

---

**ARTICLE 24**  
**CONDITIONAL USES**  
**Contents**

- 2400 Applicability**
- 2401 General Conditions**
- 2402 Application Requirements**
- 2403 Application Procedures**
- 2404 Expiration of Conditional Uses**
- 2405 Standards for Communication Towers as Conditional Uses**

**Section 2400 Applicability**

The Borough Council shall have the power to approve a conditional use when this Ordinance specifically requires the obtaining of such approval. Only uses that are specifically identified as Conditional Uses in this Ordinance will be eligible for conditional use approval.

**Section 2401 General Conditions**

- A. In granting a conditional use, the Borough Council shall make findings of fact consistent with the provisions of this Ordinance. The Borough Council shall not approve a conditional use except in conformance with the conditions and standards outlined in this Ordinance. In granting a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Article and the Pennsylvania Municipalities Planning Code.
- B. The Borough Council shall grant a conditional use only if it finds adequate evidence that any proposed use submitted will meet all of the following general requirements as well as any specific requirements and standards listed herein for the proposed use. The Borough Council shall, among other things, require that any proposed use and location be:
  - 1. In accordance with the Borough's Comprehensive Plan;
  - 2. Suitable for the property, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
  - 3. In conformance with all applicable requirements of this Ordinance and all other Borough ordinances, including all requirements of the Armstrong County Subdivision and Land Development Ordinance, and
  - 4. Able to be established with guaranteed adequate parking and access arrangements to protect people, streets and parking areas from

congestion and hazard, as demonstrated by submitted studies and reports.

- C. The Borough Council shall request an advisory opinion from the Borough Planning Commission on any application for a conditional use. The Planning Commission shall submit a report of such advisory opinion prior to the date of the public hearing held by the Borough Council on an application. The Planning Commission may request a report from the Borough Engineer or other professional consultants or staff. The Planning Commission opinion can be reported in the form of a representative of the Planning Commission attending the Borough Council meeting and presenting an oral and written report, or in the form of meeting minutes.
- D. Borough Council at its sole discretion may require the submission of studies identifying the impact of the proposed development on traffic, parking, environmental conditions, stormwater, or aesthetics. The cost of such studies shall be the responsibility of the applicant.

### **Section 2402 Application Requirements**

- A. The application shall make a written request to the Borough Council that it conduct a public hearing on the application.
- B. The application shall be accompanied by plans and other materials necessary to address the general and specific conditions of this Ordinance. The minimum requirements shall include the following:
  - 1. A site layout plan drawn to scale showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. The site layout plan shall be prepared by and contain the seal of a professional engineer, land surveyor or landscape architect registered in the Commonwealth of Pennsylvania.
  - 2. The following information shall be provided with the conditional use application:
    - a. Statement as to the proposed use of the building or land. A description of proposed residential, institutional, businesses and offices, retail, consumer uses, or other uses.
    - b. The information regarding natural resource protection requirements as required by this Ordinance.
    - c. The location, size, arrangement, and capacity of all areas to be used for motor vehicles access, off-street parking, off-street loading and unloading, and provisions to be made for lighting.
    - d. The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for any required buffering and screening.

- e. The location, size and height of any proposed signs.
- f. The location and dimension of sidewalks and all other areas to be devoted to pedestrian use.
- g. Provisions to be made for treatment and disposal of wastewater, water supply, and stormwater.
- h. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, and all necessary traffic improvements for safe on-site ingress or egress, off-street parking, off-street loading and unloading and provisions to be made for lighting such areas.
- i. Description of methods to be employed in controlling any noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards. The environmental standards contained in this Ordinance and in other Borough ordinances shall be utilized as the reference for applicable standards.
- j. Any other data deemed necessary by the Borough Council to enable it to determine the compliance of the proposed development with the terms of this Ordinance.

**Section 2403 Application Procedures**

- A. All applications for conditional use approvals shall be in writing on standard forms prescribed by the Borough Council and accompanied by, the fee established by resolution of the Borough Council.
- B. The Borough Council shall hold a hearing upon the request, commencing no later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time.
- C. The Borough Council shall conduct hearings and make decisions in accordance with the procedures set forth in this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, for conditional uses.
- D. The Council may impose whatever conditions regarding layout, circulation, design, parking and other zoning controls it deems necessary to ensure that a proposed development will secure the objectives of this Ordinance and protect the health, safety, and welfare of the Borough.

**Section 2404 Expiration of Conditional Uses**

A conditional use shall expire if the applicant fails to obtain a Zoning Permit within one year of the date of the granting of the conditional use; provided, however, that:

- A. If the subject matter of the conditional use requires either a subdivision or land development, the conditional use shall expire if the applicant fails to file the required subdivision or land development plan within one year of the granting of

- the conditional use. The applicant shall have six months after the final plans of the subdivision or land development are approved and recorded to obtain a Zoning Permit; and
- B. The Borough Council may grant one extension of time for a period not to exceed one year if the landowner or his agent requests such an extension, and if good cause for the extension is shown.

### **Section 2495 Standards For Communication Towers as Conditional Uses**

- A. The applicant shall demonstrate, using technological evidence, that the Communications Tower must be located where proposed in order to satisfy its function in a company's grid system.
- B. For a Communications Tower, the applicant shall demonstrate that it contacted the owners of tall structures, buildings and towers within ¼ mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:
1. The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure, or tower, and its reinforcement cannot be accomplished at a reasonable cost.
  2. The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
  3. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or allow it to perform its intended function.
  4. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- C. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function. In no case shall the height of the communications tower exceed 150 feet, as measured vertically from the ground level to the highest point on the tower including antennas mounted on the tower.
- D. A communications tower shall be set back one hundred and five percent (105%) of its height from all property lines.
- E. The communications equipment building shall comply with required yards and height requirements of the applicable zoning district for an accessory structure.
- F. A security fence shall be required around the communications tower and other equipment. The fence shall be a minimum of 6 feet in height and shall not exceed 8 feet in height.

- 
- G. Landscaping shall be installed to mitigate for visual impact of a communications tower. Such landscaping shall meet the following requirements:
1. Landscaping shall be installed to screen and buffer the tower and any ground level features, such as an equipment building, from adjacent properties.
  2. The landscape screen shall consist of a mix of evergreen trees planted in a staggered double row. The plantings shall be a minimum height of 6 feet at planting and shall grow to a minimum of 15 feet at maturity.
  3. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
  4. The Borough may permit a combination of existing vegetation, topography, walls, decorative fences or other features when it achieves the intent of this Section.
- H. All guy wires associated with a guyed communications tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure. Guy wires and their anchors shall be setback at least 25 feet from property lines.
- I. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission (FCC), Federal Aviation (FAA), another governmental agency which has jurisdiction, or which may be needed for emergency repair.
- J. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 33 feet in width and shall be improved to a width of at least 16 feet with a driveway for its entire length.
- K. A communications tower may occupy a leased area within a lot provided that the lease area is a minimum of 6,000 square feet. The lot shall meet the minimum lot area of the district in which it is located. All subdivision and land development requests require approval from the Armstrong County Planning Commission.
- L. A proposed communications tower shall comply with all applicable Federal and State regulations. The applicant shall request a written statement of compliance from the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and other regulatory agencies. Such statement shall be sent by the agency to the Borough. The applicant shall provide to the Borough a copy of a written request to each agency for delivery at least 30 days prior to the public hearing of such application and of such request for a written statement of compliance.
- M. A communications tower shall be securely anchored in a fixed location of the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other natural forces.

- N. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six months of the expiration of such 12 month period. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower. Furthermore, prior to construction of any tower, a bond or escrow account shall be posted with the Borough in an amount sufficient to ensure such removal. The bond or escrow shall be held by the Borough for a maximum 20 years and shall be used by the Borough in the event the owner or operator of the communications tower fails to remove the facility within the time period prescribed above. Any portion of the bond or escrow not used by the Borough shall be returned to the owner or operator.