

§1000-824. Communication Tower

A communications tower shall be a permitted special exception subject to the following conditions and/or standards.

- A. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communication Tower, if applicable.
- B. The applicant shall demonstrate that the proposed Communication Tower proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission.
- C. No permits shall be issued, nor the construction of any tower commenced, without the applicant providing proof to the County Zoning Hearing Board that it has notified, in writing, all airports (public and private) located in the county and all medical helicopter services that service the county of the exact date when the tower construction shall start, the final “as built” height of the tower, including antennas, the exact location of the tower as per the most current Federal Aviation Administration map co-ordinates and the date when the tower will be completed. A copy of such notice shall be provided to the Zoning Hearing Board, at the time of filing the petition for special exception.
- D. Communication Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations, as per §1000-401 (Airport Hazard Overlay). Compliance must be met at time of submitting the petition for special exception. A written notice from the FAA, Bureau of Aviation, and county airport for compliance must be submitted.
- E. The applicant who proposes to construct a new communication tower shall provide the Office of Planning, Zoning and Community Development with written technical documentation from a design engineer that the proposed location of the tower is necessary to complement the existing communication network. Before an applicant proposes to construct a new communication tower, the applicant shall attempt to locate the proposed antenna on an existing communication tower or other tall structure pursuant to §1000-319 applicable to communication antennas mounted or located on existing or newly constructed buildings, light poles/standards or on utility transmission poles and communications equipment buildings/cabinets. The procedure for ruling out this co-location requirement shall be followed by all applicants proposing new communication tower and is described in Subsection E (1)(a) below:
 1. The applicant shall contact all owners of surrounding communication towers and tall structures within one (1) mile of the proposed communication tower in order to determine if the proposed antenna and related equipment can be located on an existing tall structure. As part of the application, the applicant shall demonstrate at least one (1) of the following reasons for forgoing co-location on an existing communication tower or other tall structure.
 - a. That the proposed communication antenna and related equipment would exceed the structural capacity of existing communication towers or other tall structures.

- b. That the proposed communications antenna and related equipment would cause radio frequency interference with other existing equipment on existing communications towers or other tall structures. Also, that the interference cannot be prevented at a reasonable cost.
- c. That the existing communication towers or other tall structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its function.
- d. That the addition of the proposed communications antenna and related equipment would result in electromagnetic radiation from such communications towers exceeding standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
- e. That an agreement could not be reached with the owner of the communications tower or other tall structures.

2. The applicant who can utilize any existing communications tower or other tall structure shall make every effort in good faith to utilize the existing communications tower or other tall structure rather than construct a new tower.

3. If an existing communication towers or other tall structure is within a one (1) mile radius of the proposed tower and the applicant does not contact owners of such tall structures or does not make a good faith effort as described above, Fayette County may deny the request for approval by special exception based on such inaction.

4. If the applicant succeeds in co-locating an antenna on an existing communications tower or other tall structure, the regulations applicable to communication antennas mounted or located on an existing or newly constructed buildings, light poles/standards or on utility transmission poles and communications equipment buildings/cabinets shall be adhered to.

F. If the applicant proposing a new communication antenna is not bound by the aforementioned collocation requirements, the following design criteria shall be adhered to:

- 1. The following building setbacks shall be adhered to by all communication towers:
 - a. Towers more than fifty (50) feet in height and less than two hundred (200) feet in height shall be located on the lot so that the minimum distance from the base of the tower to any adjoining property line is equal to one hundred percent (100%) of the proposed tower height. No variance shall be granted from the minimum setback requirements.
 - b. Towers fifty (50) feet or less in height shall make every effort to satisfy the minimum one hundred percent (100%) setback requirements specified in Subsection E (1) (a). However, towers fifty (50) feet or less in height that cannot satisfy the minimum one hundred percent (100%) setback requirements may be approved by the Zoning Hearing Board, provided the applicant presents a certification from an engineer that the tower will withstand winds of one hundred (100) miles per hour. Towers fifty (50)

feet or less in height that cannot satisfy the minimum one hundred percent (100%) requirement shall be set back at a minimum of thirty (30) feet from any adjoining property line.

- c. The foundation and base of any communication tower shall be set back from a property line (not lease line) a distance of one foot for every foot of height, with a minimum setback of at least one hundred (100) feet.
- d. The applicant shall demonstrate that the proposed height of the Communication Tower is the minimum height necessary to perform its function.
- e. Towers shall be set back a distance equal to one hundred and ten percent (110%) of their height from any existing building used for human habitation or by humans on a regular basis

2. Under no circumstances shall a communication tower exceed two hundred (200) feet in height.
3. Tower height shall be measured from the top of the foundation to the top point of the tower or the top point of the communication antenna, whichever is higher. The total height shall not include required lighting rods and other safety devices as required by the Federal Communications Commission (FCC).
4. The Communication Equipment Building shall comply with the required yard and height requirements of the applicable Zoning District for an accessory structure.
5. A Communication Tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the Zoning District.

G. Lighting for communication towers 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, Federal Communications Commission or any other governmental agency which has jurisdiction. The lighting shall meet FAA (or any other governmental agency with jurisdiction) specifications mounted at the top of the tower so that it can be seen from a 360 degree arc.
- b. Lighting must be installed on the tower immediately at the time the tower is completed and must be fully operational at all times. All towers required to be lighted by FAA also must have their lights installed and operational immediately at the time the tower is completed.
- c. The lighting plan for the tower shall be oriented in a manner so as not to unnecessarily project onto surrounding residential property.
- d. Any proposed security lighting for the accessory equipment building or structure shall be minimized as much as possible. Also, no lighting shall project onto adjoining properties.
- e. No signs shall be mounted on a Communication Tower unless the FAA, Federal Communications Commission, or other governmental agency requires a sign to be mounted.

H. If any new access to the lot is proposed, the following regulations shall be adhered to:

- a. Where the lot abuts or has access to an arterial road defined by Article II of this Chapter, access for maintenance vehicles shall be exclusively by means of the arterial roads. If possible, direct access from a local street shall be avoided.
- b. At least one parking space shall be provided for each tower.
- c. The access drive to the lot shall be at least twelve (12) feet in width and improved with material acceptable to the Zoning Hearing Board. No access drive shall be constructed of dirt or left in an unpaved state.

I. If deemed necessary by the Zoning Hearing Board, fencing and/or signage may be required in accordance with the following regulations:

- a. If fencing is required, it shall be a minimum of eight (8) feet in height and shall have a locked gate.
- b. If high voltage is provided at the tower, signs shall be posted at intervals of not more than 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. All guy wires associated with guyed Communication Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

J. A landscape plan shall be required for all communication towers, including base, foundation, communications equipment building, as in accordance with the provisions of this Chapter.

K. In addition to the special exception approval, all applicants who propose a communications tower shall submit for approval to the County Planning Commission a land development plan indicating antenna location, height and design, proposed access, drainage improvements with a storm water management plan, and landscaping plan.

- a. The applicant proposing to construct a communications tower shall provide detailed construction drawings for review by the County Engineer.
- b. Communication Towers and associated Communications Buildings shall be protected and maintained in accordance with the requirements of all applicable building codes.

L. The applicant proposing to construct a communications tower shall provide detailed certification from an engineer that the proposed installation will be constructed in accordance with all applicable international building code standards and will have structural capacity to serve the devised, antennas and equipment mounted thereon.

M. The applicant shall submit a map of Fayette County and ten (10) miles into the adjoining counties, indicating exact location of all other towers which they have or may have potential to have co-location.

N. The applicant shall submit written evidence of compliance with the National Historic Preservation Act, at the time of submitting the petition for special exception. A letter of consultation from the Pennsylvania Historical and Museum Commission will demonstrate compliance with this consultant requirement.

- O. A Communication Tower may not be located within ½ mile of a property or a district as listed on the National Register of Historic Places. This provision may be waived by the Zoning Hearing Board if the applicant can demonstrate that the installation of the Communication Tower would not be a significant intrusion on the public view of National Register properties, historic buildings or on the historic landscapes surrounding such properties. To be eligible for a waiver the applicant must show consultation under the National Historic Preservation Act with the Federal Communications Commission, the Advisory Council on Historic Preservation and/or Pennsylvania Historical and Museum Commission.
- P. The applicant shall submit a copy of its current Federal Communications Commission license, the name, address and emergency telephone number of the operator of the Communication Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communication Tower and Communication Antennas.
- Q. If a Communication Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within a six (6) month period. Before any construction can commence on any tower, and at all times thereafter, a performance bond shall be posted and maintained with the municipality in the amount of \$10,000, provided that, if such a tower is not so removed, then a municipality can either direct the bonding company to remove the tower or remove the tower and forfeit the bond.
- R. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.

§1000-319 Signs—Other antennas

Other radio and television antennas which are subject to licensing and/or regulation by the Federal Communications Commission (FCC) are permitted accessory uses, subject to the following:

- A. Any freestanding antenna which is not attached to a dwelling or other principal structure shall be located at least fifteen (15) feet from any dwelling unit or principal structure on the lot.
- B. Antennas and associated structures which do not exceed thirty (30) feet in height shall be located at least fifteen (15) feet from any property line. Antennas which exceed thirty (30) feet in height shall provide an additional one (1) foot of clearance from the property line for every one (1) foot of height in excess of thirty (30) feet.
- C. Antennas shall not be permitted in any front yard.
- D. The antenna and associated structures shall be securely anchored in a fixed location on the ground, and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other natural forces.
- E. The antenna and its associated supports, such as guide wires, or yard area containing the structure shall be protected and secured to guarantee the safety of the general public. Associated supports, including guide wires, shall not be located closer than five (5) feet to any property line.
- F. In granting the use, the Zoning Officer may attach reasonable conditions warranted to protect the public health, safety and welfare, including but not limited to fencing, screening and increased setbacks.
- G. The base of any such antenna shall be screened with landscaping or one hundred percent (100%) opaque fencing.
- H. Communication antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets shall be permitted in all zoning districts, subject to the following criteria:
 - a. The applicant shall provide a certification from an engineer, having demonstrated capability and competence in matters of structural integrity, that the proposed installation will not exceed the structural capacity of the pole or building upon which the communications antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communications antenna location.
 - b. The applicant shall provide detailed construction drawings indicating how the communication antennas will be mounted for review by the County Engineer.
 - c. There shall be no minimum building setback requirements for the antenna.
 - d. The antenna shall be no more than twelve (12) feet higher than the structure on which it is to be mounted, given the antenna and height of the structure does not exceed the maximum height of the zoning district in Table 3 (§1000-207). It shall be designed so as to have

minimal impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located.

- e. All communications antennas shall be operated so that they will not cause interference with other communication antennas/ facilities located in the County.
- f. Building mounted Communication Antennas shall not be located on any single-family dwelling, two family dwelling or multi-family dwelling..
- g. Any applicant proposing Communication Antennas to be mounted on a building or other structure shall submit evidence of the agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished. The Office of Planning, Zoning and Community Development may require such agreements to be recorded in the Office of the Recorder of Deeds.
- h. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission.
- i. Communication Antennas shall comply with all application Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable zoning regulations specific to airports, as per the Airport Hazard Overlay (§1000-401). Written approval from the appropriate agency must be attached to the zoning application for processing and approval.
- j. The owner or operator of Communication Antennas shall be licensed by the Federal Communications Commission to operate such antennas and proof of such license shall be provided to the Office of Planning, Zoning and Community Development, at time of submitting a zoning application. Failure to provide such proof shall result in an immediate forfeiture of the license to operate said facility under this ordinance.
- k. If any accessory communications equipment buildings/cabinets are proposed for the operation of the communications antenna, the following regulations shall apply:
 - i. The communications equipment building/cabinets and associated equipment may be located at or near the base of the antenna. If the communications equipment buildings/cabinets are proposed for a communications antenna located on a non-residential building or other structure, such communications equipment buildings/cabinets may be located on the structure or building on which the communications antenna is located.
 - ii. For those communications antennas that are mounted on utility transmission poles, the communication equipment buildings/cabinets shall be located within the utility easement of right-of-way.
 - iii. Any communications equipment buildings/cabinets where the area encompassing the communications equipment

buildings/cabinets is equal to or less than one hundred (100) square feet shall be subject to the height and setback requirements of the zoning district for an accessory structure. Any communications equipment buildings/cabinets where the area encompassing the communications equipment buildings/cabinets is greater than one hundred (100) square feet shall be subject to the height and setback requirements of the zoning district for a principal building or structure.

§1000-206 Conventional residential development

Amend Ordinance under Table 2 for the Conventional Residential Development Dimensions

Include the zoning district:

C-1 – exactly as the A-1 minimum lot area, maximum gross density, minimum lot frontage, minimum building setbacks, maximum building coverage, and maximum building height

C-1 (no public sewer)

- 80,000 square feet
- .54 max. gross density
- 120' minimum lot frontage
- 30' front setback
- 25' side setback
- 30' rear setback
- 20% maximum building coverage
- 35' maximum building height

C-1 (public sewer)

- 21,780 square feet
- 2 max. gross density
- 80' minimum lot frontage
- 30' front setback
- 10' side setback
- 20' rear setback
- 30% maximum building coverage
- 45' maximum building height