

Notice of Public Hearing

Proposed Zoning Ordinance Amendment

The Manistee City Planning Commission will hold a Public Hearing for proposed changes to the Zoning Ordinance on **Thursday, May 2nd at 7pm** in the Council Chambers, City Hall, 70 Maple St., Manistee, MI.

The Hearing is being held in order to comply with the Small Wireless Communications Facilities Deployment Act (Act 365 of 2018).

Hearing Purpose: Amendment to the City of Manistee Zoning Ordinance as follows:

The Zoning Amendment Z19-02 has been prepared to address Definitions, Districts, General Provisions, Standards and Requirements for Special Uses in the following sections of the Ordinance:

Article 2: Definitions and Interpretation be amended by

ADD definition for Applicant to Section 202 A

ADD definition for Authority to Section 202 A

ADD definition for Authority Pole to Section 202 A

ADD definition for Colocate to Section 204 C

ADD definition for Communications Facility to Section 204 C

ADD definition for Non-Authority Pole to Section 215 N

ADD definition for ROW to Section 219 R

ADD definition for Small Cell Wireless Facility to Section 220 S

AMEND definition for Wireless Communication Facility: Structure or other facility attached directly to the ground in excess of ~~thirty-five (35)~~ forty-five (45) feet in height which may be utilized in conjunction with other equipment to transmit and/or receive radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals

Article 3: Districts, Dimensional Standards, Uses Tables & Zoning Map be amended by

AMENDING Table 3-2 by ADDING: DAS/Small Cell Wireless Facilities (Public ROW) as a use by right in all zoning districts

Article 5: General Provisions be amended by ADDING the following

Section 536: DAS/Small Cell Wireless Facilities (Public ROW)

- A. Purpose and Intent: The purpose of this section is to regulate the installation of distributed antenna systems, small cell telecommunications equipment, or similar data wireless network equipment in the public rights-of-way within the City of Manistee.
- B. License Requirements:
 1. Licenses Required: No person shall install or operate, in whole or in part, DAS Facilities in a public right-of-way within the City without first applying for and receiving a DAS Facilities License from the City in a form and subject to such terms and conditions as is acceptable to the City. Nothing herein shall be interpreted to require the City to issue such a license as it determines to be in the best interest of the City and its citizens.
 2. METRO Act Permit: No person shall install or operate “telecommunications facilities” as defined in the METRO Act, without first obtaining a permit under the Act from the City in accordance with the METRO Act, including any part of a DAS/Small Cell/Wireless system constituting telecommunications facilities.

C. Design Parameters:

Where permitted by the City, the following minimal design parameters shall apply to DAS Facilities in City public rights-of-way:

1. The required map(s) for proposed DAS Facilities shall be legible, to scale, labeled with streets, and contain sufficient detail to clearly identify the proposed DAS/Small Cell/Wireless Network Facilities' locations and surroundings. Where applicable, the required map or list shall include and identify any requested pole height(s).
 2. The maximum height of a pole or other supporting installed or existing to accommodate DAS/Small Cell/Wireless Network shall be forty (40) feet.
 3. All communication facilities shall not extend more than five (5) feet above the height of the pole and at no time shall any communications facilities extend more than forty-five (45) feet in height.
 4. Unless otherwise permitted in Section 3 (j), DAS Facilities shall be located no closer than eighteen (18) inches from an existing sidewalk/face of curb or eighteen (18) inches from a proposed future sidewalk/face of curb location.
 5. Unless otherwise permitted in Section 3 (j), DAS Facilities shall be located no closer than ten (10) feet from any driveway.
 6. Projecting antenna or other equipment shall be located at a height sufficient to not pose a hazard or obstruction to persons or vehicles, and to provide sufficient separation distance from power lines and similar facilities.
 7. In residential areas, DAS Facilities shall be located in line with a side lot line whenever possible and not in front of a house.
 8. No logos, emblems or symbols shall be placed on any portion of the communications facilities which is viewable to the public.
 9. All communications facilities should be designed to blend with the neighboring environment to the greatest extent possible. All communications facilities shall be of a color scheme which blends with the neighboring environment, and/or is subdued in color.
 10. The licensee shall field-stake all proposed locations for DAS Facilities which shall be subject to the approval of the City Board of Public Works, Michigan Department of Transportation and/or the Manistee County Road Commission as applicable. Issuance of a license by the City shall allow installation of facilities only on those poles and in locations approved in the license. Installation of any different facilities or locations shall require written amendment of the license.
 11. Once precise locations have been approved in accordance with Section 3 (j), the licensee shall provide latitude and longitude coordinates for the DAS Facilities' locations to the City BPW Director, Planner and Engineer.
 12. The licensee shall be responsible to obtain such other permits and approvals as required by law.
- D. Compliance with Applicable Law: The City, in reviewing and authorizing a permit under the Act and/or a license referred to in this section, and the licensee, in the establishment and operation of any DAS/Small Cell/Wireless Network Facilities, shall comply with all applicable federal and state laws.
- E. Fees: Fees for the agreement and permits required shall be as provided for in the Act or those documents and as periodically authorized by resolution of the City Council.
- F. Other Approvals: In addition to obtaining a license for DAS Facilities pursuant to this ordinance, the applicant shall be responsible for obtaining permission from the Manistee County Road Commission, Michigan Department of Transportation, utility or other easement holders, property owners and all other entities or persons required to give consent for such location.

Article 18: Standards and Requirements for Special Uses be Amended by

AMENDING Section 1893 Wireless Communication Facility

A. Definition. Structures or other materials attached directly to the ground in excess of ~~thirty-five (35)~~ forty-five (45) feet in height which may be utilized in conjunction with other equipment to transmit and/or receive radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

H.3 All proposed towers of more than ~~thirty-five (35)~~ forty-five (45) feet in height shall be submitted to the Michigan Aeronautics Commission and FAA for review and approval prior to approval by the City of Manistee.

Copies of the proposed Amendments are available for review at the Office of the City Clerk, City Hall, 70 Maple St., Manistee, MI, the Manistee County Planning Department, 395 Third St. on the City's Web Page www.manisteemi.gov. Interested parties are welcome to attend the hearing, or written comments with signature can be submitted to the Manistee County Planning Dept. 395 Third St. Manistee, MI 49660.