

ORDINANCE NO. 96

AN ORDINANCE OF THE TOWNSHIP OF HAYCOCK, BUCKS COUNTY, PENNSYLVANIA, AMENDING ARTICLE IV SECTION 404, SECTION I OF THE ZONING ORDINANCE OF THE TOWNSHIP OF HAYCOCK, BUCKS COUNTY, REGARDING TELECOMMUNICATIONS FACILITIES WITHIN HAYCOCK TOWNSHIP

WHEREAS, Section 1516 (53 P.S. §66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Haycock Township (the "Board of Supervisors") include the ability to plan for the development of the township through zoning, subdivision and land development regulations under the act of July 13, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code."

WHEREAS, the Board of Supervisors on or about September, 26, 1994, duly adopted Ordinance No. 71, revising and restating the Haycock Zoning Ordinance as adopted in 1975;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt ordinances in which general or specific powers of the township may be exercised, and, by the enactment of subsequent ordinances, the Board of Supervisors may amend, repeal or revise existing ordinances (53 P.S. Section 66601);

WHEREAS, since its adoption, the Zoning Ordinance has from time to time been amended;

WHEREAS, the Board of Supervisors on or about December 1, 2003, duly adopted Ordinance No. 95, amending the Zoning Ordinance to make provisions for the establishment of standards and regulations for telecommunications facilities within the Township;

WHEREAS, the Board of Supervisors finds it is in the interests of the Township and of its citizens to amend the Zoning Ordinance standards and regulations for telecommunications facilities within the Township to clarify the location on which a new telecommunication facility may be permitted after the enactment date of Ordinance 95 and to specifically exempt those applicants for telecommunications facilities permits that received Zoning Hearing Board approval prior to the date of the enactment of Ordinance 95;

WHEREAS, the Board of Supervisors finds and determines that this Zoning Ordinance amendment is consistent with the Township Comprehensive Plan and the Community Development Objective stated therein and in the Zoning Ordinance.

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Haycock Township, Bucks County, Pennsylvania, as follows:

Section 01: Article IV, section 404, section I4 of the Zoning Ordinance is amended to read as follows:

I4 EXEMPTIONS

The following telecommunications facilities and uses are exempt from the requirements of this section: police, fire, ambulance, and other emergency dispatch; amateur (ham) radio, citizens-band radio, single-use local business radio dispatch, television antennas for home use, or temporary mobile facilities for television or radio broadcasts ("Exempt Facilities").

No FCC-licensed telecommunications facility or use, except applicants for telecommunications facilities permits that received Zoning Hearing Board approval prior to the date of the enactment of Ordinance 95, shall be considered exempt from this section for any reason, whether or not said facility or use is proposed to share a tower or other structure with Exempt Facilities.

Section 02: Article IV, section 404, section I6.3 of the Zoning Ordinance is amended to read as follows:

I6.3 USE PERMITTED BY SPECIAL EXCEPTION

Telecommunications facilities are a use permitted by special exception upon compliance with the provisions of this section on parcels of land located on land owned by a government agency and located within 500 feet of the centerline of Old Bethlehem Road and Route 563. If it is demonstrated by an applicant that the telecommunication service needs of Haycock Township cannot be met by locating on land as referred to above, then a telecommunications facility may be located on land owned by a nonprofit entity located within 500 feet of the centerline of Old Bethlehem Road and Route 563. If it is demonstrated by an applicant that the telecommunication service needs of Haycock Township cannot be met by locating on land as referred to above, then a telecommunications facility may be located on land having a total acreage of five or more acres located within 500 feet of the centerline of Old Bethlehem Road and Route 563. Regardless of the parcel of land, the telecommunication facility must be located and constructed so that the greatest possible distance exists from the facility to the centerline of the referenced roadways.

Section 03: Partial Repealer

All other provisions of the Zoning Ordinance, as amended, shall remain in full force and effect. All other ordinances or provisions of the Zoning Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

Section 04: Savings Clause

In the event any portion of this Ordinance is determined by a court of jurisdiction to be unconstitutional or unenforceable, it shall not affect any of the other provision of this Ordinance or of the Zoning Ordinance. All other provisions of the Zoning Ordinance and this Ordinance shall remain in full force and effect.

Section 05: Effective Date

All provisions of this Ordinance shall be in force and effect five days after approval and adoption.

ORDAINED AND ENACTED this 3rd day of May, 2004.

ATTEST:

Nancy M. Yodis
Nancy M. Yodis, Secretary

HAYCOCK TOWNSHIP
BOARD OF SUPERVISORS

Kathleen M. Babb
Kathleen M. Babb, Chair

Michael Lennard
Michael Lennard, Vice Chair

Henry Depue
Henry Depue