

96-13

~~CEA~~ Towens
COMMUNICATIONS

ORDINANCE #96-13

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, COUNTY
OF BEAVER AND COMMONWEALTH OF PENNSYLVANIA,
ESTABLISHING STANDARDS FOR AND REGULATING THE
CONSTRUCTION AND INSTALLATION OF CELLULAR
TELECOMMUNICATIONS FACILITIES BY WAY OF SPECIAL
EXCEPTION IN THE I-INDUSTRIAL AND
I-P INDUSTRIAL PARK DISTRICTS

WHEREAS, the Township of Hopewell, recognizes that the need for cellular telecommunications facilities is increasing which may necessitate additional construction and installation of such facilities in the Township; and

WHEREAS, the Hopewell Township Board of Commissioners is aware of the legitimate concern of Township residents in restricting the areas where cellular telecommunications facilities may be located and in providing safety standards for construction and installation of such facilities; and

WHEREAS, the Hopewell Township Board of Commissioners is aware that the construction, installation and placement of cellular telecommunications facilities must be performed in a manner which protects the health, safety and welfare of the public; and

WHEREAS, the Board of Commissioners of the Township of Hopewell are desirous of amending the Hopewell Township Zoning Ordinance to establish the zoning districts best suited for construction and installation of cellular telecommunications facilities as well as standards and regulations to be followed in the construction and installation of such facilities.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Hopewell, Beaver County, Pennsylvania, and it is hereby ordained and enacted by and with the authority of the same:

CELLULAR TELECOMMUNICATIONS FACILITIES

ARTICLE III DEFINITIONS, SECTION 301 MEANING OF WORDS: The following definitions shall be added:

CELLULAR TELECOMMUNICATIONS FACILITIES - A facility maintained by a government agency or a public franchised or regulated corporation that is intended for

transmitting or receiving telephone, or radio signals including but not limited to antenna and dishes, telecommunications equipment, accessory buildings or support structures either buildings or telecommunication towers.

CELLULAR TELECOMMUNICATIONS TOWER - A structure intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures include monopoles and lattice construction steel structures.

CELLULAR TELECOMMUNICATIONS ANTENNA - A device used to collect or transmit telecommunications or radio signals including but not limited to panels, microwave dishes, and single poles known as whips.

CELLULAR TELECOMMUNICATIONS EQUIPMENT BUILDING - The building in which the electronic receiving and relay equipment for a cellular telecommunications facility is housed.

PUBLIC UTILITY STRUCTURE - Any building or structure erected or maintained by a government agency or a public franchised or regulated corporation, including entities providing utilities such as gas, water, electric, telephone, cable and television, but excluding Cellular Telecommunications Facilities.

SPECIAL EXCEPTION USES ADDED TO I-INDUSTRIAL PARK AND I-P INDUSTRIAL PARK DISTRICTS: The following special exceptions shall be added to Article XIII I-P Industrial Park District and Article XIV I-Industrial District.

Special Exception Uses. Where the Zoning Hearing Board has held a public hearing and been assured that the standards and criteria governing the granting of a Special Exception (Article XXI) have been met within the purpose and intent of this Chapter and that no hazardous condition will result, the following uses shall be permitted by Special Exception in the I-Industrial and I-P Industrial Park Districts:

A. public utility structures

B. Cellular Telecommunications Facilities, provided such use complies with the following requirements:

- i. All requirements otherwise applicable to permitted uses in that district;
- ii. All requirements of the Hopewell Township Zoning Ordinance, all other Township Ordinances and any and all federal state or other governmental statutes or regulations that would relate to the operation of a Cellular Telecommunications Facility;
- iii. The applicant shall provide documentation that the proposed use must be located at a particular site. Shared use of Cellular Communications Facilities shall be encouraged. If shared use of an existing or approved facility is not proposed, the applicant shall demonstrate that the proposed use cannot be accommodated on an existing or approved facility for the following reasons:
 - a) the proposed use would exceed the structural capacity of the existing or approved facility and reinforcement of the existing or approved facility can not be accomplished at a reasonable cost.
 - b) the proposed use will cause RF (Radio Frequency) interference with other existing or proposed uses for that facility and the interference cannot be prevented at a reasonable cost.
 - c) existing or proposed facilities do not have adequate space to accommodate the proposed use.
 - d) addition of the proposed equipment would result in NIER (Non-ionizing Electromagnetic Radiation) levels which exceed any adopted local, State or Federal emission standards.
 - e) there are other valid reasons that make it impractical to place the proposed use on any existing or approved facility.

- iv. Shared use shall be conditioned upon the applicant's agreement to pay a reasonable fee for the cost of adapting existing facilities to the proposed use which are reasonably required to accommodate the shared use.
- v. The applicant shall provide documentation that the proposed facility is the minimum height necessary for the service area. Refer to Section 2005.
- vi. Any guy wire or anchor for the Cellular Telecommunications Facility shall be clearly marked so as to be visible at all times and shall meet the required setbacks set forth herein.
- vii. The Cellular Telecommunication Facility shall be securely fixed to the ground and the applicant shall submit evidence that the facility has been designed by a registered engineer.
- viii. The applicant shall demonstrate that the Cellular Telecommunication Facility complies with all state and federal laws and regulations concerning aviation safety.
- ix. An annual inspection shall be performed by a professional engineer and paid for by the owner of the Cellular Telecommunications Facility. An annual inspection report shall be submitted to the Township annually, documenting that an inspection has been performed of the facility within the previous thirty (30) days and that the facility and surrounding site are in compliance with the requirements of this Ordinance.
- x. The applicant shall demonstrate that the Cellular Telecommunication Facility complies with all state and federal laws and regulations concerning health, safety, welfare and environmental factors.
- xi. Any structures related to the facility shall be equipped with a 24 hour security system.

- xii. The Cellular Telecommunications Facility and related equipment shall be promptly removed if the facility is not used for communication purposes for any continuous one (1) year period.

ARTICLE XIV I-INDUSTRIAL DISTRICT The following sections shall be added:

SECTION 1402 - SCREENING OF EXTERIOR STORAGE

No exterior storage of material or equipment shall be permitted in connection with any use unless such storage is effectively screened from sight by trees, landscaped earth forms, fencing, walls or combination of these.

SECTION 1403 - CELLULAR TELECOMMUNICATIONS FACILITIES

SECTION 2005 EXCEPTION TO HEIGHT REQUIREMENTS the following amendment shall be made.

- B. Special industrial structures such as cooling towers, cellular telecommunications facilities, elevator bulkheads, fire towers, tanks and water towers which require a greater height than provided in the district may be erected to a greater height than permitted, provided that:
 - (1) The structure shall not occupy more than twenty five (25)% of the lot area; and
 - (2) The yard requirements of the district in which the structure is erected shall be increased by one (1) foot for each foot of height over the maximum Height permitted.
- C. The height limitations of this Zoning Ordinance shall not apply to flagpoles, church spires, belfries, chimneys or antennas other than cellular telecommunications antennas.

Ordained and enacted into law by the Board of Commissioners of Hopewell Township this 8th day of October, 1996, to be effective immediately.

ATTEST:

By:


Township Secretary

By:

TOWNSHIP OF HOPEWELL

Chairman, Board of Commissioners