

ORDINANCE NO. 98-5

AN ORDINANCE AMENDING THE HILLTOWN
TOWNSHIP ZONING ORDINANCE OF 1995,
AMENDED, PROVIDING FOR COMMON
CARRIERS, PUBLIC UTILITIES, COMMUNITY
FACILITIES, PUBLIC SERVICE ORGANIZATIONS
AND COMMUNICATIONS COMPANIES.

Preamble

The Hilltown Township Board of Supervisors, upon review by the Hilltown Township Planning Commission, hereby adopts the following Ordinance amending the Hilltown Township Zoning Ordinance of 1995, as amended.

ARTICLE I

ARTICLE II - DEFINITIONS is hereby amended to include the following:

Cellular telecommunications facility: A facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from a mobile communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Communications Tower: A structure intended to support equipment used to transmit and/or receive telecommunications or radio signals. Examples of such structures include monopoles and lattice construction steel structures.

Antenna: A device used to collect or transmit telecommunications or radio signals. Examples are panels and single poles known as whip antennae.

Telecommunications equipment building: The structure in which the electronic receiving and relay equipment for a cellular telecommunications facility is housed.

ARTICLE II

ARTICLE IV - USE REGULATIONS, Section 405, Table of Use Regulations: F6 Communications Towers and Cellular Telecommunications Facilities with CU entered under districts RR, CR-1, CR-2, LI, HI, PC-1 and Q and with N entered under districts VC, PC-2 and MHP.

ARTICLE III

ARTICLE IV - USE REGULATIONS, Section 406, Use Type Regulations, Subsection F is hereby amended to read as follows:

ALL COMMON CARRIERS, PUBLIC UTILITIES, COMMUNITY FACILITIES, PUBLIC SERVICE ORGANIZATIONS AND COMMUNICATIONS COMPANIES.

ARTICLE IV

ARTICLE IV - USE REGULATIONS, Section 406, Use Type Regulations, Subsection F1 is hereby amended as follows:

F1. Public and Commercial Utilities

Transformer station, pumping station, electric substations, etc. In residential districts, such uses shall be permitted only where all the following conditions are met:

1. Such installation is essential to service the surrounding residential area (s);
2. No public business office or storage yard or storage building is operated in connection with the use;
3. A fifty (50) foot buffer yard shall be provided along all property lines which shall include adequate means for visual screening in accordance with Section 510 herein; and
4. Parking: Two (2) off-street parking spaces, or one (1) space per employee, whichever requires the greater number of spaces is provided.

ARTICLE V

ARTICLE IV - USE REGULATIONS, Section 406, Use Type Regulations, Subsection F6 is hereby added and will read as follows:

F6. Communications Tower and Cellular Telecommunications Facility.

A Communications Tower or a Cellular Telecommunications Facility is a permitted use under a variety of circumstances in various zoning districts. The standards which follow cover the various ways that these uses are permitted.

1. 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 paragraphs 2 - 3 below.
 - 1.1 The location of the tower and the equipment building shall comply with all natural resource protection standards of this ordinance.

1.2 Notwithstanding the requirements of Section 509, 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 ten feet on center maximum.

(b) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

1.3 An eight foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.

1.4 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

1.5 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.

1.6 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.

1.7 The tower and Antenna shall be designed to withstand wind gusts of at least 100 miles per hour

1.8 An Antenna may not be located on a building or structure that is listed on a historic register or is in a Historic Area.

1.9 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.

1.10 A Communications Tower or a Cellular Telecommunications Facility shall not be a permitted use in a VC, PC-2 or a MHP district or on land that has been established as Open Space.

1.11 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 non-commercial use or a use related to the principal use on a Lot.

2. A Communications Tower or a Cellular Telecommunications Facility is a permitted use in nonresidential districts Q, PC-1, LI and HI, subject to the following conditions:

2.1 Sole use on a Lot or combined with another use- A Communications Tower or a Cellular Telecommunications Facility is permitted on a Lot within an existing use (or on a vacant Lot) 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 the height of the tower. 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 shall be 200 feet.

2.2 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:

(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:

(1) The building shall comply with the minimum Setback requirements for that district.

(2) An eight foot high security fence shall surround the building.

(3) A buffer yard shall be planted in accordance with Paragraph 1.2.

(4) 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.

3. A Communications Tower or a Cellular Telecommunications Facility is a permitted use in residential districts CR-1, CR-2 and RR, subject to the following conditions:

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

3.2 Sole use on a lot or combined with a residential use- A Communications Tower or a Cellular Telecommunications Facility is permitted on a Lot within an existing use (or on a vacant Lot) subject to the following conditions:

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

(b) The minimum Lot Area shall be ten acres.

(c) The minimum Setback for the tower shall be no less than the height of the tower. The minimum Setback for the equipment building shall be that established for that district.

(d) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

(e) The maximum height of a tower shall be 150 feet.

(f) Subject to the provisions of Subsection 1.11, an Antenna shall not be attached to a residence.

3.3 Combined with a nonresidential use- An Antenna may be attached to 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 building and a building or structure owned by a Utility, upon satisfaction of 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:

(1) The building shall comply with the minimum Setback requirements for that district.

(2) An eight foot high security fence shall surround the building.

(3) A buffer yard shall be planted in accordance with Paragraph 1.2.

(4) 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.

3.4 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 Setback a distance that is at least equal to the height of the tower. The minimum Setback for the equipment building shall be that established for that district.

(b) The maximum height of the tower 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.

4. 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:

4.1 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.

4.2 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.

4.3 The applicant shall present documentation that the tower is designed in accordance with the standards cited above.

4.4 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.

4.5 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.

4.6 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.

4.7 Grant of a conditional use may be conditioned upon the agreement by the applicant to co-location 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 co-location within a commercially reasonable time.

4.8 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

ARTICLE VI - REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are repealed to the extent of such inconsistency.

ARTICLE VII - SEVERABILITY

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, such infirmity shall not affect nor impair the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.

SO ENACTED AND ORDAINED this 9th day of FEBRUARY, A.D., 1998.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS


