

ORDINANCE NO. 97-2

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN FOREST TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, ENTITLED "PENN FOREST TOWNSHIP ZONING ORDINANCE OF 1991," ("ZONING ORDINANCE").

BE IT ENACTED and ORDAINED by Penn Forest Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, that the following additions, deletions, and amendments be made a part of the Zoning Ordinance:

1. The definition of "Billboard" contained in Section 9.101 shall be replaced by the following:

Billboard - An off-premise sign for the purpose of conveying to others a commercial or non-commercial message, but not including a directional sign pursuant to Sections 9.202 and 9.302(A) and (B) of the Zoning Ordinance.

2. Section 9.302(C) shall be amended to provide:

C. Non illuminated or externally or internally illuminated billboards are permitted in the C-1 and C-2 district subject to the following conditions (but they are not permitted in the I-1 district):

1. If the area of a billboard exceeds 32 square feet, it shall only be permitted by special exception, subject to the following conditions:

a. The area of a billboard shall not exceed 300 square feet.

b. No billboard shall be located closer than 1500 feet to any other billboard (whether or not the other billboard is on the same side of the street).

- c. If the area of a billboard exceeds 80 square feet, it shall not be located closer than 1500 feet to any other building or sign on the same lot.
- d. No billboard shall be closer than 500 feet to any street intersection.
- e. The billboard shall be located so as not to interfere with a driver's clear sight distance, or otherwise create a safety hazard.
- f. The permit application shall be accompanied by a certification under seal by a Professional Engineer that the existence of the billboard will not present a safety hazard.
- g. The permit application shall be accompanied by a site plan showing compliance with all other requirements of this Ordinance.

2. If the area of a billboard is 32 square feet or less, it shall be permitted, if it complies with sections 1(b), 1(d) and 1(e) above. The permit application shall be accompanied by either a site plan or a sketch/diagram showing compliance with Sections 1(b), 1(d) and 1(e) above and all other requirements of this Ordinance.

3. The following definition shall be added to Article II -
Definitions of the Ordinance:

Communication Tower - A structure in excess of 30 feet in height, and necessary auxiliary components, proposed by a public, semi public, or private entity for the purpose of sending and receiving electronic or analogous signals as an integral component of a communications system including, but not limited to radio towers, cellular phone transmission towers, etc.

4. Communication Towers shall be permitted as Special Exception Uses in all zoning districts, subject to the following conditions:

1. The applicant shall be required to demonstrate, using technological evidence, that the Communication Tower must be located where it is proposed.
2. The applicant must demonstrate that the Communication Tower is the minimum height required to function satisfactorily.
3. The applicant shall demonstrate that the proposed Communication Tower support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, radio or satellite frequency interference.
4. A fence shall be required around the Communication Tower and other equipment. The fence shall be at least 8 feet in height. Any wire on top of the fence shall not be included in the measurement of the height of the fence.
5. 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 buildings):
 - a. An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of 6 feet at planting, and shall grow to a minimum of 15 feet at maturity. Said evergreen screen shall be planted on the outside of the fence at least 15 feet from the fence; and
 - b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
6. If the Communication Tower is fully automated, two off street parking spaces shall be required. If the Communication Tower is not fully automated, the number of required parking spaces shall equal the number of people in the largest shift, but in any event, may not be less than two off street spaces.

7. All other uses associated with the Communication Tower such as a business office, maintenance depot, or vehicle storage shall not be located on the site unless the use is otherwise permitted in the zoning district in which the site is located.
8. In order to reduce the number of Communication Towers needed in the Township in the future, any proposed support structure shall be designed to accommodate other users, including but not limited to police, fire and emergency services.
9. The applicant shall obtain a building permit in accordance with any applicable Building Code prior to commencement of construction or any modification of any Communication Tower.
10. If the use of the Communication Tower requires licensing by any state or federal agency, including but not limited to the Federal Communications Commission, the applicant shall present evidence that it has obtained such license.
11. Communication Towers shall be a brownish color (whether painted brown, caused by oxidation, or otherwise) up to the height of nearby trees to lessen visual impact. Above that height, Communication Towers shall be painted silver, have a galvanized finish, or be of some other color, that will minimize their visual impact. Communication Towers shall meet all applicable Federal Aviation Administration regulations. No Communication Tower may be artificially lighted except when required by the Federal Aviation Administration or by state regulations.
12. If the Communication Tower is fully automated, provided the Communication Tower complies with the other requirements herein set forth, there is no minimum lot area. If the Communication Tower is not fully automated, the minimum lot area shall be two acres.
13. More than one Communication Tower may be located on a single lot.

14. A full Site Plan prepared by either a registered surveyor or a professional engineer, with elevations prepared by a professional engineer, shall be required for Communication Tower sites showing the Communication Tower, buildings, fences, buffering, access, and any accessory structures.
15. The minimum front, rear, and side yard set back requirements for all buildings and structures on said lot shall be the minimum set back requirements of the district in which the lot is located, or equal to the height of the highest building or structure on the lot, whichever is greater.
16. Communication Towers shall be set back a distance of at least 110% of their height from any building on the same lot as the Communication Tower, except buildings accessory to the Communication Tower.
17. Communication Towers shall be maintained in a operational state with no structural defects or visible damage to said Communication Tower.
18. Except as hereinafter stated, any Communication Tower which exceeds the maximum height limitation of the zoning district in which the lot is located, and is 75 feet in height or more, shall not be located within 1000 feet of any of the following:
 - A. A street. (except a new street built to access the Communication Tower).
 - B. Dwellings, and similar place of human habitation such as mobile home parks, rooming houses, tourist homes, hotels, and the like.
 - C. Governmental buildings, schools, hospitals, and other similar public, institutional and community buildings.

Notwithstanding the foregoing, a camouflage Communication Tower (ie. a Communication Tower that is disguised to look like a tree, and in fact, does look

like a tree) whatever its height, shall not be subject to the 1000 foot distance requirement herein above stated.

19. In the event a Communication Tower ceases operation or use on a lot, the Communication Tower, and any auxiliary components, which exceed the maximum height limitation of the zoning district in which the lot is located, shall be removed within 90 days from the date the Communication Tower ceases to operate or be used. Further, both the owner of the lot, and the owner of the Communication Tower, if different than the owner of the lot, shall notify the zoning officer at least 30 days before operation or use of the Communication Tower ceases.

5. "Radio transmission or receiving towers or facilities" shall be removed from Use Class 5.

6. "Water Towers" and "Utility poles and towers, radio and television towers, masts and aerials" shall be removed from section 7.102 of the Ordinance.

7. The following shall be added to the Ordinance as Section 8.500:

8.500 CELL SITE ANTENNA

A cell site with antenna that is attached to an existing Communication Tower, smoke stack, water tower, farm silo, or other tall structure, is permitted in all zoning districts provided:

- a. That the height of the antenna shall not exceed the height of the existing structure by more than 10 feet.
- b. All other uses associated with the cell site antenna such as a business office, maintenance depot, or vehicle storage shall not be located on the cell site unless the use is otherwise permitted in the zoning district in which the cell site is located.

8. On Schedule I, page 25 of the Ordinance, the following shall be added: Use Class 15. Junk Yards, Resource Recovery or Storage Facilities. This Use Class shall be permitted only in the I-1 General Industrial District.

9. In Use Class 15 on page 37 of the Ordinance the words "conditional use by the Supervisors" shall be deleted and replaced by the words "special exception".

10. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

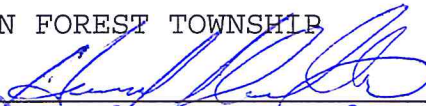
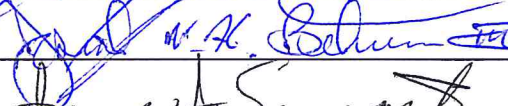
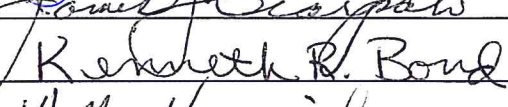
11. The Penn Forest Zoning Ordinance is amended in no other way.

12. The Ordinance shall become effective 5 days after its enactment.

This Ordinance is enacted and ordained this 4th day of August 1997.

PENN FOREST TOWNSHIP

By:


James J. Scarpato

Kenneth R. Bond

Walter Hunsicker

ATTEST:


Claire E. Balliet