

**ORDINANCE NO. 78**

**AN ORDINANCE IN THE TOWNSHIP OF POCONO, COUNTY OF MONROE, AND COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 16, AS AMENDED, COMMONLY KNOWN AS THE "POCONO TOWNSHIP ZONING ORDINANCE" TO AMEND SECTION 2.103 TO ADD DEFINITIONS; TO AMEND SCHEDULE II TO ESTABLISH SETBACKS, MINIMUM LOT AREA AND MAXIMUM HEIGHT FOR COMMUNICATION TOWERS; TO AMEND USE CLASS 8 TO INCLUDE COMMUNICATION TOWERS AS A PERMITTED USE IN I-INDUSTRIAL DISTRICT; TO ADD USE CLASS 19 TO SECTION 4.403 TO ESTABLISH COMMUNICATION TOWERS AS A CONDITIONAL USE IN ALL OTHER ZONING DISTRICTS AND TO ADD SECTION 5.112 TO SET FORTH THE REQUIREMENTS FOR COMMUNICATION TOWERS.**

**WHEREAS**, it is the desire of the Pocono Township Board of Supervisors to amend portions of Ordinance No. 16, commonly known as the "Pocono Township Zoning Ordinance", in order to establish general guidelines for the siting of communication towers and antennas so as to encourage the location of communication towers in non-residential areas; encourage the joint use of new and existing communication tower sites; encourage users of communication towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; and encourage users of communication towers and antennas to configure them in a way that minimizes any adverse impact of the communication towers upon the public health, safety, convenience, order, appearance, prosperity and general welfare.

**NOW, THEREFORE**, be it ordained and enacted by the Board of Supervisors of Pocono Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, the following amendments to Ordinance No. 16, commonly known as the "Pocono Township Zoning Ordinance":

**SECTION I:**

The following definitions are added to Section 2.103:

**Alternative Tower Structure**: Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers."

**Antenna**: Any exterior apparatus designed for telephonic, radio, or television communications through sending and/or receiving of electromagnetic waves."

**Antenna Height**: The vertical distance measured from the base of the antenna support

structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculation the antenna height."

"Antenna Support Structure: Any communication tower or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves."

"Co-location: Locating wireless communications equipment from more than one provider on a single site."

"Common Carrier: An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated prices."

"Communication Tower: a guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or other similar forms of electronic communication. The term includes, but is not limited to, radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas."

"FCC: The Federal Communications Commission."

"Guyed Tower: A communication tower that is supported, in whole or in part, by guy wires and ground anchors."

"Lattice Tower: A guyed or self-supporting three or four sided, open, steel frame structure used to support communications equipment."

"Monopole Tower: A communication tower consisting of a single pole, constructed without guy wires and ground anchors."

"Preexisting Towers and Antennas: Any tower or antenna on or for which a permit has been issued prior to the effective date of this Ordinance."

"Self-Support Tower: A communication tower that is constructed without guy wires and ground anchors."

"Temporary Wireless Communication Facility: Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users."

"Wireless Communication Facility: An all encompassing definition; Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio ro television signals, or any other spectrum-based transmissions/receptions."

### **SECTION II:**

A subsection (e) is hereby added to Use Class 8 Industrial under Section 4.401 of the Pocono Township Zoning Ordinance to provide as follows: "e. Communication Towers."

Section 4.403 is hereby amended to add Use Class 19 as follows:

"Use Class 19. Communication Towers: Includes Communication Towers as defined in Section 2.103 of the Pocono Township Zoning Ordinance."

Schedule I of the Pocono Township Zoning Ordinance is hereby amended to add "Use Class 19 Communication Towers" as a Conditional Use in all zoning districts other that the I-Industrial District.

### **SECTION III:**

A new Section 5.112 is hereby added to Article V as follows:

"Section 5.112 COMMUNICATION TOWERS

a. In addition to the information required elsewhere in the Pocono Township Zoning Ordinance and the Pocono Township Subdivision and Land Development Ordinance, applications for communication towers shall include the following information and documentation:

- (1) A report from a qualified and licensed professional engineer which:
  - A. Describes the communication tower height and design including a cross section and elevation,
  - B. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
  - C. Describes the communication tower's capacity, including the number and type of antennas that it can accommodate;

- D. Documents what steps the Applicant will take to avoid interference with established public safety telecommunications;
  - E. Includes an engineer's license/registration number and seal.
- (2) A letter of intent committing the communication tower owner and his, her or its successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
  - (3) Before the issuance of a zoning/building permit, the following supplemental information shall be submitted:
    - (A) A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alternation" (FAA Form 7460-1) shall be submitted to the Pocono Township Zoning Officer; and
    - (B) Proof of compliance with applicable Federal Communications Commission Regulations.
  - (4) One copy of typical specifications for the proposed structures and antenna, including description of design characteristics and material.
  - (5) A site plan drawn to scale showing property boundaries, power location, communication tower height, guy wires and anchors, existing structures, elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property.
  - (6) Name and address of the owners of all antenna and equipment to be located at the site as of the date of the application.
  - (7) Written authorization from the site owner for the application, as well as a copy of any written agreement or other documentation pursuant to which the applicant has obtained the right to use the proposed site.
  - (8) Copy of valid FCC license for the proposed activity, or proof that the applicant is the winning bidder for an FCC license at

auction and that the final issuance of the FCC license purchase at auction is pending.

- (9) A written agreement to remove the communication tower within One Hundred Eighty (180) days of cessation of use.
- (10) Applicant must establish that the proposed antenna and equipment could not be placed on a pre-existing facility under the control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.
- (11) A letter of intent committing the communication tower owner and the Common Carrier(s) utilizing the communication tower, and their respective heirs, personal representatives, successors and assigns to allow Pocono Township and any other governmental agency to utilize the communication tower in the case of an emergency, upon reasonable terms and conditions.

b. Co-Location Requirements

All communication towers erected, constructed or located within Pocono Township shall comply with the following requirements:

- (1) A proposal for a new communication tower shall not be approved unless the Board of Supervisors finds that the communications equipment plan for the proposed communication tower cannot be accommodated on an existing or approved tower or building within Pocono Township or within a one (1) mile search radius of the proposed tower if such one (1) mile search radius would include other municipalities, due to one or more of the following reasons:
  - A. The planned equipment would exceed the structural capacity of the existing or approved communication tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved communication tower cannot be reenforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - B. The planned equipment would cause interference materially impacting the useability of other existing or planned equipment at the communication tower or

building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

C. Existing or approved communication towers and buildings within Pocono Township (or within the one (1) mile search radius if applicable) cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

D. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing or approved communication tower or building.

(2) Any proposed communication tower shall be designed, structurally, electrically and in all respects, to accommodate both the Applicants antennas and comparable antennas for at least two (2) additional users if the communication tower is over one hundred (100) feet in height, or for at least one (1) additional user if the communication tower is over sixty (60) feet in height. Communication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

c. Design Requirements

(1) Communication towers and antennas shall be designed to blend in to the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

(2) Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower.

(3) All utility buildings and structures accessory to a communication tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation,

except where a design of non-vegetative screening better reflects the architectural character of the neighborhood.

- (4) The use of any portion of a communication tower for signs other than warning or equipment signs is prohibited.

d. Interference with public safety telecommunications.

No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify Pocono Township at least ten (10) calendar days in advance of such changes and allow Pocono Township to monitor interference levels during the testing process.

e. Abandoned or unused communication towers or portions of communication towers.

Abandoned or unused communication towers or portions of communication towers shall be removed as follows:

- (1) All abandoned or unused communication towers and associated facilities shall be removed within one hundred eighty (180) days of the cessation of operations. A copy of the relevant portions of any signed lease, license or other agreement which requires the Applicant to remove the communication tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a communication tower is not removed within one hundred eighty (180) days of the cessations of operations at a site, the communication tower and associated facilities maybe removed by Pocono Township and the cost of removal assessed against both the Applicant and the owner of the property on which the communication tower and associated facilities exist.
- (2) Unused portions of communication towers above the manufactured connection shall be removed within one hundred eighty (180) days of the time of antenna relocations. The replacement of portions of a communication tower previously removed requires the issuance of a new zoning permit.

f. Setbacks.

The setback of the base of a communication tower from all adjacent properties and/or lot lines shall be a distance equal to One Hundred (100%) percent of the Antenna Height, or the building setback requirements for the underlying zoning district, whichever is greater.

g. Lot size.

The minimum lot area requirement for a communication tower use shall be in accordance with Schedule II of the Pocono Township Zoning Ordinance, or the minimum area necessary to comply with the setback requirements of subsection 5.112f. above, whichever is greater.

h. Antenna Height.

The maximum Antenna Height shall not exceed one hundred (150) feet in any zoning district.

**SECTION IV:**

Schedule II is hereby amended to provide a Communication Tower minimum setback in all zones in accordance with Section 5.112f., a Communication Tower lot area requirement in accordance with Section 5.112g., and a maximum Antenna Height in accordance with Section 5.112h.

**SECTION V:**

The provisions of this Ordinance shall not apply to Preexisting Towers and Antennas unless the same are altered, modified or replaced.

**SECTION VI:**

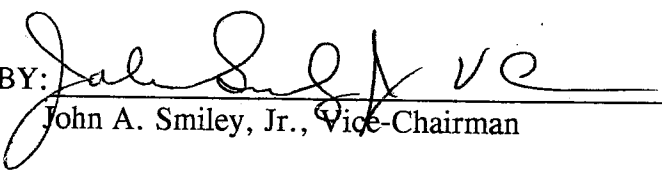
Except as amended hereby, all provisions of Ordinance No. 16, shall remain in full force and effect. Furthermore, the provisions of any other existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

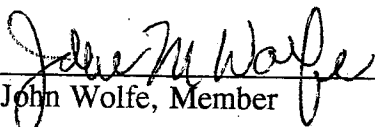
**SECTION VII:**

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED into an Ordinance this 2<sup>nd</sup> of December, 1997  
1997.

BOARD OF SUPERVISORS OF POCONO TOWNSHIP

BY:   
John A. Smiley, Jr., Vice-Chairman

BY:   
John Wolfe, Member

ATTEST:

  
Secretary