

Lynda

ORDINANCE NO. 2007 - 12

AN ORDINANCE OF THE HILLTOWN TOWNSHIP BOARD OF SUPERVISORS AMENDING SECTION 160-23.F.(6) F6 COMMUNICATIONS TOWER AND CELLULAR TELECOMMUNICATIONS FACILITY AND TO ALSO AMEND THE TABLE OF USE REGULATIONS TO STATE AN F6 USE IS A NON-PERMITTED USE IN THE AQRC DISTRICT

WHEREAS, the Hilltown Township Board of Supervisors upon review by the Bucks County Planning Commission and the Hilltown Township Planning Commission hereby enacts and ordains the following Ordinance:

SECTION 1 - F6 COMMUNICATIONS TOWER AND CELLULAR TELECOMMUNICATIONS FACILITY

Section 160-23 Use F6 Communications Tower and Cellular Telecommunications Facility is hereby deleted and replaced with the following:

(6) F6 Communications Tower and Cellular Telecommunications Facility. A communications tower or a cellular telecommunications facility is permitted as a conditional use under a variety of circumstances in various zoning districts. The standards which follow cover the various ways that these uses are permitted. Additionally, applicant must demonstrate by written evidence from a qualified, licensed and professional engineer that, in terms of location and construction, there are no existing towers, communications towers, buildings, structures, elevated tanks or similar structures able to provide the platform for the communications antenna within a one mile radius of the chosen location.

(a) The following general provisions apply to all communications towers and cellular telecommunications facilities. The general standards are in addition to the provisions for the particular applications specified in Subsection F(6)(b) and (c) below.

[1] The location of the tower and the equipment building shall comply with all natural resource protection standards of this chapter. In addition, the tower and/or antenna must be of a concealed, camouflaged or stealth design that blends into the natural environment. This includes tree poles or architecturally screened antennas that can be attached to existing structures other than towers. A tower and/or antenna, when proposed to be combined with an existing church structure shall provide said camouflage design to be a bell tower or church spire. If the tower and/or antenna is proposed to be combined with an agricultural building, said tower and/or antenna shall be designed to be in the form of a barn silo. Except as required by the Federal Aviation Administration (FAA), lighting shall be prohibited from these concealed towers and/or antennas.

[2] Notwithstanding the requirements of §160-33, the following buffer plantings shall be located around the perimeter of the security fence:

- [a] An evergreen screen shall be planted that consists of either a hedge with a minimum height of four feet, planted three feet on center maximum, or a row of evergreen trees with a minimum height of six feet, planted 10 feet on center maximum.
 - [b] Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- [3] An eight-foot-high security fence shall completely surround the tower (and guy wires if used) and equipment building.
 - [4] The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA 222-E manual, as amended. In addition, all towers and support structures shall be designed to permit accommodation of future users in a manner approved by the Township.
 - [5] A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E manual, as amended, shall be submitted to the Township to document and verify the design specifications of the foundation for the tower and anchors for the guy wires, if used.
 - [6] All plans and drawings for the tower and antenna shall contain a signature and seal of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
 - [7] The tower and antenna shall be designed to withstand wind gusts of at least 100 miles per hour.
 - [8] An antenna may not be located on a building or structure that is listed on a historic register or is in a historic area.
 - [9] Any guy wires attached to a tower must be anchored within the same lot as the tower and no closer than 10 feet from any lot line.
 - [10] A communications tower or a cellular telecommunications facility shall not be a permitted use in a PC-2, MHP or AQRC District; or on land that has been dedicated to Hilltown Township as open space; or in a VC District unless in compliance with F6 (b)[1][g].
 - [11] Excluded from regulation under this subsection is any use involving a tower or antenna, the top of which is less than 50 feet above the ground and which is either a noncommercial use or a use related to the principal use on a lot.
 - [12] Upon request, the applicant shall provide to the Township, not more than once per year, information indicating that the approved communications tower or antenna remains structurally sound. The applicant shall bear the costs of any inspection necessary to determine the structural soundness of a communications tower or antenna.
- (b) Use in nonresidential districts Q, PC-1, LI, HI and VC.
 - [1] A communications tower or a cellular telecommunications facility is permitted as a conditional use in nonresidential districts Q, PC-1, LI, HI and VC, subject to the following conditions:

- [a] The existing use on the lot may be any permitted use in the district or any lawful nonconforming use and need not be affiliated with the communications provider.
 - [b] The tower and equipment building shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.
 - [c] The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment building, security fence and buffer planting, but in no event less than the minimum lot area for that district.
 - [d] The minimum setback for the tower shall be no less than two hundred feet or one hundred ten percent of the proposed tower height, whichever is greater from any existing lot line regardless of the zoning district in which the tower is located. The minimum setback for the equipment building shall be that established for that district.
 - [e] The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - [f] The maximum height of a tower, including all proposed attachments and antennas, shall be 200 feet.
 - [g] In a VC District, a communication tower or a cellular communications facility must be in combination and attached to an existing municipal structure or municipal building and shall be governed by the provisions of Subsection F(6)(b)[2] of this section.
- [2] Combined with an existing structure. Where possible, an antenna for a communications tower or a cellular telecommunications facility shall be attached to an existing structure or building subject to the following conditions of this paragraph and whenever an antenna for a communications tower or a cellular telecommunications facility is proposed in a VC District, it shall be attached to an existing municipal structure, building or facility subject to the following conditions:
- [a] The maximum height of the antenna shall be 25 feet above the existing building or structure.
 - [b] If the applicant proposes to locate the related equipment in a separate building, the building shall satisfy the following conditions:
 - [i] The building shall comply with the minimum setback requirements for that district. The building shall also have a pitched roof; and have a design compatible with existing structures in said Zoning District.
 - [ii] An eight-foot-high security fence shall surround the building.
 - [iii] A buffer yard shall be planted in accordance with Subsection F(6)(a)[2].
 - [iv] Vehicular access to the building shall not interfere with the parking or vehicular circulation on the lot for the principal use.
 - [c] Elevation of the existing structure showing width, depth and height, and engineering data about the antenna and existing structure, such as antenna

size and weight and load bearing capacity of the existing structure, shall be presented.

- (c) Use in residential districts CR1, CR2 and RR. A communications tower or a cellular telecommunications facility is permitted as a conditional use in residential districts CR-1, CR-2 and RR only when combined with an existing nonresidential use. An antenna may be attached to an existing nonresidential use that is a permitted use in the district, including but not limited to a church, a municipal or governmental building or facility, an agricultural building and a building or structure owned by a utility, upon satisfaction of the following conditions:

[1] The maximum height of the antenna shall be 25 feet above the existing building or structure.

[2] If the applicant proposes to locate the related equipment in a separate building, the building shall satisfy the following conditions:

[a] The building shall comply with the minimum setback requirements for that district. The building shall also have a pitched roof; and have a design compatible with existing structures in said Zoning District.

[b] An eight-foot-high security fence shall surround the building.

[c] A buffer yard shall be planted in accordance with Subsection F(6)(a)[2].

[d] Vehicular access to the building shall not interfere with the parking or vehicular circulation on the lot for the principal use.

[e] Elevation of the existing structure showing width, depth and height, and engineering data about the antenna and existing structure, such as antenna size and weight and load bearing capacity of the existing structure, shall be presented.

[3] Located on a nonresidential lot. A tower to support an antenna may be constructed on a lot with a nonresidential use that is a permitted use in the district, including but not limited to a church, a municipal or governmental building or facility, an agricultural use and a utility use, upon satisfaction of the following conditions:

[a] The tower shall be set back a distance that is at least equal to 200 feet or 110 percent of the tower height, whichever is greater from any existing residential lot line regardless of the zoning district in which the tower and associated facilities are located.

[b] The maximum height of the tower, including all proposed attachments and antennas, shall be 150 feet.

[c] The tower and equipment building shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

[d] The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment building, security fence and buffer planting, but in no event less than the minimum lot size for that district.

[e] The vehicular access to the tower and equipment building shall be provided along the circulation driveways of the existing use.

(d) This use is a conditional use in all districts where permitted and, in addition to the conditions set forth above, the following criteria shall be applied in evaluating a petition for a conditional use application:

- [1] The applicant shall demonstrate that the tower is the minimum height necessary for the area served and that the tower or facility must be located on the subject lot to serve the intended purpose. The applicant shall further demonstrate that it has investigated utilizing municipally owned properties and that such properties are either unavailable or cannot meet the service requirements of the applicant.
- [2] The applicant shall demonstrate that any newly constructed equipment building is the minimum height necessary to house the equipment for the facility. Consideration may be given to increased height for a peaked roof or a design which is more compatible with a residential or rural setting. In any event, the maximum building height for the applicable zoning district may not be exceeded.
- [3] The applicant shall present documentation that the tower is designed in accordance with the standards cited above.
- [4] The applicant shall demonstrate that the proposed tower complies with all state and federal laws and regulations concerning aviation safety. Grant of a conditional use may be conditioned on the installation of a blinking light and other safety features.
- [5] If the application is not for the addition of an antenna to an existing structure, the applicant shall demonstrate that, after thorough investigation, it was unable to utilize an existing structure.
- [6] Where the tower or facility is to be located on a lot with another use, the applicant shall present documentation that the owner of the lot has granted an easement for access to the proposed tower or facility and that vehicular access is provided to the tower or facility.
- [7] Grant of a conditional use may be conditioned upon the agreement by the applicant to collocation of at least three other communication companies' equipment on the tower upon payment to the applicant of a commercially reasonable fee by the other companies and upon consideration by the applicant of the request for collocation within a commercially reasonable time.
- [8] Grant of a conditional use may be conditioned upon the agreement by the applicant to the prompt removal of the tower or facility should it cease to be used for receiving or transferring telecommunication, radio, or other signals.

SECTION 2 – The Hilltown Township Table of Use Regulations. Use F 6 Communications Tower and Cellular Telecommunications Facility is hereby amended as follows:

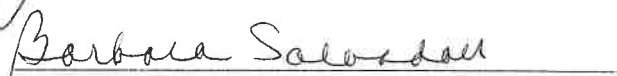
	RR	CR-1	CR-2	VC	LI	HI	PC-1	PC-2	MHP	O	AQRC
F 6 Cellular Towers and Telecommunications Facility	CU	CU	CU	CU	CU	CU	CU	N	N	CU	N

ENACTED AND ORDAINED at a regular meeting of the Hilltown Township Board of Supervisors on the 27th day of August, 2007.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS


Richard J. Manfredi, Chairman


John B. McIlhinney, Vice Chairman


Barbara Salvadore, Member