

SEWICKLEY HILLS BOROUGH

ORDINANCE 1 OF 2004

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY ADDING NEW SECTIONS TO ARTICLE IX COMMERCIAL INDUSTRIAL DISTRICTS TO PROVIDE FOR COMMUNICATION FACILITIES, THEIR REGULATION, SETBACKS AND BUFFERING.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Sewickley Hills, Allegheny County, Pennsylvania, and it is ordained and enacted by the authority of the same:

SECTION 1: Section 9.3

Conditional Uses shall be amended by the addition of 9.3.4 Communications Facilities and Co-Location/Shared Use Facilities, including Communications Tower, Antenna and Telecommunications Equipment Building.

SECTION 2: Article II Definitions and Terms Section 2.1 General, shall be amended to include the following terms in alphabetical order with consistent numbering.

Co-Location Shared Use Facility: Siting multiple similar or different antennae, fixed- point microwave dishes and cellular communications antennae on a single communications tower or mounted on an existing building or structure as is technically and/or structurally feasible.

Co-location/shared use facilities shall not be considered public utilities, public utility facilities, other utilities or essential services. (Added 9-4-1996 by Ord. No. 286).

Communications Facility: A facility consisting of the equipment and structure (communications tower, antennae, telecommunications building) involved in the reception and/or transmission of electromagnetic or radio waves. Communications facilities shall not be considered public utilities, public utility facilities, other utilities or essential services. (Added 9-4-1996 by ord. No. 286)

Communications Tower: A tower of any size which supports communication (broadcasting and/or receiving) equipment, including, but not limited to antennae, fixed-point microwave dishes and cellular communication antennae, utilized by commercial, governmental, or other public or quasi-public users. This excludes private home use satellite dishes and television antennae, or amateur radio operators licensed by the Federal Communications Commission (FCC). Communications towers shall not be considered public utilities, public utility facilities, other utilities or essential services. (Added 9-4-1996 by Ord. No. 286)

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, excluding communications towers, communications facilities, and telecommunications equipment buildings, as defined herein.

Telecommunications Equipment Building: The building in which electronic receiving and relay equipment and monitoring devices for a communications facility are housed.

Telecommunications equipment buildings shall not be considered public utilities, public utility facilities, other utilities or essential services. (Added 9-4-1996 by Ord, No. 286)

SECTION 3: Article IX CI— Commercial Industrial District Regulations shall be amended by adding Section 9.7 Provisions Applicable to Communication Facilities:

9.7.1 All lots must conform to the area requirements of the district.

9.7.2 For all towers, the sites shall be sufficient size to provide the setback required in the zoning district between the base of the tower, accessory structures and uses, and guy anchors, if any, to all abutting property lines, except that the widths of certain yards shall be as follows:

a) The minimum setback between communications towers and all property lines shall be a distance equal to fifty (50') percent of the height of the tower, or the required setback of the zoning district, whichever is greater.

b) Communications towers shall be set back a minimum of fifty (50') feet from any existing or planned right-of way, street or otherwise; and

c) Communications towers shall be set back a minimum of one hundred (100') feet, or fifty (50) percent of the tower height, whichever is greater, from the lot line of any adjacent residential use or residential zoning district.

9.7.3 The communications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.

9.7.4 Access to the communications facility shall be provided on graded and gravel driveways, where applicable.

9.7.5 The applicant shall demonstrate that the proposed height of the communications tower is the minimum necessary to perform its function, and it shall not be greater than two hundred (200') feet. Equipment building height shall be regulated by the building height requirements of this ordinance.

9.7.6 Building- or structure-mounted communications facility antenna shall not exceed thirty-five (35') feet above the maximum building height upon which it is mounted. Any applicant proposing a communications facility antenna to be mounted on a roof or existing structure shall submit documentation from a Pennsylvania registered professional engineer certifying that the proposed installation shall not exceed the structural capacity of the roof or other structure, considering the wind, ice and other loads associated with the antenna location. Under no circumstances shall building-mounted communications facilities be located on a single or two-family dwelling.

9.7.7 Any applicant proposing communications facilities to be mounted on a building or structure shall submit evidence of agreements or easements necessary to gain access to the building, facility and communications facility so that installation and maintenance can be accomplished. Applicant shall also submit with the conditional use application detailed construction and elevation drawings indicating how the facilities are to be mounted.

9.7.8 Where technically feasible, all new towers shall be designed to accommodate shared use of the tower.

9.7.9 A buffer yard consisting of a mixture of evergreen and deciduous trees and shrubs shall be utilized to secure the site from view. In accordance with this screening, the communications tower shall be constructed to mimic in color and style the surrounding area. By way of example as a pine tree or other similar styling.

9.7.10 A six(6) feet high security fence shall completely surround the tower (and guy wires if used) and equipment building.

9.7.11 The tower shall be designed and constructed to all applicable standards of the

American National Standards Institute ANSI/EIA-222-E manual, as amended. All applications for development of a communications facility shall verify compliance with these standards.

9.7.12 A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANST/EIA-222-E, as amended, shall be submitted to the Board, sealed by a registered soils engineer, to document and verify the design specifications of the foundation for the Borough, and anchors for the guy wires if used.

9.7.13 Towers and antennae shall be designed to withstand wind gusts of at least one hundred (100) miles per hour.

9.7.14 Upon the order of the Borough Council, all tower structures shall be dismantled and removed from the premises within one (1) year of their abandonment, obsolescence or cessation of use.

9.7.15 Power mount facilities (antennae mounted on electrical transmission towers) shall be permitted as a conditional use in this district where permitted by the utility or property owner.

9.7.16 No tower or antenna may be lighted with strobe lights unless the applicant has been mandated by the Federal Aviation Administration (FAA) to do so. The applicant must present the Borough Council with any FAA requirements in regard to lighting of the tower.

9.7.17 Communications facilities shall comply with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.

9.7.18 The applicant shall submit a copy of its current FCC license; the name, address and telephone number of the facility operator; and a certificate of Insurance evidencing general liability coverage for a minimum of One Million (\$1,000,000.00) Dollars coverage, per occurrence, for both property damage and personal injury. Further, the Borough of Sewickley Hills shall be added to the policy as an additional insured as to the communications facilities installed and operating in the Borough.

9.7.19 Required sharing of new tower. All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable, but in no case less than the following:

9.7.19.1 At least one two-way antenna for every ten (10') feet of tower, or at least one two-way radio antenna for every twenty (20') feet of the tower and at least one microwave facility.

9.7.19.2 Such other combinations as found by the Borough Council to provide the maximum possible number of foreseeable users.

a) Such requirements may be reduced if the Federal Communications Commission (FCC) provides a written statement that no more licenses for those broadcast frequencies that could use the tower will be available in the foreseeable future.

b) Such requirements may be reduced if the size of the tower required significantly exceeds the size of the existing towers in the area and would therefore create unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers. This provision is only to be applied in unusual circumstances not resulting from the applicant's action or site selection unless no other site is possible.

SECTION 3: All ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. Should any part of this Ordinance be declared unlawful, unconstitutional or invalid, such unlawfulness, unconstitutionality or invalidity shall not affect or impair the remaining portions of this Ordinance.

SECTION 4: This Ordinance shall become effective immediately.

ORDAINED AND ENACTED into Law by the Borough Council of Sewickley Hills, this
1st day of March

ATTEST:

LuAnn Barna

Secretary

Approved and accepted this 1 st day of

BOROUGH COUNCIL

President

Tom Klixbull

March ,2004

Mayor Richard Laird

2004.