

Milford Township Zoning Ordinance

415.3 Plan Review Criteria. Communications facilities shall be subject to all the ordinary review criteria applicable to Conditional Uses, the Land Development procedures and standards under the Township's Subdivision and Land Development Ordinance plus the following:

- A. The applicant shall demonstrate that the tower for the communications facility is the minimum height necessary for the service area and that the site chosen is the one which will afford the opportunity to construct the lowest height communications tower possible, taking into consideration all lands available within a reasonable distance including those which may lie within adjoining municipalities.
- B. The applicant shall present documentation that the tower is designed in accordance with the standards of this Ordinance for communications towers.
- C. The applicant shall demonstrate that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as FAA requirements.
- D. The need for additional buffer yard treatment shall be evaluated. Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements. Existing trees on the site which serve to provide a natural buffer shall be preserved unless absolutely required to be removed for purposes of access or safety.
- E. The applicant shall provide visual depictions or studies to indicate how the communications facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents as well as travelers.
- F. Where the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
- G. Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.
- H. All communications structures shall be lighted for safety, if required, in a manner consistent with industry best practices and additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.
- I. All property owners and adjacent municipalities within one-thousand (1,000) feet of the outside perimeter of the communications structure, including guy wires, shall be notified by certified mail at least three (3) weeks prior to the Planning Commission making a recommendation on an application for Conditional Use approval for such a structure. Wherever a proposed tower will be visible to homeowners, however, this distance shall be increased to fifteen (1,500) feet. This responsibility shall be the applicant's and such applicant shall provide proof of notification as part of their final application.
- J. Should any tower cease to be used as a communications facility, the owner or operator or then owner of the land on which the tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and charge back the cost of removal to the foregoing

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parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.

K. An applicant for approval of a communications structure shall include with the application evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities and co-location shall be mandatory wherever physically feasible. Should co-location not be feasible, the applicant shall demonstrate that a good faith effort has been made to mount the antenna on an existing building or structure, including of proof of contacts, building investigations and similar evidence. Should such efforts fail to result in a suitable site, a new communications tower may be permitted, but shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities, including provision of the necessary tower height to accommodate such other users without adding additional height in the future. Where co-location is proposed, the different companies using the facility shall also work from common maintenance and service buildings, if the same are located on the site.

L. The Township may, to reduce the impacts of the tower intrusion on a residential landscape, require either greater setbacks and/or lower tower height in cases where proposed towers would be located

M. The Township may require an applicant to provide accessibility to its facilities for emergency purposes by community organizations responsible for emergency communications.

N. The Township may consider any other factor relative to public health, safety and welfare in reviewing an application and may impose conditions with respect to screening, noise generation, traffic, lighting or any other criteria contained herein as they apply to conditional uses or generally.