

Sec. 5.9.37. - Wireless Communication Facilities.

- A. *Purpose and Intent.* The purpose of this Section is to establish guidelines for the siting of towers and antennas for wireless communication uses. The intent of this Section is to:
1. Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the City;
 2. Promote the joint use of new and existing tower sites to minimize adverse visual impact of towers and antennas through careful design, siting, landscaping, and camouflaging techniques;
 3. Enhance the ability of the providers of wireless communications services to provide such services to the community quickly, effectively, and efficiently.
- B. *Definitions.* Definitions used in this Section are located under Wireless Communication Facilities in Section 5.16.02.W.
- C. *Applicability.*
1. This Chapter applies to all construction and expansion of Wireless Communication Facilities.
 2. Amateur Radio and Receive-Only Antennas. This Chapter shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height, including building height, and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
- D. *Principal or Accessory Use.* Towers shall be installed on a legal conforming lot either as a principal use, or as an accessory use related to the principal use.
- E. *Inventory of Existing Sites.* An applicant for a tower and/or an antenna shall provide an inventory of its existing towers, antennas, or sites approved for towers and antennas that are within the City, and towers outside of the City which serve areas within the City. The inventory shall include the coverage area of the proposed tower or antenna, whether within the City or just outside its jurisdiction; including specific information about the design, height, and location of each tower. The Planning Department may share this information, provided that the Planning Department is not, by sharing such information, in any way representing or warranting that these sites are available or suitable for tower or antenna construction.
- F. *Availability of Suitable Existing Towers or Other Structures.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence may consist of any of the following:
- 1.

No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna(s) on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- G. *Measurement.* For purposes of measurement, tower and antenna setbacks and separation distances shall be applied to all facilities even where the setback or separation distances are located outside the City's boundaries.
- H. *Setbacks.*
1. Towers shall be located so that there is a sufficient radius of land around the tower so that its collapse shall be contained on the property where located. Accessory buildings shall follow the minimum setback requirements of the Zone District.
 2. Antennas installed on building rooftops shall be setback from the edge of the roof at least one foot for each foot of antenna height as measured from the top of the roof (or parapet, if one exists) to the highest point of the antenna.
- I. *Separation.* The following separation requirements shall apply to all towers.
1. Towers shall be set back three hundred (300) feet from any off-site residential structure.
 2. In Zone Districts other than SD-IT, towers over ninety (90) feet in height shall not be located within one-quarter of a mile of any existing tower that is over ninety (90) feet in height. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower that is closest to the base of the pre-existing tower.
- J. *Height.* Monopoles shall not exceed one hundred ninety-five (195) feet in height in SD-IT and C Zone Districts; and one hundred fifty (150) feet in height in all other Zone Districts where monopoles are allowed. Any tower and/or antenna placement adjacent to a residential Zone District that requires lighting shall use a continuous red beacon at night.

K. *Construction of Wireless Communications Facilities.*

1. Co-Location. Towers shall be constructed to accommodate at least four (4) antenna platform levels. Co-location terms, including rates for compatible providers shall be included in the application. Terms shall be consistent with the market for metropolitan Grand Rapids. In addition applicants shall submit a signed statement agreeing to permit co-location consistent with those rental rates.
2. Two equipment shelters shall be allowed per site. Multiple shelters integrated into one shall be considered one (1) shelter. No one provider shall occupy more than two hundred fifty (250) square feet of interior floor space.
3. Where visible from a public street, the design of equipment shelters and related structures shall use colors, landscaping, materials screening, and textures that have the finish and appearance to blend into the character of the neighborhood and surrounding buildings so as to make the antenna and related equipment as visually unobtrusive as possible.
4. No advertising or business signs shall be allowed.
5. Security fencing or a wall not less than six (6) feet nor more than eight (8) feet shall enclose towers and related appurtenances.
6. Wireless communications facilities shall be located and designed to not obstruct or significantly diminish views of the Grand River from public streets and public property.
7. Existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be placed completely around the wireless communications facility located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of six (6) feet placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping. Landscaping shall be installed on the outside of any fencing.
8. The Planning Director may waive landscape requirements or require a different type of screen or wall depending upon the location.

L. *Approvals.* Wireless communications facilities are permitted under varying conditions dependent upon their form and the Zone District in which they are to be located. The following applies:

1. *Director Review.*
 - a. Installing an antenna on an existing structure other than a tower that already has existing antennas (such as a building, sign, light pole, water tower, or other free standing non-residential structure), provided such addition does not extend above

the highest point of the building or structure by more than thirty (30) feet or fifty (50) percent of the height of the existing structure, whichever is less, (except single family detached dwellings and their accessory structures) in all Zone Districts.

- b. Installing an antenna on an existing structure other than a tower that does not have existing antennas (such as a building, sign, light pole, water tower, or other free standing non-residential structure), provided such addition does not extend above the highest point of the existing structure by more than thirty (30) feet or fifty (50) percent of the height of the existing building or structure, whichever is less, (except single family detached dwellings and their accessory structures) in all Zone Districts except SD-OS, LDR and MDR.
- c. Installing an antenna on an existing tower of any height, including the placement of additional buildings or other supporting equipment used in connection with said antenna, provided the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

2. *Special Land Use.*

- a. Any wireless communication facility not listed under Director Approval and not otherwise prohibited.
- b. Application requirements shall include all materials required for a Special Land Use pursuant to Section 5.12.12.
- c. The Planning Commission shall consider the following factors in approving applications for towers and antennas and may attach conditions consistent with these factors:
 - (i) Tower or antenna height;
 - (ii) Proximity of the tower or antenna to residential structures and residential district boundaries;
 - (iii) Nature of uses on adjacent and nearby properties;
 - (iv) Surrounding topography;
 - (v) Surrounding tree coverage and foliage;
 - (vi) Tower or antenna design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (vii) Proposed ingress and egress; and
 - (viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

M.

Building Permits. Structures covered under this Section shall require a building permit prior to the erection, expansion, including an increase in height, or relocation. The application for a permit shall include construction drawings showing the proposed method of installation, including details of structural support, footing, foundation, guys, braces, anchors, and such other information as required by the City's Building Official to ensure proper engineering practice. A site plan and other illustration drawn to scale shall be provided showing the lot or parcel on which the structure is to be erected, all structures on site, all structures within two hundred (200) feet of the site, all structural elements, and all other relevant information.

- N. *Federal and State Requirements.* Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other Federal or State agency with the authority to regulate towers and antennas. If those standards and regulations are changed, then the owners of the towers and antennas shall bring them into compliance within the time mandated by the controlling Federal and State agency. Failure to bring towers and antennas into compliance shall constitute grounds for removal of the structure at the owner's expense.
- O. *Fees.* Notwithstanding any other provision of this Code, the City Planning Director may require, as part of application fees for building or special use permits for telecommunication facilities, an amount sufficient to recover all of the City's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires communications expertise. The amount of this fee shall be equal to the fee charged by the consultant.
- P. *Removal of Facilities.*
1. Any tower or antenna that is not operated for a continuous period of one (1) year or more shall be considered to be abandoned, and the owner shall remove the same within ninety (90) days of receipt of notice of such determination. Failure to remove an abandoned tower or antenna after said time period shall be grounds to remove the tower or antenna at the owner's expense.
 2. The owner of a facility shall provide a ten thousand dollar (\$10,000) performance guarantee or surety acceptable to the City to secure the cost of removing an antenna, antenna array, or tower that has been abandoned. In the event of a transfer of ownership, the seller shall be responsible for notifying the buyer of this requirement and for notifying the City of the transfer.
- Q. *Prohibited Facilities.* The following facilities are prohibited:
1. Lattice and guy wire towers in all Zone Districts.
 2. Towers in the TN-CC, TN-RCC, TN-TBA, TOD, LDR, MDR, SD-OS, and SD-NOS Zone Districts.

(Ord. No. 2009-09, § 48, 3-24-09; Ord. No. 2009-48, § 30, 9-15-09; Ord. No. 2010-20, § 19, 5-11-10)