

TOWNSHIP OF WASHINGTON  
COUNTY OF NORTHAMPTON  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 201

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, AMENDING THE WASHINGTON TOWNSHIP ZONING ORDINANCE NO. 195, AS AMENDED, ENACTED SEPTEMBER 10, 1997, REGULATING COMMERCIAL COMMUNICATION TOWERS AND CELLULAR TELEPHONE TOWERS OR ANTENNAS AS SPECIAL EXCEPTION USES IN THE AGRICULTURAL (A) DISTRICT AND THE INDUSTRIAL (I) DISTRICT.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Washington Township, Northampton County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

Section I: Revise Section 3.6 C and 3.11 C to provide that Commercial Communications Towers or Cellular Telephone Towers shall be Special Exception Uses in the Agricultural District (A) and the Industrial (I) District.

Section II: The following language is adopted to be included in Article 2, Section 2.1 B, providing for definitions pertinent to Commercial Communication Towers and Cellular Telephone Towers or Antennas, as well as requirements, in addition to those specified in this Ordinance, required by Section 3.13 pertaining to Special Exception Uses.

44.a. COMMERCIAL COMMUNICATIONS TOWERS. This Section prescribes the standards which must be met prior to the erection of a new commercial communications tower (hereinafter referred to as "Tower") within the Township.

a. DEFINITIONS: For the purposes of this Section, the following definitions shall apply:

American National Standards Institute (ANSI): A national organization which formulates guidelines and standards. ANSI standards are recognized as authoritative by the FCC.

Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas which are used for non-commercial purposes by the owners or tenants of the residence.

Cellular Telephone: A system providing portable telephone service to specific subscribers. The system works on a line of sight principle. Each company must set up a "grid" system of antennas on hilltops to provide complete coverage.

Channel: A segment of a frequency band assigned to a specific user.

Commercial Communications Tower: A structure, partially or wholly exterior to a building, used for mounting antennas, which transmit or re-transmit radio signals.

Construction Permit: A document issued by the FCC to a broadcast applicant giving permission to construct a radio or TV broadcast station. It is not the same as a station license.

Electromagnetic Radiation (EMR): A technical term for the nature of energy emitted by a transmitting antenna.

Fall Zone: The area on the ground within a prescribed radius from the base of any tower. The "Fall Zone" is the area within which there is a potential hazard from the blowing and falling ice, falling debris, or the collapsing of the commercial communications tower. The "Fall Zone" shall be established by a Professional Engineer registered in the State of Pennsylvania retained by the owner of the proposed tower.

FM/Television Broadcasting: Transmission of radio and/or television programs intended for reception by the general public. An FM/Television Broadcasting Tower shall mean a tower maintaining the primary or main transmitter of an FCC licensed broadcast station.

Height Above Average Terrain (HAAT): A technical term used by the FCC to determine the effective height of an antenna by considering the effects of terrain variations in the coverage area provided by the antenna.

Height of Tower: The overall height of the tower from the base of the tower to the highest point of the tower, including, but not limited to, antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.

Intermodulation: A technical term referring to the possible mixing of two transmitted signals which creates unwanted, and potentially interfering signals.

Land-Mobile Systems: Radio communication service for mobile or stationary units in which each user is assigned a particular frequency. It includes conventional two-way radio, special mobile radio service and one-way paging.

Lease Tower: A tower whose owner has as his principal business the leasing of tower space to other users.

Point-to-Point Microwave: Communication between specific points using frequencies above 900 Mhz., normally transmitted between two towers optimally located for line of sight transmission. Uses low power levels.

RF Interference: Disturbances in reception caused by intruding signals or electrical current.

Structural Capacity: A term describing the physical ability of a tower and associated antennas to withstand design loading without collapsing.

b. **PRINCIPAL USE.** Towers are a principal use. No other principal use is permitted on a lot with a tower except a Cellular Telephone Tower or Antenna, which must meet the requirements of Section M(3)(d)(1)(2) and (3).

c. **TOWER CLASSIFICATIONS.** A tower and accessory facilities may be permitted for the following uses if they comply with all of the requirements of this section:

1. FM/Television Broadcasting

2. Land mobile systems
3. Cellular telephone
4. Fixed point-to-point microwave
5. Lease tower
6. Any other communications use not specifically listed or covered in any of the above 5 categories.

d. SETBACK REQUIREMENTS.

1. The distance from the base of the proposed tower to the nearest point on the lot line shall not be less than the full height of the tower.
2. Guy wire anchors, if used, shall be set back a minimum of 40 feet from any lot line.
3. If additional towers are present on the same lot, the distance from the base of the proposed tower to the base of the nearest tower, if it is self-supporting, or the nearest guy anchor of a non-self supporting tower, shall not be less than the full heights of the tallest tower.

e. ACCESSORY FACILITIES. Accessory facilities are permitted on the same lot as a tower, subject to the following conditions:

1. A single accessory facility containing equipment and control devices for the continuing operation of a tower may be located on the lot.
2. No building or facility may be used as an office or as a broadcast studio. No building or facility may be used for long-term vehicle storage or for other outdoor storage.
3. No on-site employees shall be permitted to utilize any accessory facility as an office. Employees are permitted to visit the site as often as necessary for maintenance and inspection of the tower and its accessory uses.

4. Accessory facilities may be lighted for security or for maintenance purposes. Any such lighting shall be shielded and no lights shall be emitted upward or spill over onto adjacent properties. Upward lighting will be permitted only on a temporary basis as may be required for emergency tower maintenance or repair.

5. Lighting of parking areas and accessory facilities shall comply with the specifications contained in Article 5, as well as any other standards which may be imposed by the Zoning Hearing Board as recommended by the Township Engineer.

f. PARKING REQUIREMENTS. Two (2) off-street paved, parking spaces per tower shall be required. The parking spaces shall conform to the parking standards of the Zoning Ordinance.

g. RF INTERFERENCE TO EXISTING FACILITIES. The applicant shall demonstrate that the proposed transmitting facility will not cause RF interference to any existing communications services (including, but not limited to, other towers or transmitting facilities, communication services reception by other property owners, etc.), in accordance with the FCC requirements for the applicant's class of operation.

h. EMR COMPLIANCE. The applicant shall demonstrate that the proposed RMS field intensity of EMR from applicant's antenna(s) measured at the nearest point on the boundary of applicant's site from the proposed antenna will not exceed the levels allowed under ANSI standard C95.3.

i. ENVIRONMENTAL IMPACT. All new towers proposed in the Township shall conform to the following environmental impact guidelines:

1. Existing on-site vegetation shall be preserved to the maximum extent practical.

2. If the proposed tower is less than 200 feet high, and is exempt from any special FAA marking requirements, the tower shall be painted silver above the tree line level and painted green below the tree line level.

3. Artificial lighting is prohibited on all proposed towers unless required by the FAA. When artificial lighting is required, the use of strobe lighting is prohibited unless specifically required by the FAA.

4. Where the site abuts a public street or a lot that is either zoned residential or used for a residential use, and where the base of the tower can be seen from the public street or from a dwelling on the residential lot, the site perimeter shall be buffered by planting natural screening which blends in with existing vegetation to provide an effective screen.

Existing vegetation, fences or walls may be used if the Zoning Hearing Board finds:

(a) They achieve about the same degree of screening as determined by the Zoning Hearing Board.

(b) New plantings would have a detrimental effect on the stability, security or maintenance of the guy wires.

(c) They are needed for surveillance and security of structures to be erected on the lot.

j. OBSERVATORY TELESCOPE LINE OF SIGHT CLEARANCE. There shall be maintained an unobstructed 20 degrees line-of-sight measured from the horizontal plane surrounding any observatory telescope where the observatory telescope has a greater than 25 centimeters aperture and the observatory facility is erected for the public use for research and/or educational purposes.

k. FAA LIGHTING AND MARKING REQUIREMENTS. Lighting shall only be installed on a tower if it is required by the FAA. If lighting is not required by the FAA or any other governmental agency having jurisdiction, then lighting shall not be installed on a tower. Only the minimum lighting necessary to meet governmental requirements shall be permitted. If strobe lights or flashing mechanisms are not required by such government agencies, then such lighting shall not be permitted.

#### l. TOWER DESIGN AND INSTALLATION.

1. For any commercial communication tower or antenna higher than fifty feet (50'), the applicant shall provide certification from a registered Professional Engineer stating that the commercial communication tower or antenna meets the wind resistance stated in the latest version of the BOCA National Building Code. The registered Professional Engineer shall also certify to

the overall structural integrity of the commercial communications tower or antenna and/or base structure and building supporting the tower or antenna, and certify to the determination of the Fall Zone.

2. If a non-self supported tower is proposed, the applicant must use a guy wire configuration which is at least the minimum specified by the tower manufacturer.

3. All new towers permitted after the effective date of this section must be engineered to accommodate additional new users.

4. The base of the tower shall be surrounded by a secure fence with a minimum height of 8 feet.

5. The tower design and installation shall also comply with any additional Federal, State and local regulations as may apply.

m. **SPECIFIC ADDITIONAL REQUIREMENTS FOR EACH TOWER CLASSIFICATION.**

1. FM/Television Broadcasting Use. An applicant proposing to erect a new tower for an FM/television broadcasting use as defined herein shall also comply with the following standards:

a. No FM/television broadcasting tower shall exceed a height of 200 feet.

b. Applicant shall request the minimum antenna height above ground level which will satisfy the HAAT requirements stipulated on the applicant's FCC Construction Permit, provided the requested height of the tower does not exceed 200 feet above ground level.

2. Land Mobile Radio Use. An applicant proposing to erect a new tower for land mobile radio use as defined herein shall also comply with the following:

a. Applicant shall demonstrate that the requested location can be reasonably expected to provide the signal coverage deemed necessary by the applicant.

b. Applicant shall request the minimum antenna height above ground level which will satisfy the antenna height requirements stipulated on the applicant's FCC license, provided the requested height of the tower does not exceed 199 feet above ground level.

3. Cellular Telephone Use. An applicant proposing to erect a new tower for cellular telephone use shall also comply with the following:

a. No cellular telephone tower shall exceed a height of 200 feet.

b. Applicant shall demonstrate that existing tall structures within a one-quarter mile radius of the proposed operation will not accommodate the applicant's proposed operation. The Township may deny the application to erect a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

c. Applicant shall request the minimum tower height necessary to satisfy its function in the company's grid system, provided the requested height of the tower does not exceed 199 feet above ground level.

d. Notwithstanding any other provisions in this section, the following shall also apply to cellular telephone use, since each cellular telephone system is set up in a unique system of antennas to create a network for complete and adequate service.

(1) A cellular telephone tower or antenna may be located on a lot with additional principal uses or buildings as long as all requirements of this section (cellular telephone use) are met.

(2) Minimum yard requirements of Article 3, Sections 3.7 E, 3.8 E and 3.9 E shall be met if any cellular telephone tower is constructed within 100 feet of a Lot zoned in the R-1, R-2 and RC Districts pertaining to residential lot lines. The Zoning Hearing Board may require screenings and vegetation.

(3) Cellular Telephone Towers located in the I, C and A zoning districts shall also be set back a distance equal to 100% of the height of any proposed tower.



4. Point-to-Point Microwave Use: An applicant proposing to erect a new tower for point-to-point microwave use shall also comply with the following:

a. No point-to-point microwave tower shall exceed a height of 200 feet.

b. Applicant shall request the minimum tower height necessary to satisfy line of sight requirements to the next relay links in the microwave system, provided the requested height of the tower does not exceed 199 feet above ground level.

5. Lease Tower Use. An applicant proposing to erect a lease tower shall comply with the following:

a. No lease tower shall exceed a height of 200 feet.

b. Applicant shall request the minimum antenna height above ground level, which will reasonably accommodate the antenna height requirements of prospective users, provided the requested heights of the tower do not exceed 199 feet above ground level.

6. Requirements for Any other Use. An applicant proposing to erect a new tower for any other use shall also comply with the following:

a. No tower shall exceed a height of 200 feet.

b. Applicant must request the minimum antenna heights above-ground level which will satisfy the antenna height requirements stipulated on the applicant's FCC license, provided the requested height of the tower does not exceed 199 feet above ground level.

n. SHARED USE REQUIREMENTS.

1. Lease Tower. An applicant proposing to construct a lease tower shall first demonstrate that the existing tower(s) owned by the applicant, or any affiliate or subsidiary of the applicant, cannot reasonably accommodate the telecommunications equipment planned for the proposed tower. In addition to any other evidence presented by the applicant, the applicant shall submit:

a. A wind-loading analysis, certified by a Licensed Professional Communications Engineer or Licensed Professional Civil/Structural Engineer, which demonstrates that the proposed telecommunications equipment will exceed the structural capacity of the existing tower, and that the existing tower, whose structural capacity would be exceeded by the applicant's proposed equipment, cannot be structurally reinforced to accommodate the applicant's proposed equipment at a reasonable cost.

b. A study that "combining" existing equipment and/or "duplexing" existing equipment is not reasonable or reasonably suitable for the new proposed equipment, and

c. An intermodulation analysis, certified by a Professional Communications Engineer, which demonstrates that the proposed new equipment will not cause undue RF interference to existing communications services on the existing tower. If applicant demonstrates (a) and (b) to the satisfaction of the Zoning Hearing Board, then the intermodulation Analysis may be submitted, but shall not be mandatory.

The applicant shall also submit evidence that the combined total RMS field intensity of EMR from all emitters on the existing tower(s) and the proposed tower, including the applicant's proposed antenna, measured at the nearest point on the boundary of the tower site from the nearest tower, will not exceed the levels allowed under ANSI standard C95.3.

2. All Tower Uses with the Exception of Lease Tower Uses. All applicants requesting permission to erect a new tower in the Township must demonstrate that existing towers within a one (1) mile radius of the proposed tower cannot accommodate the applicant's proposed operation. Documentation must be provided to show that the applicant has contacted by certified mail, return receipt requested, all tower owners within a one (1) mile radius of the proposed tower and that each of these towers cannot support the new proposed equipment. The Township may deny the application to erect a new tower if the applicant has not made a good faith effort to determine the suitability of existing towers.

o. APPLICATION CONTENTS FOR A NEW TOWER. An application for permission to erect a new tower in the Township shall include:

1. A copy of applicant's FCC construction permit (for broadcast use) or FCC station license (for other uses).

2. A detailed site plan drawn to scale and identifying the site boundary, the proposed tower and any existing towers, guy wire anchors, existing and proposed structures, existing vegetation to be retained, removed or replaced, and uses, structures and land-use designations on the site and abutting parcels.

3. A technical description of the facility to include:

a. A description of the tower and the technical, and other design factors of the tower.

b. A description of the capacity of the tower, including the number and types of antennas that it can accommodate.

4. A statement from the FCC, FAA and State Aeronautics Division that the proposed tower complies with applicable regulations or that the tower is exempt from those regulations.

5. An intermodulation analysis certified by a Professional Communications Engineer, which demonstrates that the proposed new equipment will not cause undue RF interference to existing towers or transmitting facilities or communications service reception by other property owners. The applicant shall be responsible to resolve all instances of interference caused by the actual operation of the tower that occurs after its installation.

p. APPLICATION CONTENTS FOR ADDING A NEW ANTENNA TO AN EXISTING TOWER. Prior to the installation of an antenna on an existing tower, an applicant shall obtain a zoning permit from the Township. The application for such permit shall include:

1. A wind-loading analysis, certified by a Licensed Professional Communications Engineer, or Licensed Professional Civil/Structural Engineer, which demonstrates that the proposed telecommunications equipment will not exceed the structural capacity of the existing tower.

2. An intermodulation analysis which demonstrates that the proposed transmitting facility will not cause RF interference to any existing communications services (including, but not limited to, other towers or transmitting facilities, communication services reception by other property owners, etc.), in accordance with the FCC requirements for the applicant's class of operation. The applicant shall be responsible to resolve all instances of interference caused by the actual operation of the tower, and any additional antennas, after installation.

3. Information demonstrating that the RMS field intensity of EMR from the applicant's tower (with all existing and proposed antennas) measured at the nearest point on the boundary of applicant's site from the proposed antenna will not exceed the levels allowed under ANSI standard C95.3.

q. **REMOVAL OF COMMUNICATION TOWERS.** If a commercial communication tower and/or antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the tower and/or antenna within six (6) months of notice to do such by the Code Enforcement Officer. Further, the owner or operator of the tower and/or antenna shall post security in a form acceptable to the Township of Washington, favoring the Township of Washington, in an amount to cover the tower and/or antenna removal and site cleanup costs. The security shall be utilized by the Township of Washington in the event that the owner or operator of the tower and/or antenna fails to remove the tower and/or antenna within six (6) months of notification.

Section III. Severability. If a Court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

Section IV. Repealer. All portions of the Township of Washington Zoning Ordinance and other resolutions or ordinances that were adopted or amended prior to this Ordinance, and are clearly in direct conflict with this Ordinance, are hereby repealed.

Section V. Uses Permitted by Special Exception. Uses permitted by a special exception in accordance with this Ordinance shall be subject to Article 2, Definitions, Article 3, Zoning Districts and Use Regulations, Article 4, General Regulations, and Article 5, Environmental Protection.

Section VI. This Ordinance shall take effect immediately upon enactment.

ORDAINED AND ENACTED by the Supervisors of the Township of Washington, County of Northampton and Commonwealth of Pennsylvania, into an Ordinance this 8<sup>th</sup> day of July, 1998.

WASHINGTON TOWNSHIP  
BOARD OF SUPERVISORS

By: Ignatz Klausz, Jr.  
Ignatz Klausz, Jr., Chairman

By: David Renaldo  
David Renaldo

By: David Hess  
David Hess

ATTEST:

By: Mary Ann Repsher  
Mary Ann Repsher, Secretary

Approved and certified this 8<sup>th</sup> day of July, 1998.

Ignatz Klausz, Jr.  
Ignatz Klausz, Jr., Chairman

ATTEST:

By: Mary Ann Repsher  
Mary Ann Repsher, Secretary

TOWNSHIP OF WASHINGTON  
COUNTY OF NORTHAMPTON  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 233

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON AMENDING THE WASHINGTON TOWNSHIP ZONING ORDINANCE BY AMENDING THE ZONING MAP OF WASHINGTON TOWNSHIP TO REZONE A CERTAIN AREA FROM AGRICULTURAL ("A") TO MEDIUM DENSITY RESIDENTIAL ("R-2").

WHEREAS, by Ordinance dated September 10, 1997, as amended, the Township of Washington enacted a Zoning Ordinance; and

WHEREAS, said Zoning Ordinance established various zoning districts within the Township of Washington; and

WHEREAS, it has come to the attention of the Township of Washington that a portion of the area zoned Agricultural is not agricultural and is surrounded by commercially and residentially zoned areas; and

WHEREAS, property owners in that district have required that the Township of Washington rezone the area from Agricultural to Medium Density Residential to allow as permitted uses residential dwellings and to facilitate the extension to said area of center sewer and water.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Washington Township, Northampton County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

SECTION 1. The area depicted on the Zoning Map of the Township of Washington (a true and correct copy of which is attached hereto as Exhibit A") and described as follows, is hereby rezoned from Agricultural ("A") to Medium Density Residential ("R-2"). The Zoning Map of the Township of Washington is hereby amended to reflect said rezoning.

SECTION 2. The area rezoned thereby consists of Northampton County  
Tax Parcels:

D9-15-1	D9-15-8A-1A	D9-15-10A	D9-15-13
D9-15-2	D9-15-8A-2	D9-15-10B	D9-15-21
D9-15-3	D9-15-8B	D9-15-10C	D9-15-22
D9-15-4	D9-15-8C	D9-15-10D	D9-15-23
D9-15-5	D9-15-8C-1	D9-15-11	D9-15-24
D9-15-6	D9-15-8D	D9-15-11A	D9-15-25
D9-15-6A	D9-15-9	D9-15-11B	D9-15-26
D9-15-8	D9-15-9A	D9-15-11C	
D9-15-8A	D9-15-9A-1	D9-15-11D	
D9-15-8A-1	D9-15-10	D9-15-12	

as depicted on the map attached hereto as Exhibit "A".

SECTION 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective immediately.

ORDAINED AND ENACTED by the Supervisors of the Township of Washington, County of Northampton and Commonwealth of Pennsylvania, into an Ordinance this 11<sup>th</sup> day of August, 2004.

WASHINGTON TOWNSHIP  
BOARD OF SUPERVISORS

By: David Hess  
David Hess, Chairman

By: David Renaldo  
David Renaldo

By: Daniel Crafa  
Daniel Crafa

ATTEST:  
By: Jane A. Mellert  
Jane A. Mellert, Secretary

Approved and certified this 11<sup>th</sup> day of August, 2004.

David Hess  
David Hess, Chairman

ATTEST:  
By: Jane A. Mellert  
Jane A. Mellert, Secretary