

TOWNSHIP OF KISKIMINETAS

COUNTY OF ARMSTRONG, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF KISKIMINETAS, COUNTY OF ARMSTRONG, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE KISKIMINETAS TOWNSHIP ZONING ORDINANCE NO. 2 OF 1989 AS AMENDED, TO PROVIDE FOR THE REGULATION AND PLACEMENT OF TELECOMMUNICATIONS ANTENNAS, TOWERS AND FACILITIES AS CONDITIONAL USES, AND SETTING FORTH THE CRITERIA FOR APPROVAL OF TELECOMMUNICATION ANTENNAS, TOWERS AND FACILITIES BY THE TOWNSHIP SUPERVISORS AS CONDITIONAL USES. (**THIS ORDINANCE SHALL BE CONSIDERED PENDING UNDER THE PENDING ORDINANCE DOCTRINE ON THE DATE OF ITS FIRST ADVERTISEMENT**).

ORDINANCE NO.: 1 - 2001

WHEREAS, the Kiskiminetas Township Board of Supervisors believes that it is in the best interest, health, safety and welfare of the citizens of the Township of Kiskiminetas to provide for the regulation and placement of telecommunications antennas, towers and facilities as conditional uses subject to the approval of the Board of Supervisors and consistent with the requirements of the Telecommunications Act of 1996, as amended;

NOW THEREFORE, the Kiskiminetas Township Board of Supervisors hereby amends the Kiskiminetas Township Zoning Ordinance No. 289 of 1990, as amended, by the addition of the following provisions.

ARTICLE I: DEFINITIONS

Section 101 – Specific Meanings.

TELECOMMUNICATIONS ANTENNA – A device no more than ten (10) feet in height or a dish not more than ten (10) feet in diameter attached to a building, structure or telecommunications tower principally intended for the receipt or transmission of signals for such uses as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephone and other wireless services, fixed point microwave, lower power television or AM radio, including accessory equipment related to telecommunications.

TELECOMMUNICATIONS FACILITY BUILDING - The building in which the electromagnetic receiving and relay equipment for a telecommunication antenna is housed.

TELECOMMUNICATIONS TOWER – A free standing structure, including any guy wires, principally intended to support facilities for the receipt or transmission of signals for uses such as commercial or public VHF or UHF television, FM radio, two-way radio, commercial carriers, cellular telephones and other wireless services, fixed point microwave, low power television or AM radio, including accessory equipment related to telecommunications.

ARTICLE II: TELECOMMUNICATIONS TOWER AND ANTENNA ORDINANCE

- A. **A TELECOMMUNICATIONS ANTENNA** which is attached to an existing communications tower, smokestack, water tower, or other tall structure, shall be a conditional use in the industrial (I) zoning district, subject to the following regulations, and only after review and recommendation by the Kiskiminetas Township Planning Commission and final approval by the Kiskiminetas Township Board of Supervisors. Telecommunications antennas shall be prohibited in all other zoning districts.
1. If a telecommunications antenna is proposed to be attached to an existing structure, there shall be no minimum building setback requirement for the telecommunications antenna.
 2. If a telecommunications antenna is proposed to be attached to an existing structure, the antenna shall be no more than ten (10) feet higher than the structure it will be mounted upon.
 - a. Before presenting the application to the Zoning Officer, the Applicant shall be required to obtain approval, if applicable, from the Federal Aviation Administration if the proposed location of the antenna interferes with any airport zone or air traffic way as determined by the Federal Aviation Administration provided however, if the Federal Aviation Administration does not have the authority to approve the site location, antenna height and lighting, the Applicant shall provide to the Township written confirmation that the Federal Aviation Administration does not regulate the site location, antenna height and lighting.
 3. If any accessory equipment building or structure is proposed to accommodate the telecommunications antenna, the following regulations shall be adhered to:
 - a. The building or structure shall be set back at least fifty (50) feet from the street, all other property lines and public right-of-ways.
 - b. The maximum building height shall be ten (10) feet.
 - c. The accessory equipment building or structure shall be constructed on the exterior with brick, stucco or metal.

- d. The accessory equipment building or structure shall not include any offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmission.
 - e. The maximum gross floor area of the accessory building or structure shall be one hundred fifty (150) square feet.
4. Lighting for the telecommunications antenna shall be in accordance with the following regulations.
- a. Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the Federal Aviation Administration. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding property.
 - b. Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting proposed shall project onto adjoining properties.
5. If any new access to the site is proposed, the following regulations shall be adhered to.
- a. Where the site abuts or has a primary arterial, and/or local street, access for maintenance vehicle shall be exclusively by means of the primary arterial street. If possible, direct access from a local street shall be avoided.
 - b. At least one parking space shall be provided at the site.
 - c. The access drive to the site shall be at least fifteen (15) feet in width and improved with material acceptable to the Township Engineer. No access drive shall be of dirt or of an unimproved nature.
6. If deemed necessary by the Kiskiminetas Township Board of Supervisors, fencing and/or signage may be required in accordance with the following regulations.
- a. If fencing is required, it shall be a minimum of six (6) feet in height and shall have a locked gate.
 - b. If high voltage is provided at the site, signs shall be posed at intervals of not more and twenty (20) feet along the exterior

perimeter of the site. The signs shall say "Danger-High Voltage", and the words shall be legible from a distance of twenty (20) feet.

- c. Any fencing that is required shall be chain linked in nature and shall be of a minimum density necessary to be considered at minimum, heavy gauged chain linked fence.
7. The owner of said antenna shall be required to post, with the Township, a bond equal to the cost of removing a telecommunications antenna and facility building and shall remain in full force and effect until said antenna is removed. Any abandoned or unused telecommunications antenna shall be removed by the owner within twelve (12) months of the date that the antenna was abandoned or last used. If a telecommunications antenna is abandoned, the owner shall be required to immediately notify the Township in writing of the abandonment. If the owner fails to do so within thirty (30) days of the abandonment, the Township shall be permitted to deem the same abandoned and the owner shall be required to file an application and reappear before Board of Supervisors before restarting the use of said antenna if the same occurs following the Notice to the owner by the Township at the last known address of the owner by regular United States Mail, postage prepaid, and within twelve (12) months as identified in this ordinance. If an abandoned or unused telecommunications antenna is not removed within the twelve (12) month period so identified, the bond shall be immediately forfeited and shall be utilized by the Township of Kiskiminetas for removal of the antenna in question.
 8. If only a telecommunications antenna is proposed and no accessory buildings will be located on the site, no landscaping plants shall be required. However, if any accessory buildings are proposed in conjunction with the telecommunications antenna, landscaping shall be required as follows.
 - a. The entire perimeter of the site shall be landscaped with trees, shrubs, plants and/or flowers. At least one (1) tree shall be provided for every twenty (20) feet of exterior linear property distance. The trees may be evenly placed or may be grouped together to provide a creative site design. If trees are grouped, other areas of the exterior property lines which are not provided with tree landscaping shall be provided with other landscaping such as shrubs, in order to provide for the full landscaping of the exterior property lines.
 - b. The perimeter of any accessory building or structure shall be landscaped with trees, shrubs, plants and/or flowers. The

landscaping shall be adequate to cover outward-facing walls of the accessory building or structure.

- c. For the above-specified landscaping, a mixture of hardy flowering, shade and/or decorative evergreen and deciduous trees may be planted. If feasible, species of plants which are native to the Western Pennsylvania region shall be utilized. At all times, the flowers, trees, shrubs or landscaping shall be maintained and shall not be permitted to overgrow nor shall weeds and tall grass be permitted. The owner shall be responsible to maintain the site at all times keeping the site free and clear of debris, high grass, weeds throughout the landscaping or deterioration of any of the buildings or the telecommunications antenna.

9. A site plan shall be required for any proposed telecommunications antenna.
10. In addition to the conditional use approval, all Applicants who propose a telecommunications antenna shall submit for approval to the Township a detailed site plan including antenna location, height and design, proposed access, drainage improvements with a storm water management plan, and a landscaping plan.
11. The Township may impose additional conditions on an Applicant proposing to install a telecommunication antenna in order to promote the general health, safety and welfare of the community.
12. An applicant proposing a telecommunications antenna shall have the burden of satisfying all other provisions of the Kiskiminetas Township Zoning Ordinance which relate to the procedure and general requirements for approval of conditional uses.

- B. TELECOMMUNICATIONS TOWERS AND ANTENNAS** shall only be permitted as a conditional use in an industrial (I) district subject to the following regulations and only after review and recommendation by the Kiskiminetas Township Planning Commission and final approval by Board of Supervisors of the Township of Kiskiminetas. Telecommunications towers shall be prohibited in all other zoning districts. The Applicant who proposes to construct a new telecommunications tower shall provide the Township with written technical documentation from a design engineer that the proposed location of the tower is necessary to compliment the existing telecommunications network. Any other location contemplated by the Applicant shall also be disclosed to the Township and the reasons for not selecting such location shall be explained to the Township in writing. Before an Applicant proposes to construct a new telecommunications tower, the Applicant shall attempt to locate and/or "co-locate" the proposed antenna on an existing telecommunications tower or other tall structure.

The procedure for this co-location requirement shall be followed by all applicants proposing a new telecommunications tower and is described in subsection 1 below.

1. The applicant shall contact all owners of surrounding telecommunications towers and tall structures within one (1) mile of the proposed location of the telecommunications tower in order to determine if the proposed telecommunications antenna can be located on an existing telecommunications tower or tall structure. The Applicant shall provide the Township with a scale map indicating the location of the proposed tower, illustrating a one (1) mile radius from the tower, and illustrating any structure with a height in excess of sixty (60) feet within this one (1) mile radius.
 - a. If there is a structure within the aforesaid radius with a height in excess of sixty (60) feet, the Applicant shall contact the owner and attempt to locate the tower structure. The following factors shall be considered in determining if the telecommunications antenna can be located on an existing structure: (1) availability on the structure to locate the antenna; (2) the structure's structural integrity to support the antenna; (3) radio frequency interference; (4) geographic service requirements; (5) mechanical or electrical incompatibilities; and (6) a comparative cost of co-location and new construction.
 - b. The Applicant shall provide the Township with the initial written correspondence from the Applicant to the owner of the structure, which inquires into the possibility of sharing space. Additional correspondence from the Applicant or an owner of a structure shall be forwarded by the Applicant to the Township.
 - c. The Applicant who can utilize any existing structure (in excess to sixty (60) feet in height) shall make every effort in good faith to utilize the existing structure rather than constructing a new tower.
 - d. If an existing structure is within the aforesaid radius of the proposed tower and the applicant does not contact the owners of such structure or does not make good faith efforts as described above, the Township may deny the request for a conditional use approval based on such inaction.
 - e. If the applicant succeeds in co-locating an antenna on an existing structure, the approval procedures specified above in Section A shall be adhered to.

2. If the Applicant proposing a new telecommunications antenna is not bound by the aforementioned co-location requirements (due to inapplicability of available sites), the following design criteria shall be adhered to.
 - a. The following building dimensional requirements and setbacks shall be adhered to by all telecommunications towers.
 - (i). Towers more than forty (40) feet in height and up to two hundred (200) feet in height shall be located on the lot so that the distance from the base of the tower to the boundary or edge of any adjoining property or public right-of-way is a minimum of one hundred twenty-five (125%) percent of the proposed tower height. No variance shall be granted from the minimum setback requirement. The lot in question shall be at least two (2) acres in size.
 - (ii). Towers shall be set back a distance equal to one hundred twenty-five (125%) of their height from any existing building used for human habitation or used or occupied by humans on a regular basis.
 - (iii). In addition to the regulations specified above, any proposed telecommunications tower shall be set back a minimum of five hundred (500) feet from any existing residential dwelling.
 - b. The maximum height of a telecommunications tower shall be as follows:
 - (i). No telecommunications towers shall exceed two hundred (200) feet in height.
 - (ii). In addition to the above-specified requirement in Section B(2)(b)(1), no telecommunication tower shall infringe on any Federal Aviation Administration Controlled Airspace.
 - (a). Any tower proposed which may infringe on any Federal Aviation Administration Control Airspace requires written approval of the site location and plan by the Federal Aviation Administration.
 - (b). If the Federal Aviation Administration does not desire to approve the site location, tower height and lighting, the Applicant shall provide the Township with written confirmation from Federal Aviation

Administration that they do not regulate the site location, height and lighting of the telecommunications tower.

- c. The minimum lot size of a lot which will contain a telecommunications tower shall be two (2) acres. The minimum lot size shall be increased as required to meet the minimum setback requirements specified in Section B(2)(a).
- d. If any accessory equipment building or structure is proposed with the telecommunications tower, the following requirements shall be adhered to.
 - (i). The building or structure shall be situated at or near the base of the tower and shall be set back at least fifty (50) feet from the edge or boundary line of any public right-of-way and all other adjoining property lines.
 - (ii). The maximum building height shall be ten (10) feet.
 - (iii). The accessory equipment building or structure shall be constructed on the exterior of brick, stucco or metal.
 - (iv). The accessory equipment building or structure shall not include any offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes or other uses that are not needed to send or receive transmission.
 - (v). The maximum gross floor area for the accessory building or structure shall be one hundred fifty (150) square feet.
- e. Access to the site and parking at the site of the telecommunications tower shall be provided as follows:
 - (i). Where the site abuts or has access to a primary arterial road or local street, access for maintenance vehicles shall be exclusively by means of the primary arterial street. If possible, direct access from a local street shall be avoided.
 - (ii). At least one (1) parking space shall be provided at the site .

- (iii). The access drive to the site shall be a minimum of fifteen (15) feet in width and improved with the material suitable to the Borough Engineer. No access drive shall be of a dirt of an unimproved nature.
- f. Lighting for the telecommunications tower shall be as follows:
 - (i). Lighting shall be required for the tower as a safety measure for low-flying aircraft. The proposed lighting plan for the tower shall be approved by the Federal Aviation Administration. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding property.
 - (ii). Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting proposed shall project onto adjoining properties.
- g. Depending on the proposed location of the communication tower, the Township may require fencing and/or signage of the site.
 - (i). If fencing is required, it shall be a minimum of six (6) feet in height and shall have locked gate. The fence shall be made of chained link which shall be deemed and defined as heavy gauge chain link.
 - (ii). If high voltage is provided at the site, sign shall be posted at intervals of not more than twenty (20) feet along the exterior perimeter site. The signs shall say "Danger-High Voltage", and the words shall be legible from a distance of twenty (20) feet.
- h. The owner of said antenna or tower shall be required to post, with the Township, a bond equal to the cost of removing a telecommunications antenna, tower and/or facility building, and shall remain in full force and effect until said antenna, tower and/or facility building is removed. Any abandoned or unused telecommunications antenna, tower and/or facility building shall be removed by the owner within twelve (12) months of the date that the antenna, tower and/or facility building was abandoned or last used. If a telecommunications antenna, tower and/or facility building is abandoned, the owner shall be required to immediately notify the Township in writing of the abandonment. If the owner fails to do so within thirty (30) days of the abandonment, the Township shall be permitted to deem the same abandoned and the

owner shall be required to file an application and reappear before Board of Supervisors before restarting the use of said antenna, tower and/or facility building if the same occurs following the Notice to the owner by the Township at the last known address of the owner by regular United States Mail, postage prepaid, and within twelve (12) months as identified in this ordinance. If an abandoned or unused telecommunications antenna, tower and/or facility building is not removed within the twelve (12) month period so identified, the bond shall be immediately forfeited and shall be utilized by the Township of Kiskiminetas for removal of the antenna, tower and/or facility building in question.

- i. The entire perimeter of the site shall be landscaped with trees, shrubs, plants and/or flowers. At least one (1) tree shall be provided for every twenty (20) feet of exterior linear property distance. The trees may be evenly placed or may be grouped together to provide a creative site design. If trees are grouped, other areas of the exterior property lines which are not provided with tree landscaping shall be provided with other landscaping such as shrubs, in order to provide for the full landscaping of the exterior property lines.
 - j. The perimeter of any accessory building or structure shall be landscaped with trees, shrubs, plants and/or flowers. The landscaping shall be adequate to cover outward-facing walls of the accessory building or structure.
 - k. For the above-specified landscaping, a mixture of hardy flowering, shade and/or decorative evergreen and deciduous trees may be planted. If feasible, species of plants which are native to the Western Pennsylvania region shall be utilized. At all times, the flowers, trees, shrubs or landscaping shall be maintained and shall not be permitted to overgrow nor shall weeds and tall grass be permitted. The owner shall be responsible to maintain the site at all times keeping the site free and clear of debris, high grass, weeds throughout the landscaping or deterioration of any of the buildings or the telecommunications tower.
13. A site plan shall be required for any proposed telecommunications tower.
14. In addition to the conditional use approval, all Applicants who propose a telecommunications tower shall submit for approval to the Township a detailed site plan including tower location, height and design, proposed access, drainage improvements with a storm water management plan, and a landscaping plan.

15. The Township may impose additional conditions on an Applicant proposing to install a telecommunication tower in order to promote the general health, safety and welfare of the community.
16. An applicant proposing a telecommunications tower shall have the burden of satisfying all other provisions of the Kiskiminetas Township Zoning Ordinance which relate to the procedure and general requirements for approval of conditional uses.

This Ordinance shall become effective under the Pending Ordinance Rule on the date of its first advertisement.

BE IT DULY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Kiskiminetas this 23 day of July, 2001.

TOWNSHIP OF KISKIMINETAS



CHAIRMAN
TOWNSHIP OF KISKIMINETAS
BOARD OF SUPERVISORS
Jack E. Wilmot, Jr.

ATTEST:



Barbara Talmadge
TOWNSHIP SECRETARY