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ORDINANCE NO. 112, 1997

AN ORDINANCE AMENDING THE
TILDEN TOWNSHIP ZONING ORDINANCE
OF OCTOBER 1973, AS AMENDED, TO PROVIDE FOR
FURTHER REGULATION OF TELECOMMUNICATIONS SIGNAL FACILITIES

An Ordinance to further regulate antenna placement and height, support structure placement and height, special exception requirements in certain cases prescribing setbacks, support structure safety, fencing, landscaping criteria, among other limitations and requirements, in order to promote the responsible, safe, and efficient placement and distribution of certain telecommunications facilities in the Township.

Section 1.

The Tilden Township Zoning Ordinance of October, 1973, as amended, is hereby amended in relevant part as follows:

Section 104:54. "Telephone Central Office" is hereby amended to read as follows:

Telephone Central Office. A building, part of a building, structure, or part of a structure used for the transmission, exchange, or processing of telecommunications or radio signals, provided that, in residential districts, such use shall not include the transaction of business with the public, storage of materials outside of a building, storage of vehicles, repair facilities, or housing of repair crews. Telephone Central Office includes telecommunications signal facilities.

Article XIV is hereby amended by adding a Section 1416, as follows:

Section 1416: Regulations pertaining to telecommunications signal facilities.

In recognition of the quasi-public nature of telecommunications systems, the following special regulations shall apply:

1. Purposes. The purposes of this section shall be as follows:
 - (a) To accommodate the need for telecommunications antenna while regulating their location and number in the township.
 - (b) To minimize adverse visual effects of telecommunications antenna and antenna

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support structures through proper design, siting and vegetative screening.

- (c) To avoid potential damage to adjacent properties from antenna support structure failure and falling ice, through engineering and proper siting of antenna support structures.
- (d) To encourage the joint use of any new antenna support structures to reduce the number of such structures needed in the future.

2. Definitions. For the purposes of this section, the following definitions shall apply:

ANTENNA HEIGHT - The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE - Any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

TELECOMMUNICATIONS SIGNAL SITE - A tract or parcel of land that contains a telecommunication antenna as the principal use, its support structure, accessory building(s), and parking, and may include other uses associated with and ancillary to telecommunication signal transmission or processing.

3. Use regulations.

- (a) A telecommunication site with antenna that is attached to a pre-existing communications tower, smoke stack, water tower or any other structure is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than twenty-five (25) feet. If the antenna is to be mounted on a pre-existing structure, a full site plan shall not be required.
- (b) A telecommunication site with antenna that is either not mounted on an existing structure or is more than twenty-five (25) feet higher than the structure on which it is mounted is

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permitted in all zoning districts by special exception.

- (c) All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the telecommunications site unless otherwise permitted in the zoning district in which the telecommunications site is located.

4. Standards of approval of special exceptions.

- (a) The telecommunications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system.
- (b) If the telecommunications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-fourth-mile radius of the site proposed, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. This would include smokestacks, water towers, tall buildings, antenna support structures of other telecommunications companies, other communications towers (fire, police, etc.), and other tall structures. The Zoning Hearing Board may deny an application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

5. Standards of approval of all telecommunication antennas.

- (a) Antenna height. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is more than five (5) feet taller than this minimum height shall be approved.
- (b) Setbacks from base of antenna support structure. If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distances between the

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base of the support structure or any guy-wire anchors and any property line or right-of-way line shall be the largest of the following:

- (i) Thirty percent (30%) of antenna height.
 - (ii) The minimum front yard setback in the underlying zoning district.
 - (iii) Forty (40) feet.
- (c) Antenna support structure safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference. All support structures shall be fitted with anticlimbing devices, as approved by the manufacturers.
- (d) Fencing. A fence shall be required around the antenna support structure and other equipment unless the antenna is mounted on an existing structure. The fence shall be a minimum of six (6) feet in height and a maximum of eight (8) feet in height, shall completely enclose the antenna, support structure, and related facilities, shall not contain openings greater than nine (9) square inches and shall contain, at all entrances, gates which shall be locked except during such times as the site is manned by authorized operations or maintenance personnel.
- (e) Landscaping. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure and any other ground-level features (such as a building), and in general soften the appearance of the telecommunication site. The township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.

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- (i) An evergreen screen shall be required to surround the site. The screen can be either a hedge [planted three (3) feet on center maximum] or a row of evergreen trees [planted ten (10) feet on center maximum]. The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.
- (ii) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (f) In order to reduce the number of antenna support structures in the community in the future, the proposed support structure shall be required to accommodate other users, including other telecommunication companies, and local police, fire and ambulance companies.
- (g) The telecommunications company must demonstrate that it is licensed by the Federal Communications Commission.
- (h) Required parking. If the telecommunication site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- (i) Antenna support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller shall meet all Federal Aviation Administration (FAA) regulations. No antenna support structure may be artificially lighted except when required by the FAA.
- (j) A full site plan shall be required for all cell sites showing the antenna, antenna support structure, building, fencing, buffering, access and other requirements of the Tilden Township Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure.

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Section 2.

Should any article, section, subsection, paragraph, clause, phrase or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 3. Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances, together with the amendments and supplements thereto are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 4.

This Ordinance shall become effective in accordance with law.

Duly enacted by the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, this 4th day of March, 1997, in lawful session duly assembled.

TOWNSHIP OF TILDEN

By:

Roy W. Berly
Supervisor

By:

Eugene D. Schlegel
Supervisor

By:

James W. Holze
Supervisor

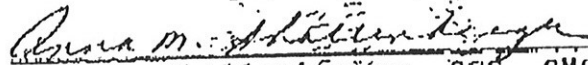
Attest:

Anna M. Challender
Secretary

CERTIFICATION

I hereby certify that the foregoing ordinance was advertised on January 10 and 17, 1997 in the Reading-Eagle Times, a newspaper of general circulation in the Township of Tilden, Berks County, Pennsylvania, and was duly enacted and approved as set forth at a regular scheduled meeting of the Township of Tilden on March 4, 1997 at 7:00 P.M., prevailing time, in the Township Municipal Building, Tilden Township, Berks County, PA.

ATTEST:


Anna M. Shollenberger, CCS, CMC
Secretary