters and a mobile radio unit in the vehicle or premises of the user. Communications are transmitted through the base station by telephone wires or by low-power radio signals. □



Kalamazoo Metropolitan County Planning Commission

Sonny Damvelt, Chair
 Julius Talley, Vice-Chair
 Betsy Rice, Secretary
 David Buskirk
 Rodney Dragicevich
 Joe Elser
 Jeffery Rubel
 Walter Schneidenbach
 Belden Smith
 Robert Soltis
 (vacancy)

Meetings are the first Thursday of February, May, August and November

Department of Planning and Community Development

Dean Holub, Director
 John Sych, Senior Planner
 Steve Leuty, Recycling Coordinator

201 West Kalamazoo Avenue
 Kalamazoo, Michigan 49007
 Telephone: (616) 384-8112
 Fax: (616) 383-8862

Model Telecommunications Tower Ordinance

The following ordinance language is a model for regulating the location of telecommunication towers and is being provided for INFORMATIONAL PURPOSES ONLY. Any model language should be thoroughly reviewed and revised where necessary before any consideration of adoption.

- A. Purpose.** In order to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community, these regulations are necessary in order to:
1. Facilitate the provision of wireless telecommunication services to residents and businesses;
 2. Minimize adverse visual effects of towers through careful design and siting standards;
 3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,
 4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
- B. Definitions.**
1. **Antenna:** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas.
 2. **Commercial Wireless Telecommunication Services:** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
 3. **Public Utility:** Persons, corporations, or governments supplying gas, electric, transportation, water, sewer or land line telephone service to the general public. For the purpose of this Ordinance, commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.
 4. **Tower:** Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
- C. Towers Permitted in Zoning Districts.** Towers are permitted uses in all industrial zoning districts and special exception uses in all other zoning districts.
- D. Towers in Residential Zoning Districts.** Towers shall be allowed only in the following areas in residential zoning districts:
1. Towers supporting amateur radio antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the rear yard of residentially zoned parcels.
 2. Towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the following residentially zoned locations:
 - a. Church sites, when camouflaged as steeples or bell towers;
 - b. Park sites, when compatible with the nature of the park; and,
 - c. Government, school, utility and institutional sites.
- E. Co-Location Requirements.** All commercial wireless telecommunication towers erected, constructed or located within the municipality shall comply with the following requirements:
1. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius (1/2 mile search radius for towers under 120 feet in height, 1/4 mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

ORDINANCE Continued...

- b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
2. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

F. Towers and Antenna Design Requirements. Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
2. Commercial wireless telecommunication service towers shall be of a monopole design unless it is determined that an alternative design would better blend in to the surrounding environment.

G. Tower Height. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered the combined height of the structure and tower.

H. Tower Setbacks. Towers shall conform with each of the following minimum setback requirements:

1. Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
2. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
3. A tower's setback may be reduced or its location to a public street varied to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device or similar structure.
4. Towers shall be setback at least 100 feet from any adjacent residences or public streets.
5. Towers measuring 100 feet or more in height shall be set back from all adjacent property lines at least a distant equal to the height of the tower.

I. Accessory Utility Buildings. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

J. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower. Such lighting shall be designed and arranged so that it does not glare onto adjacent property or roadways.

K. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

L. Abandonment or Unused Towers or Portions of Towers. Abandoned or unused towers or portions of towers shall be removed as follows:

ORDINANCE Continued...

1. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the (name of municipality). A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the (name of municipality) and the costs of removal assessed against the property.
2. Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

M. Antennas Mounted on Roofs, Walls and Existing Towers. The placement of wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Planning Commission, provided the antennas meet the requirements of this Ordinance, after submittal of 1) a site plan and 2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

N. Interference with Public Safety Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

O. Inspections. All towers shall be inspected at regular intervals, no less than once a year, and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition. Reports to all inspections and servicing shall be made available to (name of municipality) upon written request.

P. Additional Application Requirements. In addition to the information required for Site Plan Review and Special Exception Use Review, applications for towers shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer which:
 - a. describes the tower height and design including a cross section and elevation;
 - b. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - c. describes the tower's capacity, including the number and type of antennas that it can accommodate;
 - d. documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - e. includes an engineer's stamp and registration number; and,
 - f. includes other information necessary to evaluate the request.
2. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
3. Before the issuance of a building permit, the following supplemental information shall be submitted:
 - a. Proof that the proposed tower complies with regulations administered by Federal Aviation Administration; and,
 - b. a report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards. □

BASIC TRAINING FOR PLANNING COMMISSIONERS & ZONING BOARD OF APPEALS MEMBERS

presented by the Michigan Society of Planning Officials

The most comprehensive training program available. 95% of attendees recommend the workshop as
"A must for every planning commissioner and zoning board of appeals member in the State of Michigan"

Friday, March 14, 1997

12:30 p.m. - 5:30 p.m. ■ The Comfort Inn ■ Plainwell

Member: \$60. Non-Member: \$75. Fee includes 4-1/2 hours of professional instruction, training manual, zoning guidebook, certificate of completion, refreshments and snacks. To register, contact: Michigan Society of Planning Officials, 414 Main St., Ste. 211, Rochester, MI 48307 Phone: (810) 651-3339 Fax: (810) 651-3649

Model Policy Statement Regarding the Use of Municipal Owned Land for Telecommunication Antennas and Towers

The following policy language is a model for allowing telecommunications towers on municipal owned land and is being provided for INFORMATION PURPOSES ONLY. Any model language should be thoroughly reviewed and revised where necessary before any consideration of adoption

A. Priority of Users. Priority for the use of municipal owned land for wireless telecommunication antennas and towers will be given to the following entities in descending order:

1. (name of municipality);
2. Public safety agencies, including law enforcement, fire and ambulance services, which are not part of (name of municipality) and private entities with a public safety agreement with the (name of municipality);
3. Other governmental agencies, for uses which are not related to public safety; and,
4. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

B. Minimum Requirements. The placement of wireless telecommunication antennas or towers on municipal owned property must comply with the following requirements:

1. The antennas or tower will not interfere with the purpose for which the municipal owned property is intended;
2. The antennas or tower will have no adverse impact on surrounding private property.
3. The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of municipal land and other necessary provisions and safeguards. The fees shall be established by the governing body of the (name of municipality) after considering comparable rates in other cities, potential expenses, risks to the (name of municipality), and other appropriate factors;
4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the (name of municipality) to cover the costs of the antenna or tower's removal;
5. The antennas or tower will not interfere with other users who have a higher priority as discussed in Section A above;
6. Upon reasonable notice, the antennas or tower may be required to be removed at the user's expense;
7. The applicant must reimburse the (name of municipality) for any costs which it incurs because of the presence of the applicant's antennas or tower; and,
8. The user must obtain all necessary land use approvals.

C. Special Requirements. The use of certain municipal owned property, such as wellfields and parks, for wireless telecommunication antennas or towers brings with it special concerns due to the unique nature of these sites. The placement of wireless telecommunication antennas or towers on these special municipal owned sites will be allowed only when the following additional requirements are met.

1. Water Supply Facility Sites (Wellfields). The municipal water system represents a large public investment in water services. Protection of the quality of this system is of prime importance as access to water supply facility sites increases the potential for contamination of the public water supply. For these reasons, the placement of wireless telecommunication antennas or towers on these site will be allowed only when the (name of municipality) is fully satisfied that the following requirements are met:
 - a. The applicant's access to the facility will not increase the risks of contamination to the public water supply;
 - b. There is sufficient room on the grounds to accommodate the applicant's facility; and,
 - c. The presence of the facility will not increase maintenance costs to the (name of municipality).
2. Parks. The presence of certain wireless telecommunication antennas or towers represents a potential conflict with the purpose of some municipal owned parks. In no case shall towers be allowed in designated conservation areas. Wireless

See POLICY on Page 7

POLICY Continued...

telecommunication antennas or towers will be considered only in the following parks, after recommendation of the (name of municipality) Parks Department, and approval of the governing body of the (name of municipality):

- a. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use;
- b. Commercial recreation areas and major playfields; and,
- c. Park maintenance facilities.

D. Application Process. All applicants who wish to locate a wireless telecommunication antenna or tower on municipal owned property must submit a completed application and detailed plan that complies with the submittal requirements of the Zoning Ordinance along with other pertinent information requested by the (name of municipality).

E. Termination. The (name of municipality) may terminate any lease if it determines that any one of the following conditions exist:

1. A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use;
2. A user's frequency broadcast unreasonably interferes with other users of a higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis; or,
3. A user violates any of the standards in this policy or the conditions attached to the permission of (name of municipality).

Before taking action, the (name of municipality) will provide notice to the user of the intended termination and the reasons for it, and provide an opportunity for the user to address the governing body of the (name of municipality) regarding the proposed action. This procedure need not be followed in emergency situations.

F. Reservation of Right. Notwithstanding the above, the (name of municipality) reserves the right to deny, for any reason, the use of any or all municipal owned property by any one or all applicants.

G. Use of Revenue. All revenue generated through the lease of municipal owned property for wireless telecommunication towers and antennas shall be made payable to the (name of municipality) and transmitted to the Treasurer. Revenue shall be credited to the specific operating activity using the land upon which the wireless telecommunication towers and antennas are located (for example, golf course revenue when located on a golf course, water utility fund when located on water utility property). □



**TRENDS
& ISSUES
IN TELECOMMUNICATIONS**

■ The cellular industry estimates that more than 15,000 cellular towers have been built in the U.S. in the last 14 years to meet the service requirements of more than 25 million customers. They estimate that by 2003 there will be 167 million PCS (personal communication service) users, with at least 100,000 cellular towers needed to accommodate this growth.

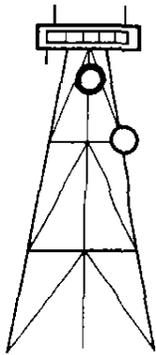
■ In a national survey of 230 cities and counties, the American Planning Association found that contrary to cellular industry claims, 92 percent of permits for cellular towers are approved, most in less than 60 days. In fact, the survey shows that 76 percent of communities are streamlining their application process in order to help the industry put its network in place.

■ Licenses to use specific portions of the airwaves in specific geographic areas for personal wireless services are issued by the Federal Communications Commission (FCC). SMR licenses have been around a long time,

cellular licenses were first issued about 15 years ago, and PCS licenses are brand new. The FCC has allocated new licenses to increase the number of service providers. A particular geographic area can now have 2 cellular providers, 6 broadband PCS providers, 26 narrow-band PCS providers, and an undetermined number of SMR licenses - all looking for sites for their facilities.

■ As long a tower meets the radiation emission standards that have been set by the FCC, a local government cannot deny a permit based on concern about radiation. You can, however, require that the applicant provide evidence that the tower meets the FCC standards. □

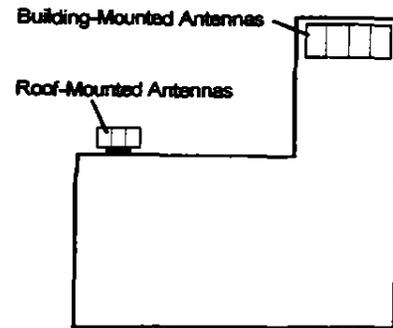
3 Types of Telecommunications Antenna Facilities:



Lattice Towers: Range from 60 to 200 feet in height and generally accommodate a variety of users. While they often pose serious visual impacts, lattice towers can accommodate many users and, therefore, provide co-location opportunities. □



Monopoles: Range from 25 to 125 feet with an approximately 3-foot diameter base. Monopoles are most common for cellular mobile phone systems. Monopoles in PCS systems are expected to be shorter than those of cellular mobile phone systems. □



Building-attached Facilities: There are two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are mounted to the sides of buildings. They can be used only when buildings meet the height required for antennas to function. □

Sources for this special edition of the Kalamazoo Planner include

- Implementing the New Telecommunications Law: A County and Local Officials Guide to the

Telecommunications Act of 1996. Prepared for National Association of Counties, American Planning Association, and American Public Works Association by Miller, Canfield, Paddock and Stone, P.L.C.

- Cellular Communications Packet (10/11/96)

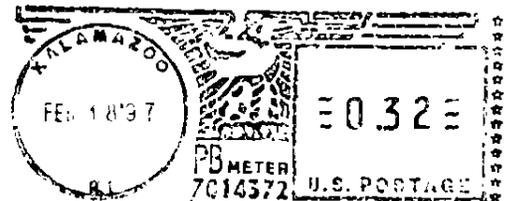
Planning Advisory Service, American Planning Association, Chicago.

- "Wireless World" Planning, December, 1996 American Planning Association, Chicago. □



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
201 W KALAMAZOO AVE
KALAMAZOO MI 49007

FIRST CLASS



MS BECKY HARVEY
7275 W MAIN ST
KALAMAZOO MI 49009

INTER-OFFICEMEMO

To: Kalamazoo City Planning Commission

From: Jeffrey Chamberlain, City Planner 

Date: January 29, 1997

Subject: P.C. #02-97-00: Zoning Ordinance Text Amendment - Communication Towers

REQUEST

The staff of the Economic Development & Planning Division requests that the Planning Commission recommend approval of the attached Zoning Ordinance text amendments. These amendments will add provisions to the Zoning Ordinance specifying communication towers as Special Uses in Zones 2 through 8 (except in Zone 3), add tower height limitations in Zones 7, 7A and 8, and add appropriate definitions.

BACKGROUND

The city's Zoning Ordinance was originally adopted in 1925. Since then, numerous amendments have been made to reflect changes in how we use land, and to provide regulations for new uses as they arise. *The advent of wide spread use of cellular and digital communications has created the need to place communications towers in many communities. As usage increases, even more towers are needed to accommodate communication traffic. Kalamazoo is no exception.*

Within the past twelve months, two new communication towers have been constructed in the city to handle increased demand for cellular calls: a 140 foot monopole on Willard Street in Zone 2, and a 100 foot monopole on the city's Wellfield #9 which is in Zone 8. As we went through the process of siting these two towers, it became clear that the Zoning Ordinance does not adequately address this new type of land use. In fact, the only mention of a use similar to this is a provision in Zone 5A which allows television and radio broadcasting towers as a Special Use. To compound matters, there has been an on-going debate in the planning profession over whether or not these communication towers should be treated as utilities (and therefore be allowed wherever utility facilities are allowed), or if they should be treated strictly as commercial uses.

As a result of recent court cases over the past few years, it has generally been determined that *communication towers are not* utilities and are therefore not entitled to the same latitude that utilities are given when placing new facilities. However, it has also been shown that this new form of communication (analog cellular and digital cellular phones) plays an integral part in our communication and information infrastructure. As the number of users grow, towers supporting antennas which relay the communications are needed throughout the community. And based on the location of existing towers, topography, concentration of users and other factors, these new towers often need to be sited in very specific locations to service the users.

Because of the ambiguity of the Zoning Ordinance, and the growing need to site towers in various locations in the community, staff decided that this issue should be clarified through a text amendment. The proposed amendments to the Zoning Ordinance are attached.

The following is a summary of the proposed changes:

Zone 2 (Light Manufacturing District)

- Adds a new section allowing communication towers as a Special Use (subject to review and approval by the Planning Commission after a public hearing);

Zone 3 (General Business District)

- Prohibits communication towers in this zone. The rationale for this standard is that Zone 3 is primarily our Central Business District in which most of the city's tall buildings are located. Communication antennas will be allowed on top of buildings, but free-standing towers will not be allowed. Towers for government use (e.g., Public Safety dispatch) will be allowed.

Zones 4 (Community Business District), 5 (Neighborhood Business District), 5A (Professional & Business Office District) and 5B (Neighborhood Shopping Center District)

- Allows communication towers as a Special Use (subject to review and approval by the Planning Commission after a public hearing);

Zone 6 (Multiple-Family Residential - High Density District)

- Allows *monopole* communication towers as a Special Use (subject to review and approval by the Planning Commission after a public hearing); (*a monopole is a pole-shaped tower without guy wires or other support structures*)
- Adds a provision stating that the tower must be set back at least 75 percent of the tower's height from the property line of any adjacent residentially zoned property;

Zone 7 (Multiple-Family Residential - Medium Density District)

- Allows *monopole* communication towers as a Special Use (subject to review and approval by the Planning Commission after a public hearing);
- Adds a provision stating that the tower must be set back at least 75 percent of the tower's height from the property line of any adjacent residentially zoned property;
- Places a height restriction on the tower of 45 feet (same height restriction as for buildings in this zone);
- Allows the Planning Commission to grant additional height on the tower based on the specific characteristics of the subject property and adjacent properties;

CITY OF KALAMAZOO

ORDINANCE NO. _____

NEW TEXT

**AN ORDINANCE AMENDING APPENDIX A ("ZONING ORDINANCE") OF
THE KALAMAZOO CITY CODE OF ORDINANCES TO PROVIDE
REGULATIONS GOVERNING COMMUNICATION TOWERS**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. That Section 3.11 of the Zoning Ordinance be created regarding Special Uses in Zone 2 (Light Manufacturing District) and hereby reads as follows:

Section 3.11. Special Uses.

The following uses shall be permitted in Zone 2 (Light Manufacturing District), subject to compliance with the standards set forth in Chapter XI:

- (1) Communication Towers

Section 2. Section 4.5 of the Zoning Ordinance regarding special uses in Zone 3 (General Business District) is hereby amended by adding Subsection (2) to read as follows:

- (2) Communication towers which are used primarily for government related purposes; all other free-standing communication towers not attached to a building shall not be allowed.

Section 3. Section 5.2 of the Zoning Ordinance regarding special uses in Zone 4 (Community Business District) is hereby amended by adding Subsection (6) to read as follows:

- (6) Communication Towers

Section 4. Section 6.2 of the Zoning Ordinance regarding special uses in Zone 5 (Neighborhood Business District) is hereby amended by adding Subsection (7) to read as follows:

- (7) Communication Towers

Section 5. Section 6A.2 of the Zoning Ordinance regarding special uses in Zone 5A (Professional & Business Office District) is hereby amended by adding Subsection (4) to read as follows:

- (4) Communication Towers

Zones 7A (Two-Family Residential District) and 8 (One-Family Residential District)

- Allows *monopole* communication towers as a Special Use (subject to review and approval by the Planning Commission after a public hearing);
- Adds a provision stating that the tower must be set back at least 75 percent of the tower's height from the property line of any adjacent residentially zoned property;
- Places a height restriction on the tower of 35 feet (same height restriction as for buildings in this zone);
- Allows the Planning Commission to grant additional height on the tower based on the specific characteristics of the subject property and adjacent properties.

Definitions

- Adds a definition for the following terms:
Communication Tower
Guyed Communication Tower
Monopole Communication Tower

SUMMARY

The proposed text amendments clarify the issue of where communication towers are allowed in the city, and the review process required prior to construction. By allowing communication towers as Special Uses in Zones 2, 4, 5, 5A, 5B, 6, 7, 7A, and 8 the city is permitting the installation of this needed communication infrastructure. The Special Use Permit review by the Planning Commission also ensures that the tower and accessory structures are constructed in such a way as to be compatible with nearby land uses. The height limitations imposed on the towers in residential zones protects the visual character of existing residential areas, while at the same time providing a relief mechanism to grant additional height based on individual circumstances.

ALTERNATIVES

The Planning Commission has the option to recommend approval, denial or modify the requested Zoning Ordinance text amendment.

If you have any questions, please feel free to call me at 337-8044.

attachments

C:\PC\PC_TOWER.WPD

Section 6. Section 6AA.31 of the Zoning Ordinance regarding special uses in Zone 5B (Neighborhood Shopping Center District) is hereby amended by adding Subsection (12) to read as follows:

~~(12) Communication Towers~~

Section 7. Section 7.2 of the Zoning Ordinance regarding special uses in Zone 6 (Multiple-Family Residential - High Density District) is hereby amended by adding Subsection (5) to read as follows:

(5) Monopole Communication Towers subject to the following restrictions:

(a) all monopole communication towers shall be setback at least 75 percent of the tower's height, including antennas, from the property line of any adjacent residentially zoned property.

Section 8. Section 8.2 of the Zoning Ordinance regarding special uses in Zone 7 (Multiple-Family Residential - Medium Density District) is hereby amended by adding Subsection (7) to read as follows:

(7) Monopole Communication Towers subject to the following restrictions:

(a) maximum height of the monopole communication tower, including antennas shall be no greater than 45 feet;

(b) all monopole communication towers shall be setback at least 75 percent of the tower's height, including antennas, from the property line of any adjacent residentially zoned property;

(c) additional height may be granted by the Planning Commission based on the specific characteristics of the subject property and its proposed use;

Section 9. Section 9.2 of the Zoning Ordinance regarding special uses in Zone 8 (One-Family Residential District) is hereby amended by adding Subsection (12) to read as follows:

(12) Monopole Communication Towers subject to the following restrictions:

(a) maximum height of the monopole communication tower, including antennas shall be no greater than 35 feet;

(b) all monopole communication towers shall be setback at least 75 percent of the tower's height, including antennas, from the property line of any adjacent residentially zoned property;

(c)additional height may be granted by the Planning Commission based on the specific characteristics of the subject property and adjacent properties.

Section 10. Chapter XV of the Zoning Ordinance regarding definitions is hereby amended by adding Sections 15.121, 15.191 and 15.242 to read as follows:

15.121 Communication Tower: A guyed, monopole or self-support tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

15.191 Guyed Communication Tower: A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

15.242 Monopole Communication Tower: A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

Section 11. REPEALER All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 12. SEVERABILITY If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 1997. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted, and authenticated by the Mayor and City Clerk as required by the Charter of said City.

Barbara A. Larson, Mayor

Nancy A. Collins, City Clerk

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Township Zoning Ordinance to add a definition of and regulations pertaining to communications towers. This Ordinance shall take effect on the ____ day of _____, 1997. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

THE TOWNSHIP OF OSHTEMO ORDAINS:

SECTION I - Amendment to add Compiled §11.575.

Oshtemo Charter Township Zoning Ordinance is hereby amended to add Compiled Section 11.525 to read as follows:

11.575 Tower or Communications Tower

A guyed, monopole, self-support tower, or other structure, whether free standing or on a building, which structure contains one or more antennas intended for transmitting or receiving television, radio, digital, microwave, cellular, telephone or other forms of electronic communication.

SECTION II - Amendment to add Compiled §60.600.

Oshtemo Charter Township Zoning Ordinance is hereby amended to add Compiled Section 60.600 to read as follows:

60.600 Communication Towers

60.610 Purpose. The purpose of this section is to accommodate the need for communication while protecting the public health, safety and welfare.

60.620 Scope. Communication towers shall be considered as a permitted use in the "I-1," "I-2" and "I-3" Industrial District Zoning classifications and as a special exception use in all other zoning district classifications, subject to the provisions of this Section and Sections 60.100 and 60.200.

60.630 Communication Tower Provisions.

A communication tower shall be erected, constructed, located or established in compliance with the following:

A. Collocation.

1. A proposed tower shall not be established unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing or approved tower within the area of the proposed tower due to one or more of the following reasons:

a. The planned equipment would exceed the structural capacity of the existing or approved tower as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost.

b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

2. Any proposed tower shall be designed and constructed to accommodate future collocation. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

B. Design of Tower.

A proposed or modified tower shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities, and located on the site so as to minimize its visibility from the public right-of-way and residentially zoned properties.

C. Height.

The height of a tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered with the combined height of the structure and tower.

D. Tower Setbacks.

1. A tower shall meet the greater of the two following setback standards: (a) minimum building setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements, or (b) located so that the setback from all property lines is equal to or greater than the height of the tower.

2. Towers shall not be located between a principal structure and a public street, with the following exceptions:

a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

3. A tower's setback may be reduced or its location to a public street varied to allow the integration of a tower into an existing or proposed structure, such as a church steeple, light standard, power line support device or other similar structure.

4. Towers shall be set back at least 150' from any adjacent residences, residentially zoned property or a public street.

E. Accessory Utility Buildings.

All utility buildings and structures accessory to a tower shall be architecturally designed and located on the site to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment and accessory buildings and structures shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood. Security fencing may be required to prevent access to the site, accessory building/structure and/or guyed wires.

F. Lighting.

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Site lighting shall comply with Sections 78.700-78.730.

G. Signs and Advertising.

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

H. Abandonment or Unused Towers or Portions of Towers.

Abandoned or unused towers or portions of towers shall be removed as follows:

1. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Charter Township of Oshtemo. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 12 months of cessation of operations at a site, the tower and associated facilities may be removed by the Charter Township of Oshtemo and the costs of removal assessed against the property.

2. Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation.

3. The placement of antennas/equipment on roofs, walls and existing towers may be approved by the Planning Commission, provided the antennas meet the requirements of this Section, after submittal of (1) a site plan and (2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment, shall be indicated.

I. Interference with Public Safety Telecommunications.

No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

J. Inspections.

All towers shall be inspected at regular intervals, no less than once a year, and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition. Reports to all inspections and servicing shall be made available to the Charter Township of Oshtemo upon written request.

60.640 Additional Application Requirements.

In addition to the information required for the site plan review and special exception use review, applications for towers shall include the following supplemental information:

- A. A report from a qualified and licensed professional engineer which:
1. describes the tower height and design, including a cross section and elevation;
 2. documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distance between antennas;
 3. describes the tower's capacity, including the number and type of antennas/equipment that it can accommodate;
 4. documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 5. includes an engineer's stamp and registration number; and
 6. indicates that the proposed tower complies with regulations administered by the Federal Aviation Administration.
 7. includes other information necessary to evaluate the request.

B. A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

EFFECTIVE DATE AND REPEAL.

This Ordinance shall take effect on _____, 1997. All ordinances or parts of ordinances in conflict are hereby repealed.

ELAINE BRANCH, Clerk
OSHTEMO CHARTER TOWNSHIP



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

**OSHTEMO TOWNSHIP PLANNING COMMISSION
1997 WORK PROGRAM SCHEDULE**

- 2ND QUARTER -

- April* : Neighborhood Commercial District
- Board Review - Draft #2
- : Telecommunication Towers
- Board Review - Draft #1
 - Schedule Public Hearing
- May* : Neighborhood Commercial District
- Board Review - Draft #3
 - Schedule Public Hearing
- : Telecommunication Towers
- Public Hearing
- : 9th Street Focus Area Overlay Zone
- Board Review - Draft Outline
- June* : Neighborhood Commercial District
- Public Hearing
- : 9th Street Focus Area Overlay Zone
- Board Review - Draft #1

** Access Management Plan Update - in progress per consultant review schedule*