

120.440 Radio, Television and Cellular Transmission Towers.

Radio, television and cellular transmission towers are permitted as a special use in the “A”, “R-1,” “C-1,” “C-2,” “CBD,” “I-1,” “I-2,” “I-3” Zoning Districts, subject to the following conditions and limitations as well as the Special Use provision of Section 120.420 and Site Plan approval per Section 120.430.

A. Definitions.

A tall framework or structure used for transmitting, receiving or relaying radio, television, cellular phone signals, or any transmitting or any relay structure.

B. Application Requirements.

Prior to application, interested individuals must provide record that they have sent certified mail announcements to all other tower users in the area stating their citing needs and/or sharing capabilities. Record[s] must be given to the Planning Commission verifying that the applicant has exhausted all co-location and tower sharing possibilities with all other towers within the area. A special use application and site plan must be submitted at least 30 days prior to the hearing.

C. Regulations and Conditions.

1. Height.

Towers for radio, television, cellular phones and other transmitting and relay antenna towers shall be located so any setback equals the setback from any adjacent or adjoining property lines equal to or greater than the height of the tower. The maximum height shall be the minimum demonstrated to be necessary by a radio frequency engineer. However, in no case shall the height of the tower exceed 300 feet.

2. Construction.

All towers shall be self-collapsing and comply with all Michigan building code regulations. The applicant shall provide all appropriate engineering information, site plans, and drawings to the Building Official at the date of application. No building other than the associated support building, sidewalk, parking lot, or other area with anticipated pedestrian or vehicular traffic shall be permitted within the self-collapsing or "safe fall" area.

3. Compatibility.

The entire facility must be aesthetically and architecturally compatible with the surrounding environment. The use of residentially compatible materials such as wood, brick and stucco is required for associated support buildings which shall be designed to architecturally match the exterior of residential structures within the neighborhood. The structures shall be located and constructed in compliance with the following criteria:

a. Locational Criteria.

- (1) Facilities shall be sited to minimize views from residential areas or the public right-of-way.
- (2) Concentration of support structures will be limited in all geographic areas to avoid excessive visual impacts.
- (3) Minimum spacing between towers shall be two (2) miles.

b. Development and Design Standards.

- (1) Support structures shall be located as to be screened from view by sitting them near tall buildings or placed near existing tall trees.
- (2) Whenever possible all support structures shall be of a monopole design.
- (3) Support structures shall be located a minimum of one hundred fifty (150) feet from any residential lot line.
- (4) Support structures shall be painted in unobtrusive colors.
- (5) Support structures shall be designed to prevent unauthorized climbing.

- (6) When lighting is required and is permitted by the FAA or other federal or state authority, the Planning Commission shall approve any and all lighting on the tower and/or any light for associated support building. It shall be oriented inward so as not to project onto surrounding properties.
 - (7) The Planning Commission may require anti-climbing devices and security fencing to prevent access to the associated building, tower, and guyed wires.
 - (8) Signs and logos are prohibited on the tower.
 - (9) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - (10) Towers shall be located so that they do not interfere with reception in nearby residential areas.
 - (11) Existing on-site vegetation shall be preserved to the maximum extent practicable.
 - (12) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
 - (13) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
 - (14) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- c. Safety Standards. All new wireless communication facilities shall be designed within the applicable ANSI standards.

4. Collocation and Construction.

Any proposed tower shall be designed and constructed to accommodate future collocation. Towers must be designed to allow for future arrangement of antennas upon the tower and to accept not less than three (3) antennas mounted at varying heights. Whenever possible, proposed wireless communication facilities shall co-locate on existing buildings, structures and existing wireless communication structures. If a provider fails to or refuses to permit co-location, such a structure shall be a nonconforming structure and shall not be altered or expanded in any way.

5. Airport or Helipad Setbacks.

All towers over twenty-five (25) feet in height shall be a minimum of one-half (1/2) nautical mile (or 3,013.5 feet) from any airport runway or designated helicopter landing site.

6. Discontinuance.

When a wireless communication structure has not been used for a period of ninety (90) consecutive days after new technology is available which permits the operation of a facility without the necessity of a wireless communication structure, all parts of the structure shall be removed within one hundred and sixty (160) days. The removal of antennae or other equipment from the structure or the cessation of reception or transmission of radio signals shall be considered the beginning of non-use. Cooper Charter Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent a notice to the operator stating the need to remove the structure. In securing the removal of the structure, the Township may charge up to 125% of the removal cost to the operator and/or the land owner.

D. Review.

Prior to approval the applicant must provide written verification that the tower, site, and construction has been reviewed by and has met all standards and regulations required by the Michigan Aeronautics Commission and Federal Aviation Administration. It must also comply with the Tall Structures Act, Act No. 259 of the Public Acts of 1959, when applicable.

E. Abandonment.

A tower, which remains unused for a period of eighteen (18) months will be considered abandoned. Applicants or current owners are required to demolish any unused tower.

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