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**DEVELOPMENT SERVICES
DEPARTMENT**

**Jeffrey M. Polkowski, AICP
Director**

**Dave Hills
Superintendent of Building
Division**

**Scott Alef
CDBG Coordinator**

MEMORANDUM

Date: July 15, 2024

To: Honorable Township Board Members

From: Jeffrey M. Polkowski, Director of Development Services

RE: Proposed Small Cell Ordinance

“Small Cell” is the term used to refer to the wireless communication industry’s modern technology that focuses on placing antennas closer together, often on existing structures including utility poles or on new structures/utility poles that are less than 40 ft tall. The use of small cell facilities is becoming increasingly popular as opposed to the traditional cellular towers which range from 50 to 200 ft tall on average and have much larger bases. In order to qualify as a small cell wireless facility, each antenna cannot be larger than six cubic feet (e.g. 3’ x 2’ x 1’) and all of the facility’s other associated wireless equipment cannot exceed 25 cubic feet.

In 2018, the State adopted the Small Wireless Communications Facilities Deployment Act which requires municipalities, with some exceptions and limitations, to approve small cell antennas and related wireless facilities, utility poles, or other support structures in public rights-of-way. In 2019, the Board of Trustees adopted an ordinance (2019-003) to ensure Waterford Twp was prepared to process use permit applications for small cell facilities in a way that complied with the requirements of the State’s Small Wireless Communications Facilities Deployment Act.

Small cell use permit fees and applications are already collected by, and reviewed by, the Development Services Department through the Township Engineer, but the Code of Ordinances, as currently written, requires applicants to submit small cell use permit applications to the Township Clerk. The purpose of this proposed ordinance amendment is to streamline the process so that small cell use permit applications are submitted directly to Development Services. Once reviewed by the Township Engineer, small cell use permit applications will be presented to the Board for approval as required by the Code of Ordinances. The Township has only recently received its first few small cell use permit applications, but as evidenced by an increase in surrounding communities receiving an influx of such applications, it is anticipated that the Township will continue to see these applications submitted on a regular basis. The Board will be considering its first three applications following this proposed ordinance amendment. Attached is this ordinance amendment as well as a redlined version that shows the only change to the existing ordinance.

Please let me know if you have any questions prior to Monday night’s meeting.

Sec. 14.051-051. Filing of complete applications required

At least three (3) copies of a permit application and more if necessary to secure all Township staff and consultant reviews, shall be filed with the Township Clerk, except for Wireless Facility applications, which shall be filed with the Developmental Services Department, and shall not be considered as complete for any purposes, including any time periods for Township review and decisions, until the required application fee and information has been provided.

CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2024-0

RIGHT-OF-WAY MANAGEMENT ORDINANCE AMENDMENT

An Ordinance to amend the Right-of-Way Management Ordinance in Article V of Chapter 14.5 of the Waterford Charter Township Code, to require applications for Small Cell Wireless Use Permits to be provided to the Developmental Services Department.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

That Section 14.5-051 of Article V of the Waterford Charter Township Code, which defines the Permit Application Requirements and Process be amended to read as follows:

Sec. 14.051-051. Filing of complete applications required

At least three (3) copies of a permit application and more if necessary to secure all Township staff and consultant reviews, shall be filed with the Township Clerk , except for Wireless Facility applications, which shall be filed with the Developmental Services Department, and shall not be considered as complete for any purposes, including any time periods for Township review and decisions, until the required application fee and information has been provided.

Section 2 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 3 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on June 10, 2024.

CHARTER TOWNSHIP OF WATERFORD

Date

By: _____
Kim Markee, Township Clerk