

ARTICLE 24.00

WIRELESS COMMUNICATIONS FACILITIES, RADIO, TELEVISION AND OTHER TOWERS

Section 24.01 Purpose

The purpose of this Article is to:

- A. Carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennae on a single tower.
- B. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks, natural beauty areas and public rights-of-way from potential adverse impacts of towers and antennae.
- C. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

Section 24.02 Application Materials

The following information shall be provided with any application for approval of a wireless communications facility:

A. Required Information

- 1. Name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor.
- 2. Street address, parcel identification number or location of the property on which the facility is to be located.
- 3. Type of wireless communications facility, as defined in this Ordinance.

B. Site plan

A site plan shall be provided in accordance with all applicable requirements of Article 18.00, including the following minimum requirements:

- 1. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within three hundred feet of the boundaries of the parcel or lot.
- 2. A landscaping and screening plan that includes details of proposed fencing and the location, size, height and species of all existing and proposed landscaping.
- 3. Elevation drawings of all proposed buildings, towers and other structures on the site.
- 4. A location map showing the location of the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within one mile of the proposed location.

C. Service area coverage maps

A map of the area served by the provider’s existing wireless communications facilities shall be provided, along with a map of the same area showing the service area coverage provided by the addition of any proposed facilities.

D. Construction drawings

Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, electrical components, methods of construction and type of illumination for each wireless communications facility.

E. Permission to locate

The petitioner shall submit copies of a signed lease or other proof, satisfactory to the Township Attorney, of permission to locate a wireless communications facility on the site.

F. Co-location agreement

The petitioner for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the sketch plan and elevation drawings.

G. Insurance certificate

The petitioner shall submit a valid certificate of insurance, to be renewed annually, listing the Charter Township of Bangor as the certificate holder and naming the Township, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail thirty days written notice to the Township as certificate holder. The petitioner shall supply a \$1,000.00 cash bond to the Township, which may be used to reimburse administrative expenses in the event the certificate is allowed to lapse.

H. Maintenance agreement

The petitioner shall submit a plan for the long-term continuous maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the Township if maintenance responsibilities change.

I. Removal agreement

The petitioner shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the Township Attorney, for the removal of towers or antennas as applicable. The petitioner shall demonstrate that adequate funds will be available to the Township for the removal of such towers or antennas, restoration of the site and associated administrative costs incurred by the Township in the event that the petitioner, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this ordinance.

J. Tax-related information

The petitioner shall supply to the Assessor all tax-related information as requested for appraisal purposes.

K. Engineering certification

Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.

L. Backhaul network information

The petitioner shall identify the entities providing the backhaul network for the facilities described in the application and other sites owned or operated by the applicant in the Township.

Section 24.03 Review Process

SITUATION or USE	REQUIRED REVIEW		
	PLANNING COMMISSION	PERMITS	EXEMPT
Construction, alteration or enlargement of wireless communications facilities	x	x	
Installation of antennas on existing buildings	x	x	
Construction of television, radio, microwave, or public utility transmission towers, antennas or antenna arrays	x	x	
Co-location of antennas on an existing approved tower	<input type="checkbox"/>	x	
Installation of satellite dish antennas with a diameter of less than 1.5 meters			x
Installation of satellite dish antennas with a diameter 1.5 meters or larger		x	
Installation of amateur radio transmission and reception antennas		x	
Installation of citizen band radio facilities, short wave facilities, amateur radio reception-only antennas and governmental facilities subject to federal or state laws or regulations that preempt municipal regulatory authority			x
Installation of new antennas or similar transmission devices on light poles, on other public utility structures or within street rights-of-way	x	x	
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable building, fire and electrical codes			x
Construction, installation, replacement, co-location, alteration or enlargement of wireless communications facilities shall be reviewed and approved as indicated in the following table. Facilities requiring Planning Commission approval shall be subject to review as a special land use, in accordance with Section 18.03.			

Section 24.04 Site Development Standards

- A. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a principal permitted use, subject to site plan review and the conditions set forth in subparagraph (D) below, and if approved, constructed and maintained in accordance with the standards and conditions of this Section.
- 1) Attached wireless communication facilities within all I-1 and I-2 districts only, where the existing structure is not, in the determination of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
 - 2) Collocation of an attached wireless communication facility that has been pre-approved for such collocation as part of an earlier approval by the Planning Commission.
 - 3) Attached wireless communication facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the Planning Commission, would materially alter the structure or result in an impairment of sight lines or other safety interests.
 - 4) All wireless communication support structures upon municipally owned sites.
- B. Wireless communication support structures upon non-municipally owned sites are permitted as a special approval use only upon site plan review approval, subject to the conditions hereinafter imposed in subparagraph (D) below, and subject further to the special approval procedures of Article 18.03 in all I-1 and I-2 districts only, and if approved, constructed and maintained in accordance with the standards and conditions of this Section.
- C. If it is demonstrated to the satisfaction of the Planning Commission by an applicant that a wireless communication facility may not reasonably be established as a principal permitted use under subparagraph (A) above, or as a special approval use under sub-paragraph (B) above, and is required to be established outside of a district identified in sub-paragraphs (A) and (B) above, in order to operate a wireless communication service, then wireless communication facilities may be permitted within the Township by special use approval only subject to the requirements of set forth in subparagraph (D), and subject further to the special approval procedures of Article 18.03, and if approved, constructed and maintained in accordance with the standards and conditions of this Section, and also subject to the following criteria and standards:
- 1) At the time of the submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage or capacity needs of the applicant.
 - 2) Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form, such as a unipole single structure (stealth design) that is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, and shall comply with the collocation requirements of subparagraph (D)(13).
 - 3) In any single family or multiple family residential district, and upon sites within two hundred (200) feet of such districts, site locations shall be permitted on a priority basis upon the following sites, subject to application of all other standards contained within this Section:
 - a) Municipally owned sites.

- b) Other governmentally owned sites.
- c) Religious or other institutional sites.
- d) Public parks and other large permanent open space areas when compatible.
- e) Public or private school sites.

D. General Requirements

All applications for wireless communication facilities shall be reviewed, in accordance with the following standards and conditions, and if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if a facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

- 1. All applications for the required permit to place, construct or modify any part or component of a wireless communication facility shall include the following:
 - a) A site plan prepared in accordance with Article 18.00, showing the location, size, screening and design of all buildings and structures, including fences, the location and size of outdoor equipment, lighting and signage, and the location, number, and species of proposed landscaping, and as-built drawings for all proposed attached wireless communication facilities /or wireless communication support structures.
 - b) A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:
 - 1) Proximity to an interstate highway or major thoroughfare.
 - 2) Areas of population concentration.
 - 3) Concentration of commercial, industrial, or other business centers.
 - 4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - 5) Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
 - 6) Other specifically identified reason(s) creating need for the facility.
 - c) The reason or purpose for the placement, construction or modification with specific reference to the provider’s coverage, capacity and/or quality needs, goals and objectives.
 - d) The existing form of technology being used and any changes proposed to that technology.
 - e) As applicable, the planned or proposed and existing service area of the facility and the attached wireless communication facility, and wireless communication

support structure height and type, and signal power upon which the service area has been planned.

- f) The nature and extent of the provider/applicant's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
- g) The identity and address of all owners and other persons with a real property interest in the property, building, or structure upon which facilities are proposed for placement, construction or modification.
- h) A map showing existing and known proposed wireless and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and other structures of the same approximate height within a one-half (1/2) mile radius of the proposed site that could accommodate a feasible collocation of the applicant's proposed attached wireless communication facility.

If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is trade secret or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

- i) For each location identified on the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:
 - 1) The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - 2) Whether property owner approvals exist or have been requested and obtained.
 - 3) Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.
- j) A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.

- k) A description of the security to be posted at the time of receiving a building permit for the wireless telecommunication support structure to ensure removal of the structure when it has been abandoned or is no longer needed, as provided in subparagraph (D)(16) below. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Attorney and recordable at the office of the Bay County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.
 - l) The site plan shall include a landscape plan where the wireless communication support structure is being placed at a location that is not otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory buildings and enclosures. Landscaping around the base of the wireless communication facility shall consist of evergreen trees, at least six (6) feet in height at the time of planting, and spaced so as to provide a completely opaque screen within two (2) years of planting. In all cases there shall be non-opaque ornamental fencing of at least six (6) feet in height, which is required for the protection of the tower. Vinyl coated chain link fencing may be utilized upon the determination of the Planning Commission that such fencing will not be visible to any adjacent roadways or residential areas.
 - m) The name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
2. The wireless communication support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communication support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development. Stealth design is encouraged. Lattice support structures are prohibited.
 3. The maximum height of all new or modified attached wireless communication facilities and wireless communication support structures shall be one hundred ninety-five (195) feet. The accessory building contemplated to enclose such items, as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 4. The setback of a monopole wireless communication support structure from any lot line shall be established based upon the height of the proposed structure. In no instance shall a setback of less than fifty (50) feet be provided. The setback of all other wireless communication support structures from any lot line shall be no less than the height of the structure, unless it can be demonstrated and certified by a registered professional engineer, to the satisfaction of the Township Engineer, that the wireless communication support structure has a shorter fall-zone distance.
 5. Where the wireless communication support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless communication support structure and accessory structures shall be in accordance with the required

setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communication support structure is located.

6. There shall be an unobstructed eighteen (18) foot wide paved access to the wireless communication support structure, for operation, maintenance, repair and inspection purposes, which may be provided through an easement. This access shall have a location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site. Adequate maneuvering space must be provided to prevent service vehicles from backing onto the adjacent roadways. The Planning Commission may waive the requirement for paved access, subject to Fire Department approval.
7. The division of property for the purposes of locating a wireless communication support structure is prohibited unless all zoning requirements and conditions are met.
8. The Zoning Board of Appeals may grant variances only for the setback requirements of a wireless communication support structure, provided that the proposed location will reduce its visual impact on the surrounding area, for the maximum height requirement, and for the collocation requirements of subparagraph (D)(14).
9. Where a wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building, provided that an accessory building conforms with all district requirements for accessory buildings, including yard setbacks and building height.
10. The Planning Commission shall, with respect to the color of the wireless communication support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
11. Wireless communication support structures shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a geotechnical engineer licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
12. A maintenance plan, including landscaping and any applicable maintenance agreement, shall be presented as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
13. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of

this subsection are designed to carry out and encourage conformity with the policy of the Township.

Any proposed wireless communication support structures shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's attached wireless communication facility and comparable attached wireless communication facilities for additional users. Wireless communication support structures must be designed to allow for future rearrangement of attached wireless communication facilities upon the wireless communication support structure and to accept attached wireless communication facilities mounted at varying heights.

A proposal for a new wireless communication support structure shall not be approved unless and until it can be documented by the applicant that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly collocated and accommodated on an existing or approved wireless communication support structure or other existing structure due to one or more of the following reasons:

- a) The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication support structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.
- b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented by any other means.
- c) Existing or approved wireless communication support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.
- d) Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or building.

Collocation shall be deemed to be "feasible" for the purposes of this Section where all of the following are met:

- e) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- f) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- g) The collocation being considered is technologically reasonable, that is, the collocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennae, and the like.

- h) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained within this Section.
14. If a party who owns or otherwise controls a wireless telecommunication support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

If a party who owns or otherwise controls a wireless telecommunication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance, and, consequently such party shall take responsibility for the violation and be subject to any and all penalties applicable to a violation of the Zoning Ordinance, and shall also be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the collocation.

Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

15. Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subparagraph (A)(2), above, shall be expedited by the Township.
16. When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communication facility without the requirement of a wireless communication support structure, the entire wireless communications facility, or that portion of a wireless communications facility made obsolete by the new technology, shall be removed by the users and/or owners of the wireless communications facility. For the purposes of this Section, the removal of antennae or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.
- a) Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition / removal, restoring the condition which existed prior to the construction of the wireless communications facility.
 - b) If the required removal of the wireless communications facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable

deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the wireless communications facility.

17. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

Section 24.05 General Requirements

A. Federal, state and local standards

Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical and fire codes.

B. Public health and safety

Wireless communication facilities shall not be designed, constructed, operated or maintained in manner that is detrimental to the public health, safety, and welfare. Such facilities shall be designed, constructed and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.

C. Access

Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.

D. Lighting

Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.

E. Colors

Towers, and antennas located on towers, shall be painted gray or a similar color. Antennas on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.

Section 24.06 Site Requirements by Situation or Use

A. Wireless communications towers:

1. Location

In the single or multiple family residential district, wireless communications towers shall be limited to lots with a minimum area of ten (10) acres municipally owned or owned by another government entity. In all other zoning districts, wireless communications towers shall be located on lots that have lot area to accommodate minimum setback requirements of this Section and Ordinance.

2. Height

Towers shall not exceed one hundred ninety-five (195) feet in height as measured from grade-level to the highest point of the tower, including any antennas attached to the tower.

3. **Setbacks**

Towers shall be set back from lot boundaries and from adjacent districts and uses as follows:

a) **From lot boundaries:**

A minimum distance equal to one hundred (100) percent of the height of the tower or antenna. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of twenty (20) feet . If located on the same zoning lot with another permitted use, such facilities shall not be located in a front yard or any yard abutting a street. The Planning Commission shall have the authority to modify this requirement based upon finding that another setback may be more appropriate and will not adversely impact the surrounding land uses.

b) **From adjacent districts and uses:**

A minimum of four hundred and fifty (450) feet from the boundary of a residential zoning district or parcel occupied by residential uses.

4. **Fencing**

All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by a six (6) foot high ornamental fence to prevent unauthorized persons from accessing the tower. Barbed-wire shall not be permitted. Open weave, green or black vinyl coated chain-link fence with a lockable gate may be permitted by the Planning Commission.

5. **Screening.**

Existing vegetation shall be preserved to the maximum extent possible. Proposed landscaping shall be designed to screen the facility, and shall include the following:

a) **Equipment screening.**

A screen on all sides consisting of upright arborvitae planted no more than three (3) feet apart with a six (6) foot starting height. The Planning Commission may approve a substitution of other evergreen trees or shrubs, provided that the substitute plant material will completely screen the facility.

b) **Street trees.**

A greenbelt, consisting of one (1) deciduous tree for every thirty (30) feet of lot frontage on a public street, shall be provided to further screen and soften the view of the tower from adjacent public streets. The Planning Commission may waive or reduce this requirement upon finding that site conditions render such additional screening unnecessary or impracticable.

6. **Co-location**

Wireless communications facilities shall be designed, constructed and maintained in a manner that accommodates co-location of multiple antennae on a single tower.

B. **Antennas located on buildings:**

1. The principal use is a conforming use in the zoning district, and the building is a conforming structure in the district with a minimum height of forty (40) feet.

2. The antenna and support structure shall be permanently secured to the building, and shall be set back from the outermost vertical wall or parapet of the building a minimum distance equal to one hundred fifty percent (150%) of the height of the antenna and support structure. The antenna and support structure shall not exceed the height of the building by more than ten (10) feet.
3. The equipment enclosure shall be in a secured space inside the building, or may be located on the roof of the building, provided that the design is architecturally compatible with the building.

C. Amateur radio antennas

One such antenna, with a maximum height of sixty (60) feet and a minimum setback from all lot boundaries equal to one hundred (100) percent of its height, shall be permitted per lot. Such antennas shall be accessory to a primary structure on the same lot and shall be located in the rear yard of the lot.

D. Satellite dish antennas

One such antenna, with a minimum setback from all lot boundaries equal to one hundred fifty (150) percent of the height of the antenna and support structure, shall be permitted per lot and shall be accessory to a primary structure on the lot. Such antennas shall be located in the side or rear yard of the lot or permanently installed upon the primary structure in a manner not visible from any public right-of-way.

E. Radio, Television and Other Communications Towers (Commercial and Public)

The following regulations shall apply to radio and television towers, microwave towers, and other communication antennae/towers:

1. **Setbacks**
Any such tower shall be set back from all property lines a minimum distance of fifty (50) feet greater than the height of the tower except in the case that the Planning Commission determines that a lesser setback is needed. The Planning Commission's determination shall be based upon engineering evidence provided by the applicant that the tower is self-collapsing. All guide wires, supports and anchors must adhere to district setback requirements.
2. **Fencing**
An open weave, eight (8) foot high chain link fence shall be constructed around the entire perimeter.
3. **State and Federal Regulations**
Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
4. **Location**
Such towers shall be permitted in the I-1 and I-2 Districts only.
5. **Landscaping**
The base of such towers shall be landscaped for screening in accordance with Article 19.00.

Section 24.07 Criteria for Approval

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

- A. **Operating requirements**
The petitioner shall demonstrate that operating requirements necessitate locating within the Township and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.

- B. **Engineering requirements**
The petitioner shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.

- C. **Impact on adjacent uses**
Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas and public rights-of-way will not be adversely impacted by the location of the wireless communications facility.

- D. **Site characteristics**
Topography, vegetation, surrounding land uses, zoning, adjacent existing structures and other inherent site characteristics are compatible with the installation of wireless communications facilities on the site.

- E. **Site design**
The design, lighting, color, construction materials, landscaping, fencing, screening and other design elements are in compliance with applicable provisions of this Article.

Section 24.08 Existing Towers and Antennas

Wireless communications facilities for which building permits have been properly issued prior to the effective date of this ordinance shall be allowed to continue, provided that such facilities are maintained in a structurally sound condition as determined by the Building Official, in accordance with approved plans, permits and conditions of approval, and in compliance with the General Requirements for All Wireless Communications Facilities as defined in this Article.

Section 24.09 Rescinding Approval of Wireless Communications Facilities

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, to provide information to the Township about the facility as required by this Article, or to maintain and operate the facility in compliance with approved plans, permits, conditions of approval or the General Requirements for All Wireless Communications Facilities as defined in this Article shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

- A. **Prior notice**
Ten (10) day advance notice of the Township's intent to rescind approval of the facility shall be provided to the owner, operator or leaseholder of the facility.

B. Public hearing

Such action may be taken only after a public hearing has been held before the Planning Commission. The owner, operator or leaseholder of the facility shall be given an opportunity at the hearing to present evidence in opposition to rescission.

C. Rescission

Subsequent to the hearing, the decision with regard to rescission shall be made by the Planning Commission. Written notification of the decision shall be provided to said owner, operator or leaseholder of the facility.

Section 24.10 Removal of Abandoned, Illegal and Obsolete Wireless Communications Facilities

Abandoned wireless communications facilities, or facilities for which Township approval has been rescinded, shall be removed by the owner or operator within ninety (90) days of receipt of notice from the Township requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the Township to seek court approval for such removal at the expense of the facility owner or operator.