

CHAPTER 460
Regulations for Wireless Telecommunications Facilities

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SECTION 460.01 PURPOSE.

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the Township in which they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the Township in regulating wireless telecommunication towers and related facilities for the following purposes:

- A. To protect property values;
- B. To regulate a commercial use so as to provide for orderly and safe development within the Township;
- C. To provide for and protect the health, safety, morals and general welfare of the residents of the Township;
- D. To protect residential properties, parks, open spaces and the nonintensive commercial zoning districts which are characteristic of the Township from the adverse effects of towers and related facilities;
- E. To promote colocation of wireless telecommunication facilities in order to decrease the number of towers in the Township; and
- F. To maintain, where possible, the integrity of the existing regulations contained in the Zoning Resolution.

SECTION 460.02 DEFINITIONS.

- A. Colocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

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- B. Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
- C. Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- D. Telecommunications: The technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
- E. Wireless telecommunications antenna: The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- F. Wireless telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- G. Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

SECTION 460.03 PERMITTED LOCATIONS.

A wireless telecommunications tower or facility may be located in the following areas, under the following circumstances and upon an application for a zoning certificate and issuance of such certificate from the Zoning Inspector. Efforts shall be made to locate in the areas listed in the order of priority listed.

- A. First priority: New wireless antennas may collocate on existing towers or on existing structures which have been constructed for other purposes, such as but not limited to water towers, church steeples, chimneys, and cooling towers.
- B. Second priority: A wireless telecommunication tower and/or antenna facility may be located in a C-2, C-3, L-I or G-I zoning district.

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- C. Third priority: A wireless telecommunication tower and/or antenna facility may be located within a recorded electric high tension power line or easement, shall not exceed the height of the existing high tension power line towers and shall be located within 40 feet of such existing towers.

SECTION 460.04 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL:

A wireless telecommunications tower or facility may be located in the following areas as a conditional use only upon approval of the Board of Zoning Appeals provided the applicant demonstrates compliance with the following standards as well as the standards set forth in Section 390.02 and the procedures set forth in Chapter 630.

- A. Locations. Efforts shall be made to locate wireless telecommunication towers and facilities in the following areas, in the order of priority listed.
1. In an O-C or R-1 District located at least 1,000 feet from an existing dwelling, or located at least 500 feet from an existing dwelling when the dwelling is within 500 feet of a limited access highway, industrial district or railroad tracks.
 2. In an R-2 or R-3 District located at least 1,000 feet from an existing dwelling, or located at least 500 feet from an existing dwelling when the dwelling is within 500 feet of a limited access highway, industrial district or railroad tracks.
 3. In a C-1 District.
- B. In order for the Board of Zoning Appeals to consider the location of a wireless telecommunication tower and facility as a conditional use, the applicant shall demonstrate that:
1. There is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available in a permitted location as set forth in Section 460.03; or
 2. If another tower, building or structure set forth in Section 460.03 is technically suitable, the applicant must show that it has requested to collocate on the existing tower, building or structure and the collocation request was rejected by the owner of the tower, building or structure; or

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- 3. If an area set forth in Section 460.03 is technically suitable, the applicant must show that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 460.03 under reasonable terms and that each request was rejected.

With the conditional zoning certificate application, the applicant must demonstrate that a technically suitable location is not available in any area set forth in Section 460.03 and shall list the location of every tower, building or structure and all of the areas set forth in Section 460.03 that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such tower, building or structure or area has been determined not to be technically suitable.

- C. As a condition of issuing a conditional zoning certificate to construct and operate a tower in the Township, the owner/operator of the telecommunications tower shall agree to allow colocation until said tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two additional antenna platforms for additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation shall be presented to the Zoning Inspector evidencing that the owner of the property on which the tower is to be located has agreed to the terms of this subsection as well as all other applicable requirements, regulations and standards set forth in this Section.

SECTION 460.05 STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATIONS TOWER FACILITIES.

All wireless telecommunication towers and facilities shall comply with the following standards and conditions.

- A. Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.
- B. The minimum setback of the tower from all property lines shall be:
 - 1. The height of the tower plus 25 feet, or

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2. When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property shall not be affected, the minimum setback shall be:
 - a) 40 feet from any property line abutting a nonresidential lot.
 - b) 75 feet from any property line abutting a residential lot, provided that the base of the tower, including any guy wire anchors and required enclosure shall comply with the front yard setbacks for the district in which it is located.
- C. Towers located as a permitted use in accordance with Section 460.03 shall not exceed a height of 200 feet and shall be monopole structures. The Board of Zoning Appeals may approve a lattice-type structure as a conditional use in locations specified in Section 460.03 when the applicant demonstrates that a lattice-type structure provides greater ability to colocate additional antenna.
- D. Towers located as a conditional use in accordance with Section 460.04 shall not exceed a height of 200 feet and shall be monopole structures.
- E. The applicant of a proposed tower shall demonstrate that the proposed tower is the minimum height necessary to accommodate the antennae and is no higher than existing towers housing similar antennae.
- F. Prior to approving a new tower, a tower height greater than those prevailing in the area, or a tower in a location not in compliance with these regulations, the applicant shall demonstrate to the Township that such new tower or additional height is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect, but not limited, to: height, opportunities for colocation, impact on residents, impact on service levels, etc. The Township may retain consultant(s) to review the information with the reasonable costs for such consultation being borne by the applicant(s).
- G. The base of the tower, including any guy wires, shall be completely enclosed with a secure fence having a minimum height of 8 feet. The fence shall be completely screened from view by at least one row of evergreens planted five feet on center maximum.

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- H. Existing vegetation surrounding the fenced area shall be preserved to the maximum extent possible.
- I. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- J. Any accessory buildings shall comply with the regulations set forth for the district in which the tower is located.
- K. “No Trespassing” signs shall be posted on the required fence in a clearly visible location with a telephone number of who to contact in the event of an emergency. No other signs or advertising shall be located anywhere on the facility.
- L. The applicant shall submit a reclamation plan at the time of the development plan review. As part of the reclamation plan, the owner or operator shall be required to post a cash or surety bond, or other financial guarantee acceptable by the Township Trustees, of no less than \$100 per vertical foot of wireless telecommunication tower height, measured from the natural grade. The bond shall insure implementation of the reclamation plan to prevent erosion. In addition, any collocator shall be required to provide its own financial guarantee to the township that insures that the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site.

SECTION 460.06 REMOVAL OF TELECOMMUNICATIONS FACILITIES.

- A. All towers, structures and equipment shall be removed by the owner of the tower or facility, and the site restored to its original state within six (6) months following the date that the tower is no longer operational.
- B. Any tower that has had no antenna mounted upon it for a period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within 180 days after receipt of a notice from the Zoning Inspector to do so.
- C. In the event more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this Section.

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SECTION 460.07 FCC COMPLIANCE.

Prior to receiving final inspection by the Zoning Inspector, documentation shall be submitted to the Zoning Inspector certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).