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EXECUTIVE OFFICE

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EXECUTIVE ORDER NO. 9

TO: ALL BOARDS, COMMISSIONS, DEPARTMENT DIRECTORS, CITY COUNCIL MEMBERS, AND THE CITY CLERK

SUBJECT: ESTABLISHMENT OF A WIRELESS TOWER SITE REVIEW COMMITTEE

DATE: December 18, 1996

Pursuant to the powers vested in me by the Constitution of the State of Michigan, and the 1974 Detroit City Charter, I, Dennis W. Archer, Mayor of the City of Detroit, do hereby establish a Wireless Tower Site Review Committee, in accordance with the following guidelines:

1. **Purpose:** The Federal Telecommunications Act of 1996 retained the City's ability to exert zoning and other regulatory control over personal communications services (PCS), enhanced specialized and specialized mobile radio (ESMR/SMR) and cellular wireless tower antenna sites, provided that: (a) zoning and other regulations are not so onerous as to effectively prohibit the provision of personal wireless services, and (b) there is no unreasonable discrimination among providers of functionally equivalent services. The City has received, and continues to receive, requests from various providers for the necessary leases, zoning variances and other permits needed to erect towers or install antennas that are essential for these services. In addition, the development of PCS technology presents greater site management problems for the City because the high frequency and low power requirements necessitate many more wireless tower sites than conventional cellular or ESMR/SMR service. One PCS provider alone may require as many as seventy (70) sites within the City. Although many of the wireless tower antennas may be attached to existing structures, a great number of additional free-standing towers will be required. The required heights for these towers are currently not permitted in the majority of City zoning districts. Thus, the City's Zoning Ordinance must be amended, which process is complex and time-consuming. In the meantime, it has become apparent that the City must adopt a centralized process for handling those requests that may be granted without zoning changes to assure consistency and fair treatment in the processing of such requests.

2. **Scope:** The Wireless Tower Site Review Committee shall serve as a City-wide clearing-house for the review of all permit and lease requests for wireless tower and antenna sites, pending the adoption of amendments to the Zoning Ordinance and more detailed rules and regulations governing the location of antenna facilities, including free-standing towers. No wireless tower permit shall be issued, during the existence of this Executive Order, until the process described below has been completed.

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3. Membership: The Wireless Tower Site Review Committee shall consist of not more than nineteen (19) regular members, and not more than two (2) special members for any particular request, who shall be appointed by and who shall serve at the pleasure of the Mayor, in accordance with the following:

Regular Members

(A) One (1) representative from the City's Executive Office, who shall serve as the Committee Chairperson;

(B) Not more than two (2) representatives from each of the following City departments:

Buildings & Safety Engineering
Cable Commission
Information Technology Services
Law
Planning and Development

(C) Not more than one (1) representative from each of the following City departments:

Police
Public Lighting
Public Works
Water and Sewerage

(D) The City Planning Commission is invited to designate up to two (2) representatives to serve on the Committee.

Special Members

When the Committee receives a request that involves City-owned land or buildings within the jurisdiction of a City department or agency that is not listed above, that particular City department or agency shall, through its director or agency head, designate not more than two (2) additional Committee members, who shall serve as special members, only for the purpose of considering the

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specific request that pertains to the City-owned buildings and/or land within the jurisdiction of that City department or agency.

4. Review Criteria: Within fifteen (15) business days after the effective date of this Executive Order, the Wireless Site Review Committee shall develop criteria to be used in reviewing wireless tower and antenna siting requests. These criteria shall include, at a minimum, the following:

- (A) tower height, tower width dimensions and the type of antenna tower design to be used, *i.e.*, lattice or monopole;
- (B) the proximity of the antenna tower site to residential development;
- (C) the minimum optimal distance between antenna towers and the number of antenna towers permitted per zoning lot;
- (D) the visual impact of the antenna tower on the host community including setbacks, yard requirements, screening and landscaping;
- (E) materials and coloration of the antenna towers and auxiliary buildings;
- (F) whether the proposed antenna tower can accommodate more than one provider (co-location);
- (G) the existence of feasible alternatives, such as the use of existing structures;
- (H) compliance with all applicable federal, state, and local laws, ordinances, and regulations.

5. Procedure for Processing Siting Requests:

(A) General Procedure

(i) All departments and/or agencies of the City of Detroit shall notify the Chairperson of the Wireless Tower Site Review Committee upon receipt of any request for a permit to erect a PCS, ESMR/SMR, or other cellular antenna or tower on land or buildings in the City of Detroit. Said notices shall be sent to the

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Committee Chairperson within five (5) business days after receipt, and shall include the following information:

- (a) name of the applicant;
- (b) the type of facility required (new or rebuilt tower or on an existing building);
- (c) desired site location; and,
- (d) the identity of the backhaul network provider (*i.e.*, whose wires or fibers will connect the towers and antennas).

A copy of all documents related to the request shall be included with the notice sent to the Committee Chairperson.

(ii) The Committee Chairperson shall forward copies of any such notices and associated documents to the Committee members within five (5) business days, and shall convene a meeting of the Committee to consider the request within fifteen (15) business days after the Chairperson receives notification of the request.

(iii) The Chairperson, or his or her designee, may request additional information from an applicant. All time periods noted above shall be tolled, where applicable, until such information is provided.

(iv) Upon completion of its review, the Committee shall prepare findings and/or recommendations. These findings and/or recommendations shall be distributed as provided below.

(B) Post-Review Procedure

(i) Requests that Pertain to Property Not Owned by the City of Detroit:

Upon completion of the Committee's review, the request, with a written summary of the Committee's findings and/or recommendations, shall be forwarded to the applicant by first-class mail, and copies of such documents shall be sent to the Director of the Buildings & Safety Engineering Department, and all members of the Wireless Site Tower Review Committee. The Committee's response shall also include the name, address, and telephone number of a person whom the applicant may contact to discuss any questions or comments the

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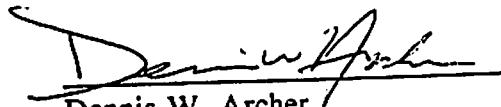
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applicant may have regarding the Committee's response, and shall state that the applicant is responsible for contacting the Buildings & Safety Engineering Department to complete the processing of the wireless tower permit request, and, where necessary, for obtaining all necessary approvals and/or waivers.

(ii) Requests that Pertain to Property Owned by the City of Detroit:

Upon completion of the Committee's review, the Chairperson shall send a written summary of the Committee's findings to each member of the Wireless Tower Site Review Committee. In the event the Committee recommends that City property should be leased to the applicant for an antenna tower site, and the Department having jurisdiction of the property agrees with the recommendation, the applicant shall be so notified. If the recommendation is that the City should not enter into a lease for the property, the applicant shall be notified by the Committee Chairperson by first-class mail. If there is disagreement between the Committee and the Department as to whether or not the site is appropriate for use as a tower site, the matter will be resolved by the Mayor or his designee. Negotiations concerning the leasing of City property shall be conducted by the Law Department, in consultation with the Wireless Tower Site Review Committee. Any such lease shall include reference to a detailed site plan and/or development agreement, and shall include a provision indicating that the lease is contingent upon the applicant's receipt of all applicable municipal regulatory approvals. Once the lease has been executed, a permit may be applied for without further Committee review.

6. Duration: This Executive Order shall be effective on January 2, 1997 and shall remain in effect until December 31, 1997, unless extended or earlier terminated by further Executive Order.


Dennis W. Archer
Mayor