

**TOWNSHIP OF LEXINGTON
SANILAC COUNTY, MICHIGAN
ORDINANCE # 14-01**

AN ORDINANCE TO AMEND THE TEXT OF THE LEXINGTON TOWNSHIP ZONING ORDINANCE TO PROVIDE REGULATIONS AND PROCEDURES GOVERNING THE COLLOCATION OF WIRELESS COMMUNICATION EQUIPMENT CONSISTENT WITH STATE STATUTES AND TO PROVIDE DEFINITIONS FOR TECHNICAL TERMS RELATED THERETO.

THE TOWNSHIP OF LEXINGTON ORDAINS:

ARTICLE 1:

CHAPTER 2, Definitions, Section 2.2.0 – General Definitions, is hereby amended to add new definitions which shall read as follows:

COLLOCATE:

Means to place or install wireless communication equipment on an existing wireless communication support structure or in an existing equipment compound. COLLOCATION has a corresponding meaning.

ELIGIBLE FACILITIES REQUEST:

Means any request for modification of an existing wireless tower or base station that involves:

- a. collocation of new transmission equipment;
- b. removal of transmission equipment; or
- c. replacement of transmission equipment.

EQUIPMENT COMPOUND:

Means an area surrounding or adjacent to the base of a wireless communication support structure and within which wireless communication equipment is located.

WIRELESS COMMUNICATION EQUIPMENT:

Means the set of equipment and network components used in the provision of wireless communication 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 communication support structures.

WIRELESS COMMUNICATION SUPPORT STRUCTURE:

Means a structure that is designed to support, or is capable of supporting, wireless communication equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

ARTICLE 2:

CHAPTER 6, Agricultural Enterprise District (A-1), Section 6.2.0, Uses Permitted By Right, paragraph .01, is hereby amended by adding a new sub-paragraph “T” to read as follows:

- T. Wireless communication collocation equipment:
 - a. collocation of new transmission equipment;
 - b. removal of transmission equipment; or
 - c. replacement of transmission equipment per Public Act 110 of 2006, (Zoning Enabling Act) as amended

ARTICLE 3:

CHAPTER 11, Office District (O), Section 11.2.0, Uses Permitted By Right, paragraph .01, is hereby amended by adding a new sub-paragraph “G” to read as follows:

- G. Wireless communication collocation equipment:
 - a. collocation of new transmission equipment;
 - b. removal of transmission equipment; or
 - c. replacement of transmission equipment per Public Act 110 of 2006 as amended

ARTICLE 4:

CHAPTER 12, Commercial District (C), Section 12.2.0, Uses Permitted By Right, paragraph .01, is hereby amended by adding a new sub-paragraph “O” to read as follows:

- O. Wireless communication collocation equipment:

- a. collocation of new transmission equipment;
- b. removal of transmission equipment; or
- c. replacement of transmission equipment per Public Act 110 of 2006 as amended

ARTICLE 5:

CHAPTER 13, Industrial District (I), Section 13.2.0, Uses Permitted By Right, paragraph .01, is hereby amended by adding a new sub-paragraph “K” to read as follows:

- K. Wireless communication collocation equipment:
 - a. collocation of new transmission equipment;
 - b. removal of transmission equipment; or
 - c. replacement of transmission equipment per Public Act 110 of 2006 as amended

ARTICLE 6:

CHAPTER 14, Special Land Uses, Section 14.7.0, Agricultural (A-1) District, Special Land Uses, paragraph .09, Communication Towers, is hereby amended by adding a new sub-paragraph EE.3 to read as follows:

- 3. Notwithstanding anything herein to the contrary, a special land use permit shall not be required for any wireless communication equipment as long as the applicant satisfies all the requirements of Public Act 143 of 2012. See Addendum A.

ARTICLE 7 SEVERABILITY CLAUSE:

The various parts of this ordinance shall be deemed severable. Should any section, paragraph, or provision hereof be held by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part held to be unconstitutional or invalid.

ARTICLE 8 REPEAL:

All Ordinances or portions, thereof, which are in conflict with this Ordinance, are hereby repealed.

ARTICLE 9 EFFECTIVE DATE:

Public hearing having been held hereon, the provisions of this Ordinance shall take effect upon the expiration of seven days after publication, pursuant to the provision of Section 401 (6), Act 110 of the Public Acts of 2006, as amended.

ARTICLE 10 ADOPTION:

Made and passed by the Board of Lexington Township, Sanilac County, Michigan, on this 23rd day of January, 2014, A.D.

1. Date of Public Hearing: June 19, 2013.
2. Date of Adoption by Township Board: January 23, 2014
3. Date of Publication: February 28, 2014.
4. Date and Time Ordinance Shall Take Effect: March 7, 2014.

Certification

I, Suzette Wagner, Clerk of the Township of Lexington, do hereby certify that Ordinance No. 14-01 was adopted by the Township Board at a regular meeting of the Township Board held at the Township Hall on the 23rd day of January, 2014.

Vote on this Ordinance, 5 members being present, was as follows:

AYES: Chad Partaka, Suzette Wagner, Davianna McAllister, Kristie Jahn, William Watson

NAYS: None

I further certify that said Ordinance No.14-01 adopted by the Township Board on the 23rd day of January, 2014 was published once in The Jeffersonian, a newspaper published and circulated in the Township of Lexington, County of Sanilac, on the 28th day of February, 2014 this being the first and final day of publication of this ordinance.

Suzette Wagner, Clerk
Township of Lexington