

TOWNSHIP OF FREMONT
COMMERCIAL COMMUNICATION TOWERS
ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 107

An ordinance to amend the Fremont Township Zoning Ordinance, being Ordinance No. 100, adopted on October 8, 2009, in order to revise approval requirements for commercial communication towers to comply with the provisions of Public Act 143 of 2012.

THE TOWNSHIP OF FREMONT ORDAINS:

The following specified subsection of the Fremont Township Zoning Ordinance is hereby amended to provide as follows:

Section 13.12. PUBLIC SERVICE FACILITIES, COMMUNICATION TOWERS, AND WIND ELECTRICAL GENERATION TOWERS.

- 13.12. C. Commercial Communication Towers. All communication towers (except communication equipment co-located on existing towers), including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, and similar communication services, shall be allowed as special land uses in all zoning districts, pursuant to Article 17. Communication equipment co-located on existing towers shall be considered permitted uses in all zoning districts. Communication towers allowed as special land uses shall be subject to the following requirements:
1. An applicant shall submit a site plan and a written application, which shall include an explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. The application shall be reviewed by the Zoning Administrator, who shall notify the applicant within fourteen (14) days if there is any additional information needed to make the application complete. If no notice is sent to the applicant within the fourteen (14) day period, the application shall be deemed to be complete.
 2. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.

3. The tower or antenna shall not be unreasonably injurious to the safety or market value of nearby properties.
4. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
5. All tower bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. The site shall be maintained in a neat manner.
6. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
7. Co-location shall be deemed to be "feasible" for the purposes of this section, where all of the following are met:
 - (a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
 - (b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - (c) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - (d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
8. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections C.7. (a)(b)(c) and (d) are met.
9. No communication tower shall be located within three (3) miles of an existing tower.

10. A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the top three (3) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.
11. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.
12. The Planning Commission must act on an application for special approval for a communication tower which does not involve co-location within ninety (90) days of receipt of a completed application.

Section 22.01. DEFINITIONS.

CO-LOCATE. To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Co-location" has a corresponding meaning.

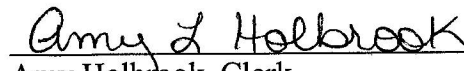
EQUIPMENT COMPOUND. An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

WIRELESS COMMUNICATIONS EQUIPMENT. The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE. A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

The undersigned Supervisor and Clerk of the Township of Fremont hereby certify that this Ordinance Amendment was duly adopted by the Fremont Township Board at a meeting held on the 8 day of August, 2013, and was published in the Tuscola County Advertiser on the 17 day of August, 2013. This Ordinance Amendment shall take effect seven (7) days after said date of publication.


Henry J. Wymore, Supervisor


Amy Holbrook, Clerk