

ORDINANCE NO. 7 of 2015

SHENANGO TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF SHENANGO, LAWRENCE COUNTY, PENNSYLVANIA, FOR THE PURPOSE OF MAKING VARIOUS CHANGES, CLARIFICATIONS AND AMENDMENTS TO ORDINANCE NO. 1 OF 2001 TOWNSHIP OF SHENANGO ZONING ORDINANCE: REPEALING CERTAIN EXISTING REGULATIONS CONCERNING TELECOMMUNICATION TOWERS AND ANTENNAE AND ACCESSORY EQUIPMENT; NEW AND REVISED DEFINITIONS PERTAINING TO WIRELESS COMMUNICATION FACILITIES; LOCATION, PLACEMENT CONSTRUCTION AND MAINTENANCE OF WIRELESS COMMUNICATION FACILITIES; REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHTS OF WAY AND OUTSIDE THE PUBLIC RIGHTS OF WAY AND PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS.

WHEREAS, while the Township recognized the importance of wireless communications facilities in providing high quality communication services to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse effect of such facilities; and

WHEREAS, the Shenango Township Planning Commission, Lawrence County Planning Commission and Board of Supervisors have reviewed the proposed zoning amendment; and

WHEREAS, the Shenango Township Planning Commission reviewed the Ordinance and made a recommendation to the Board of Supervisors on September 8, 2015; and

WHEREAS, the Board of Supervisors held public hearings on September 10, 2015 as provided by the Shenango Township Code and the Pennsylvania Municipalities Planning Code at which time testimony was received concerning the amendment; and

WHEREAS, the Board of Supervisors advertised the public hearings on August 26, 2015, September 2, 2015, October 30, 2015, and November 5, 2015, conducted a public hearing on September 10, 2015 and November 12, 2015 and advertised the notice of intent to adopt the proposed amendment on September 10, 2015 and November 12, 2015 as provided by the Shenango Township Code and the Pennsylvania Second Class Township Code; and

WHEREAS, in the judgment of the Board of Supervisors, such an amendment to the Zoning Ordinance of the Township of Shenango, Lawrence County, Pennsylvania is consistent with the overall Comprehensive Plan adopted by the Township.

WHEREAS, revisions in this document will appear as follows: ~~struck-out~~ for items removed and underlined for items added; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Shenango, Lawrence County, Pennsylvania that Shenango Township Zoning Ordinance No. 1 is amended as follows:

SECTION 1. Article 2, Section 201. 'Definitions' is hereby amended to add/change/delete the following:

ANTENNAE. Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for transmission or reception of wireless signals. An Antennae may include an omnidirectional Antennae (rod), directional Antennae (panel), parabolic Antennae (disc) or any other wireless Antennae. An Antennae shall not include Tower-Based Wireless Communications Facilities (WCFs) defined herein.

COLLOCATION. The mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.

CONTEXT SENSITIVE. A design concept applicable to transportation networks, development patterns, streets, alleys, buildings, architecture, pedestrian amenities, open spaces, landscaping, streetscaping, accessory structure, utility poles, Wireless Communication Facilities, and the like, in which the design of the aforementioned item(s) is complimentary to and integrated with the aesthetics of its adjacent environs, which may range in scope, at the discretion of the Township, from the immediate area surrounding the item in question to the Township as a whole. Also may be referred to as 'Context Sensitivity'.

DISTRIBUTED ANTENNAE SYSTEMS (DAS). Network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

EMERGENCY. For purposes of the application of the Township's Zoning Ordinance to wireless communications facilities only, an emergency shall be defined as a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.

FCC. Federal Communications Commission.

FRONT FACADE AREA. An area extending outward from a particular structure in any direction facing a public or private right-of-way which is the width and/or length of said structure's facade. See Attachment A.

HEIGHT OF A TOWER-BASED WCF. The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including Antennae mounted on the tower and any other appurtenances.

MONOPOLE. A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications, Antennae, and connection appurtenances.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF). All non-tower wireless communications facilities, including but not limited to, Antennae and Accessory Equipment, Non-Tower WCF shall not include support structures for Antennae or any Accessory Equipment that is mounted to the ground or at ground-level.

RIGHT-OF-WAY. A right-of-way (ROW) includes the entire area reserved or dedicated for the use and, for the purpose of this ordinance. ROW shall also include streets and roads owned by Lawrence County, the Commonwealth of Pennsylvania, and any other state or federal agencies.

STEALTH TECHNOLOGY. Camouflaging methods applied to wireless communications towers, Antennae, and other facilities, not necessarily related to Wireless Communication Facilities, which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer.

TELECOMMUNICATIONS BUILDING. An unmanned building or building addition containing communications equipment required for the operation of a telecommunication antennae.

TELECOMMUNICATIONS TOWER. A structure including any guy wires principally intended to support facilities for receipt of transmission of broadcast for commercial or public VHF and UHF television, FM radio, two way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are antennae and supportive structures for private, noncommercial, and amateur purposes including, but not limited to, ham radios and citizen band radios.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF). Any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles

and light poles but excluding structures used for collocation of Non-Tower WCFs. DAS hub facilities are considered to be tower-based WCFs.

UTILITY EQUIPMENT. Detached accessory equipment associated with the storage and protection of equipment related to utilities such as gas, electric, cable, telecommunications, wireless communications, and the like. These structures shall not be habitable and shall be used only for the storage and protection of equipment for the utility to which it is an accessory.

WBCA. Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.), as amended.

WIRELESS Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY. The Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services for the purpose of telecommunications.

ANTENNAE AND WIRELESS COMMUNICATIONS FACILITY ACCESSORY EQUIPMENT. A structure and/or equipment intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two way radio, common carriers, cellular telephone, fixed point microwave, lower power television, or AM radio, including accessory equipment related to telecommunications. Wireless Communication Facilities (WCF). Not included are antennae and supportive structures for private, noncommercial, and amateur purposes including, but not limited to, ham radios, and citizen band radios, Wi-Fi networks, and other similar facilities installed by property owners for their private use.

WIRELESS SUPPORT STRUCTURE. A freestanding structure, such as a Tower-Based Wireless Communication Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility it approved by the Township.

SECTION 2. Off-Street Parking Requirements, as defined by Article XVI.

SECTION 3. Wireless Communication Facilities (WCF) is hereby added to Section 1403.11, Zoning Ordinance, and includes the following:

1. Intent. The intent of the Wireless Communication Facilities (WCF) ordinance is to:

A. Promote the health, safety, and welfare of Township residents and businesses with respect to WCF's.

B. Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations.

C. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based WCFs in the Township, including facilities both inside and outside the public rights-of-way.

D. Address new wireless technologies, including but not limited to, distributed antennae systems (DAS), data collection units, cable Wi-Fi and other WCFs.

E. Encourage the collocation of WCFs on existing structures rather than the construction of new tower-based structures.

F. Protect Township residents from potential adverse impact of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.

G. Comply with all provisions and requirements of the Pennsylvania Wireless Broadband Collocation Act (WBCA), as amended, and any other applicable State and/or Federal regulations.

2. Applicability. All Wireless Communication Facilities (WCFs), as defined shall comply with all applicable terms and provisions of this Ordinance.

3. Authorized Uses.

A. See Attachment B, 'Table of Authorized Principal Uses, Zoning Districts Where Authorized, and Method of Authorization', for zoning districts in which WCFs are permitted. Any WCF which is identified as requiring Conditional Use approval shall also comply with the Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception as set forth in Article XIV.

B. See Attachment C, 'Table of Authorized Principal Uses, Zoning Districts Where Authorized, and Method of Authorization', for zoning districts in which WCFs are permitted. Any WCF which is identified as requiring Conditional Use approval shall also comply with the Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception as set forth in Article XIV.

C. Non-Commercial Usage Exemption. Township citizens utilizing satellite dishes and Antennae for the purpose of maintaining television, phone, and/or

internet connections at their respective residences shall be exempt from this Ordinance.

D. Non-Conforming Uses. Non-conforming WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored, in kind, at their former location, but must otherwise comply with the terms and provisions of this Ordinance, except that any collocation approved under a former Ordinance shall be permitted to continue consistent with the requirements of the WBCA.

4. Unauthorized Uses. See Attachment D, Table of Unauthorized Uses for Zoning Districts pertaining to this Ordinance Amendment.

5. Procedures

A. Application. Each applicant proposing the construction of a WCF shall complete and submit all appropriate applications prior to beginning construction of such WCF.

B. Permits. Applicants proposing the modification of an existing WCF or construction of a new WCF shall obtain all required permits from the Township prior to beginning construction. New construction and modifications shall be prohibited without a zoning permit.

C. Fees. The Township may assess appropriate and reasonable permit fees, as delineated or limited by the WBCA or any other applicable State and/or Federal laws or regulations, which are directly related to the Township's actual costs in reviewing and processing applications for approval as well as related inspection, monitoring and related costs.

D. Engineer Signature. All plans and drawings shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

E. Retention of Experts. Except as limited by the WBCA or other applicable statute, the Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in review and evaluating the application of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the Township for all reasonable costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

F. Approval

(1) Non-Tower Wireless Communication Facilities. Within thirty (30) calendar days of the date that an application for a Non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety (90) day review period.

(2) Tower-Based Wireless Communication Facilities. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCF's shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the applicant in writing of its decision. If additional information was requested by the township to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

(3) Approval shall only be granted when it has been clearly and unequivocally established that the proposed WCF fully complies with the Township's Code of Ordinances and, as permissible consistent with the requirement of the WBCA or any other applicable State and Federal laws or regulations, will not have a significant adverse visual and/or land use impact.

G. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the Township code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

6. General Requirements for Wireless Communication Facilities (WCF).

A. Standard of Care. Any WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the American National Standards Institute (ANSI) Code, as amended, National

Electrical Safety Code, as amended, and National Electrical Code, as amended. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township. With regard to collocation, nothing within these General Requirements shall be construed to impose requirements greater than those permitted to be imposed by the Township under the WBCA.

B. Design.

(1) WCFs, including all associated antennas, towers, equipment, sheds buildings, and the like, shall be context sensitive, employ stealth technology, and be treated to match any supporting structure, when applicable, in order to minimize aesthetic impact. The application of such treatments shall be subject to the approval of the Township.

(2) Wind. All WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222-E), as amended.

(3) In accordance with the WBCA, the aforementioned design requirements shall not apply to the collocation, replacement, or alteration of antennas, accessory equipment, or WCFs upon any existing wireless support structure or within an existing equipment compound.

C. Location

(1) All WCFs shall be located on an existing WCF structure whenever practical and feasible to do so;

(2) Should collocation on an existing WCF structure not be possible, the proposed WCF shall be located on a non-WCF existing structure such as, but not necessarily limited to, a utility pole or building.

(3) Should collocation on a non-WCF existing structure not possible, the proposed WCF shall be located on a separate tower and abide by the General Regulations set forth in this Section as well as Article XIV Section 1403, Commercial Communications Tower, Article XV Section 1501, and Article XVI Sections 1601 and 1602.

(4) WCFs shall not be located in the front facade area of the following uses; Single-family detached, Single-family semidetached, Quad dwelling, Two-

family dwelling, Townhouse, or Row dwelling. This restriction shall not apply in instances involving collocation on an existing non-conforming building or structure that already holds WCF equipment.

(5) Historic Buildings. No Non-Tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures and/or historic districts list maintained by the Township, or has been designated by the Township to be of historical significance. This restriction shall not apply in instances in which the historic building or structure in question holds WCF equipment on the date of adoption of this Ordinance.

D. Access and Parking.

(1) An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to WCFs.

(a) WCFs located within the right-of-way may utilize existing road, whether public or private, to the extent practicable.

(b) Road construction shall at all times minimize ground disturbance and the cutting of vegetation.

(c) Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.

(2) Off-street parking shall comply with the requirements of Article XIV Section 1403 and Article XVI Sections 1601 and 1602, Off-Street Parking Design and Requirements.

(3) Vehicular access shall not interfere with the parking or vehicular circulations on the site for the principal use.

(4) Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

E. Public Safety.

(1) WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to

otherwise inconvenience public use of the ROW as determined by the Township.

(2) No WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(3) No WCF associated building shall be permitted within a road right-of-way.

(4) Aviation Safety. WCFs shall comply with all federal and state laws and regulations concerning aviation safety as well as Township's Airport Provisions found in Zoning Ordinance.

F. Operations.

(1) Radio Frequency Emission. No WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

(2) Lighting. No WCF shall be artificially lighted, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. All other associated lighting related to the WCF and/or its accessory equipment shall comply with the Township Code, Article XVI Section 1601.12. Lighting.

(3) Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

G. Signs. Signage of any type, except for: signage required by law, safety, signage, and signage identifying the WCFs operator and subsequent contract information, is prohibited from being attached to or displayed upon any WCF.

H. Insurance.

(1) Non-Tower WCF. Where permitted by law, each Person that owns or operates a Non-Tower WCF shall provide the Township with a certificate of

insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum of \$1,000,000 per occurrence covering the Non-Tower WCF.

(2) Tower-Based WCF Less Than Fifty (50) Feet in Height. Where permitted by law, each Person that owns or operates a Non-Tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum of \$1,000,000 per occurrence covering the Non-Tower WCF.

(3) Tower-Based WCF Greater Than Fifty (50) Feet in Height. Where permitted by law, each Person that owns or operates a Non-Tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum of \$1,000,000 per occurrence covering the Non-Tower WCF.

I. Indemnification. Each Person that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WCF. Each Person that owns or operates a WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

J. Maintenance.

(1) WCFs shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

(2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

(3) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notification by the Township.

7. Non-Tower Wireless Communication Facilities (Non-Tower WCFs).

A. All Non-Tower WCFs shall comply with the General Requirements for Wireless Communications Facilities as set forth in this Chapter and all subsequent standards set forth below, as applicable. WCFs that do not substantially change the wireless support structure, as that term is defined and used in the WBCA, shall be exempt from these requirements.

B. Antennae and all support and accessory equipment shall be context sensitive to the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted, as may be permitted or restricted in the WBCA or any other applicable State and Federal laws and regulations.

C. Replacement and Alteration. Any material replacement or alteration to a wireless telecommunication facility shall comply with this Ordinance and will require that a separate permit be obtained.

D. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

(1) All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Township.

(2) If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(3) WCFs located within the right-of-way shall comply with the following:

(a) Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any

WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- 1) The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
- 2) The operations of the Township or other governmental entity in the Right-of-Way;
- 3) Vacation of a street or road or the release of a utility easement; or
- 4) An Emergency as determined by the Township.

E. Specific Standards for Non-Tower WCF.

(1) Non-Tower WCF Located Outside of the Right-of-Way.

(a) Maximum Height. The maximum permitted height shall be thirty-five (35) feet.

(b) Accessory Equipment and Buildings:

1) Shall comply with all required setbacks for principal structures established for the zoning district in which it is located within.

2) Ground-mounted Accessory Equipment, Buildings, and Accessory Structures shall not exceed fifteen (15) feet in height.

(c) A security fence of not less than six (6) feet and not more than eight (8) feet shall surround any separate communications equipment building.

(2) Non-Tower WCF Located Within the Right-of-Way.

(a) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall be compatible in height, scale, and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

(b) Any proposed underground vault related to Non-Tower WCFs shall be reviewed and approved by the Township.

(c) Setbacks and Landscaping

1) In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot.

2) Ground-mounted equipment that cannot be located underground, as well as electrical meter cabinets shall be screened, to the fullest extent possible, through the use of landscaping or other context sensitive features to the satisfaction of the Township.

8. Tower-Based Wireless Communication Facilities (Tower-Based WCFs).

A. All Tower-Based WCFs shall comply with the General Requirements for Wireless Communications Facilities as set forth in this Chapter and all subsequent standards set forth below, as applicable. WCFs that do not substantially change the wireless support structure, as that term is defined in the WBCA, shall be exempt from these requirements.

B. Location.

(1) Tower-Based WCF, Fifty (50) Feet or Less In Height:

(a) Such Tower-Based WCFs shall be permitted along collector roads and arterial roads, except when the aforementioned roads are located within a Planned Residential Development.

(2) Tower-Based WCF, Greater Than Fifty (50) Feet in Height:

(a) Tower-Based WCFs in excess of fifty (50) feet in height are prohibited from being located within any road right-of-way.

(b) In addition to the regulations set forth in Tower-Based WCFs Greater than Fifty (50) Feet in Height and Outside the Right-Way must comply with the height requirements of this Ordinance and Federal Aviation Administration rules.

(3) An application for a new Tower-Based WCF shall not be approved unless the Township finds that the wireless communications equipment

planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or on Township property.

C. Height.

(1) Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any Tower-Based WCF, which is not located in the public ROW, shall not exceed one hundred eighty (180) feet, as measured vertically from the ground level to the highest point on the structure, including Antennae and subsequent alterations.

(2) Accessory equipment buildings, Cabinets and accessory structures shall not exceed fifteen (15) feet in height.

(3) Any height extensions to an existing Tower-Based WCF shall require prior approval of the Township, and shall comply with the Township's Code of Ordinances and Federal Aviation Administration rules.

D. Gap in Coverage. An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage or capacity. The existence or non-existence of a gap in wireless coverage or capacity may be a factor in the Township's consideration of and decision on an application for approval of Tower-Based WCFs.

E. Identification Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency.

F. Licenses. Each person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license (if a licensee), including the name, address, and emergency telephone number for the operator of the facility.

G. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

(1) All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Township.

(2) If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(3) Any unused portions of Tower-Based WCFs, including Antennae, shall be removed within six (6) months of the time of cessation of operations. The Township must approve all replacements of portions of a Tower-Based WCF previously removed.

(4) The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

(5) WCFs located within the right-of-way shall comply with the following:

(a) Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under following circumstances:

- 1) The construction, repair, maintenance or installation of any Township or other public improvements in the Right-of-Way;
- 2) The operations of the Township or other governmental entity in the Right-of-Way;
- 3) Vacation of a street or road or the release of a utility easement; or
- 4) An emergency as determined by the Township.

H. Specific Standards for Tower-Based WCF.

(1) Tower-Based WCF Located Outside the Right-of-Way.

(a) Lot

1) The foundation and base of any Tower-Based WCF shall be set back from property lines by the largest of the following:

a) The minimum set back in the underlying zoning district,

b) One hundred (100) feet from residential property lines and any residential district boundary.

c) Fifty (50) feet from other property lines.

(2) A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another permitted proposed use, in accordance with Attachments B and C, 'Table of Authorized Principal Uses, Zoning Districts Where Authorized, and Method of Authorization', subject to the following condition(s):

(a) The existing use on the property is a permitted use in the applicable district.

(b) Design

1) The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

(c) Accessory Equipment and Buildings:

1) All utility buildings and accessory structures shall meet the minimum setback requirements for accessory structures of the underlying zoning district.

(d) Landscaping and Screening

- 1) Existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- 2) Landscaping shall be installed to screen and buffer the tower and any ground level features, such as an equipment building from adjacent properties.
- 3) 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 six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.

(2) Tower-Based WCF Located Within the Right-of-Way

- (a) Tower-Based WCFs in the public ROW shall not exceed fifty (50) feet in height.
- (b) In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb.
- (c) Ground-mounted equipment that cannot be underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
- (d) Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township.
- (e) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennae and comparable Antennae for future users.

SECTION 4. Article XIV Section 1403.11 'Commercial Communications Tower' is hereby REPEALED and deleted in the entirety and the aforementioned section numbers shall be reserved for future use.

SECTION 5. Article XIV, 'Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception', is hereby amended by adding the following:

1403.38. Wireless Communications Facility (WCF), Tower-Based

A. All Tower-Based WCFs that are located outside of the right-of-way and exceed fifty (50) feet in height shall comply with Conditional Use Procedure as well as the standards below. Tower-Based WCFs that are located in the right-of-way with a height of fifty (50) feet or less shall comply with Conditional Use Procedure but are exempt from the requirements below.

B. The tower shall be equipped with an anti-climbing device, as approved by the manufacturer.

C. A security fence having a minimum height of six (6) feet and a maximum height of eight (8) feet shall completely surround the tower as well as guy wires, or any building housing WCF equipment.

D. To the extent permitted by the WBCA or any other applicable State and Federal laws or regulations, the Township's Board of Supervisors may impose additional restrictions as they deem necessary to ensure that there is no adverse impact upon the functioning of the district, municipal infrastructure (including but not limited to the Township's water and sewer systems, transportation network and the like), or adjacent land uses.

SECTION 6. 'Attachment A' is hereby amended to add drawing 'A' as attached.

SECTION 7. Severability

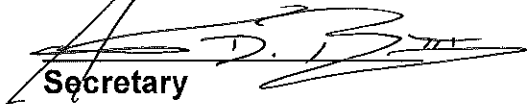
If any chapter, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

SECTION 8. Repealer.

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same hereby repealed to the extent of such conflict.


Ordained and Enacted this 12th day of NOVEMBER, 2015.

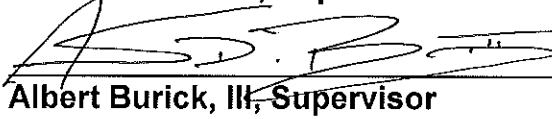
ATTEST:


Secretary

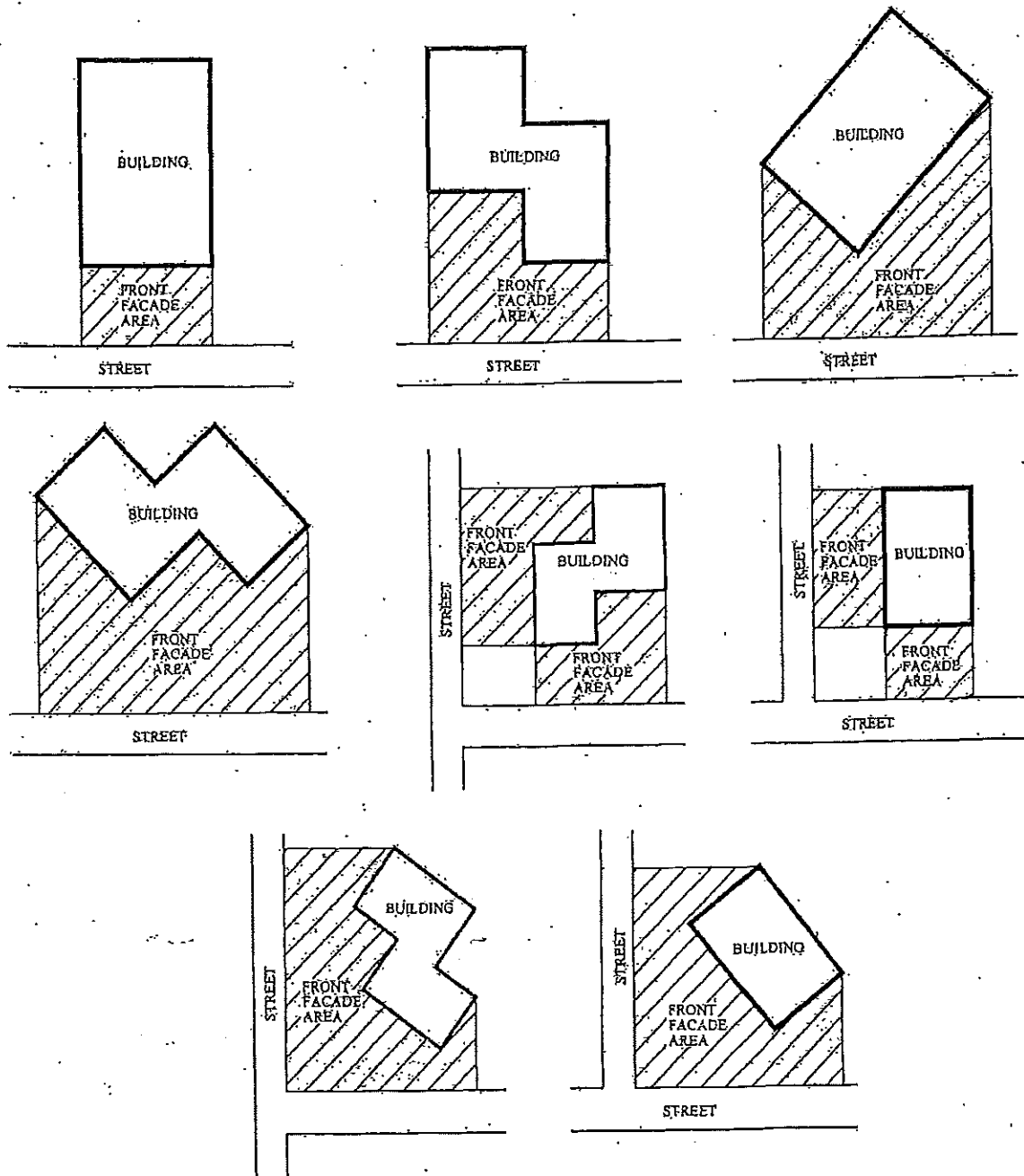
BOARD OF SUPERVISORS OF
SHENANGO TOWNSHIP


Russell Riley, Chairman


William Albertini, Supervisor


Albert Burick, III, Supervisor

ATTACHMENT "A"



ATTACHMENT "B"

Article X

C-2 Highway Commercial District

B. Conditional Uses

Page 58

1. Principal Uses

Article XI

I-P Industrial Park District

B. Conditional Uses

Page 62

1. Principal Uses

Article XII

M-1 General Industrial District

B. Conditional Uses

Page 65

1. Principal Uses

ATTACHMENT "C"

Article X

C-2 Highway Commercial District

B. Conditional Uses

Page 58

1. Principal Uses

Article XI

I-P Industrial Park District

B. Conditional Uses

Page 62

1. Principal Uses

Article XII

M-1 General Industrial District

B. Conditional Uses

Page 65

1. Principal Uses

ATTACHMENT "D"
Excluded Unauthorized Uses

Unauthorized Uses shall include:

- A-1 Agricultural
- R-1 Rural Residential
- R-2 Residential
- R-3 Urban Residential
- R-4 Multi-Use Residential
- C-1 Community Commercial District