

**FERGUSON TOWNSHIP PLANNING COMMISSION**  
**Regular Meeting Agenda**  
**Monday, January 23, 2023, 6:00 PM**

**Hybrid Meeting**

**REMOTE PARTICIPANTS:**

***Join Zoom Meeting:***

<https://us02web.zoom.us/j/81456701356>

**Meeting ID: 814 5670 1356**

[Zoom Access Instructions](#)

**IN-PERSON PARTICIPANTS:**

**Ferguson Township Municipal  
Building**

**Main Meeting Room  
3147 Research Drive  
State College, PA**

---

**I. CALL TO ORDER**

**II. CITIZENS INPUT**

**III. APPROVAL OF MINUTES**

1. January 9, 2023, Regular Meeting Minutes

**IV. OLD BUSINESS**

**1. ORDINANCE AMENDMENT – WIRELESS COMMUNICATION FACILITIES**

*Jenna Wargo, Director of Planning and Zoning*

Provided in the agenda is a draft amendment to §22-5B01—Design Standards, §27-303—Traditional Town Development, §27-710—Wireless Communication Facilities, and District Quicks for the Rural Agricultural (RA), Rural Residential (RR), Agricultural Research (AR), Forest/Game Lands (FG), General Commercial (C), Industrial (I) and Light, Industry, Research and Development (IRD) zoning districts.

At the January 17, 2023, regular meeting of the Ferguson Township Board of Supervisors, the Board authorized staff to advertise a public hearing to adopt the ordinance amendment.

Staff was able to determine the feasibility of building a tower greater than 200FT and due to costs and additional Federal Aviation Administration (FAA) requirements for towers over 200FT, the draft amendment has been updated to only permit wireless communication towers up to 200FT. Additionally, after further review with the Zoning Officer, staff updated the quickviews to include this use as an accessory use in these zoning districts. Staff is prepared to review the updated draft with the Planning Commission and answer any questions the Commission may have.

**Recommended Motion:** Move that the Planning Commission recommend adoption of the ordinance amendments to the Board of Supervisors.



**Staff Recommendation:** Recommend adoption of the ordinance amendments.

**V. COMMUNICATIONS TO THE COMMISSION**

**VI. OFFICIAL REPORTS AND CORRESPONDENCE**

1. Board of Supervisors Report
2. CRPC Report
3. Land Development Plans

PLAN NAME	SUBMISSION DATE	REVIEW PERIOD	PLAN EXPIRATION
All Washed Up Auto Spa Preliminary Land Development Plan	September 12, 2022	First Review Comments returned September 29, 2022	February 26, 2023
Farmstead View Preliminary Subdivision Plan	July 30, 2021	Conditionally Approved— June 21, 2022	February 25, 2023
Peace Center and Cemetery Preliminary Land Development Plan	May 18, ,2021	Second Review comments returned October 12, 2022	March 7, 2023
IMBT Preliminary Subdivision Plan	January 31, 2022	Conditionally Approved— September 6, 2022	February 6, 2023
1004 West College Ave Vertical Mixed-Use Building	March 14, 2022	Second Review comments returned October 5, 2022	February 27, 2023
MP Machinery Preliminary Land Development Plan	April 6, 2022	Conditionally Approved -- January 3, 2023	February 8, 2023
Minor Subdivision /Replot of TP 4-433-007-0000 and 24-433-008-0000 at 2151 and 2161 Sandy Drive		Recorded	
Salvation Baptist Church Preliminary Land Development Plan	June 1, 2022	Conditionally Approved— November 1, 2022	January 30, 2023
125 East Pine Grove Road Preliminary Land Development Plan	October 12, 2022	Second Review Comments returned December 5, 2022	February 12, 2023
165 Volos Lane Minor Land Development Plan	June 3, 2022	Conditionally Approved— September 20, 2022	March 6, 2023
LeCrone Minor Subdivision Plan	October 21, 2022	Conditionally Approved— January 17, 2023	March 5, 2023
1900 Circleville Road	January 3, 2023	Staff First Review Comments returned January 20, 2023	April 3, 2023

4. Staff Updates

**VII. ADJOURNMENT**

## FERGUSON TOWNSHIP PLANNING COMMISSION

Organizational Meeting  
Monday, January 9, 2023  
6:00 P.M.

### ATTENDANCE

The Planning Commission held its annual Organizational Meeting on Monday, January 29, 2023, via a hybrid meeting. In attendance were:

<b>Commission:</b>	<b>Staff:</b>
Jerry Binney – Chair	Jenna Wargo – Planning and Zoning Director
Dr. Ellen Taricani – Vice Chair	Kristina Bassett – Community Planner
Rob Crassweller - Secretary	Jeff Ressler – Zoning Administrator
Jennifer Eccleston	
Shannon Holliday	
Bill Keough	
Lisa Rittenhouse	
Lewis Steinberg	
Ralph Wheland	
Qian Zhang	

Others in attendance included: Rhonda Demchak, Recording Secretary; Craig LeCrone, Ferguson Township Resident; Geoff Rushton, Ferguson Township Resident; Liz Grove, Ferguson Township Resident; Mike Vaow, Ferguson Township Resident

### I. CALL TO ORDER

Mr. Binney called the Monday, January 9, 2023, Organizational meeting to order at 6:00 p.m.

Mr. Binney noted that the Planning Commission meeting had been advertised in accordance with the PA Sunshine Act as a hybrid meeting.

Ms. Wargo took roll call, and the Planning Commission had a quorum.

### II. ELECTION OF OFFICERS

Mr. Binney designated Ms. Wargo as the Chair to conduct the nominations and election of the Chair of the Planning Commission for the year 2023.

Ms. Wargo asked for nominations for the Chair.

Mr. Keough made a motion to **nominate** Mr. Binney as Chair. Mr. Crassweller seconded the motion.

Mr. Crassweller moved that the nominations be closed. Mr. Wheland seconded the motion. The motion passed unanimously.

The motion passed unanimously for Mr. Binney to be Chair for 2023.

Mr. Binney thanked the Commission and looks forward to another fruitful year.

Mr. Binney asked for nominations for the Vice Chair.

Mr. Crassweller made a motion to **nominate** Dr. Taricani. Ms. Rittenhouse seconded the motion.

Mr. Crassweller moved that the nominations be closed. Mr. Wheland seconded the motion. The motion passed unanimously.

The motion passed unanimously for Dr. Taricani to be Vice Chair for 2023. The motion passed unanimously.

Mr. Binney asked for nominations for the Secretary.

Mr. Wheland made a motion to **nominate** Mr. Crassweller. Dr. Taricani seconded the motion. The motion passed unanimously.

### III. CENTRE REGIOAN PLANNING COMMISSION (CRPC) REPRESENTATIVE AND ALTERNATE

Mr. Binney asked for nominations for the CRPC Representative.

Mr. Crassweller made a motion to **nominate** Dr. Taricani. Mr. Wheland seconded the motion. The motion passed unanimously.

Mr. Binney asked for nominations for the CRPC Alternate.

Ms. Holliday made a motion to **nominate** herself. Mr. Crassweller seconded the motion. The motion passed unanimously.

Mr. Keough reported that the Planning Commission makes a recommendation to the Board of Supervisors to appoint the CRPC Representative and Alternate.

### IV. ADOPTED 2023 PLANNING COMMISSION MEETING CALEDNAR

Ms. Wargo reported that the calendar was previously adopted.

### V. ADOPTED 2023 PLANNING COMMISSION WORK PROGRAM

Ms. Wargo reported that the traffic study of Mr. Ron Seybert was left out.

### VI. ADJOURNMENT

Mr. Steinberg made a motion to **adjourn** the January 9, 2023, Planning Commission Organizational meeting at 6:09 p.m. Dr. Taricani seconded the motion. The motion passed unanimously.

Respectfully Submitted,

---

Rob Crassweller, Secretary  
For the Planning Commission

**FERGUSON TOWNSHIP PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, JANUARY 9, 2023  
6:00 PM**

**ATTENDANCE**

The Planning Commission held its first meeting of the month on Monday, January 9, 2023, as a hybrid meeting. In attendance:

<b>Commission:</b>	<b>Staff:</b>
Jerry Binney – Chair	Jenna Wargo – Planning and Zoning Director
Dr. Ellen Taricani – Vice Chair	Kristina Bassett – Community Planner
Rob Crassweller – Secretary	Jeff Ressler – Zoning Administrator
Jennifer Eccleston	
Shannon Holliday	
Bill Keough	
Lisa Rittenhouse	
Lewis Steinberg	
Ralph Wheland	
Qian Zhang	

Others in attendance included: Rhonda Demchak, Recording Secretary; Craig LeCrone, Owner of Lecrone West College Avenue Replot; Geoff Rushton, Ferguson Township Resident; Liz Grove, Ferguson Township Resident; Mike Vaow, Stahl Sheaffer Engineering; Mark Torretti, PennTerra Engineering

**I. CALL TO ORDER**

Mr. Binney called the Ferguson Township Planning Commission’s regular meeting to order on Monday, January 9<sup>th</sup> at 6:09 p.m. and it has been advertised in accordance with the PA Sunshine Act as a hybrid meeting.

Ms. Wargo took roll call, and the Planning Commission had a quorum.

Mr. Binney welcomed the new Planning Commission member, Jennifer Eccleston.

**II. CITIZEN INPUT**

There were no comments.

**III. APPROVAL OF MINUTES**

Dr. Taricani moved that the Planning Commission **approve** the December 12, 2022, Regular Meeting Minutes. Ms. Rittenhouse seconded the motion. The motion passed unanimously

**IV. NEW BUSINESS**

**1. ‘LECRONE-WEST COLLEGE AVENUE REPLOT’ MINOR SUBDIVISION PLAN**

Ms. Bassett noted that provided with the agenda is the ‘LeCrone-West College Avenue Replot’ of tax parcels 24-004-079H-0000 (3490 West College Ave) and 24-004-079I-0000 (3510 West College Ave), submitted on October 21, 2022, and last revised December 21, 2022. The parcels are located within the General Commercial (C) and Corridor Overlay (COD) zoning districts.

This plan proposes a lot line adjustment to TP: 24-004-079H-000 (2.986 acres) and 24-004-079I (2.991 acres) to add an additional 1.456 acres (63,417 SF) to TP: 24-004-079H, for a total lot size of 4.442 acres. Sidewalks are proposed to be added along West College Avenue in front of 3490 West College Avenue connecting to the existing sidewalks at 3510 West College Avenue.

Mr. Mark Torretti, PennTerra Engineering, reviewed the map that was included in the agenda packet.

Mr. Keough asked if the circle on the map will encroach onto the new addition and will it be problematic. Mr. Torretti stated that it wouldn't.

Dr. Taricani asked if they will be responsible for snow removal from the sidewalks. Mr. Torretti stated that they will be responsible.

Mr. Keough moved that the Planning Commission recommend **approval** to the Board of Supervisors of the 'LeCrone-West College Avenue Replot' Minor Subdivision Plan. Mr. Wheland seconded the motion. The motion passed unanimously.

## **2. REQUEST FOR MODIFICATION/WAIVER**

### **a. 125 EAST PINE GROVE ROAD**

Ms. Wargo stated that on November 14, 2022, PGH Real Estate Holdings, LLC requested a waiver from Chapter 22-512 – Sidewalks. The 125 East Pine Grove Road Preliminary Land Development Plan proposes the conversion of a single-family home into a restaurant with indoor and outdoor dining areas. The property is located at 125 East Pine Grove Road (24-009A-030-0000) and is zoned Village (V). It is approximately 0.496 acres.

The applicant is requesting a waiver from providing a sidewalk along Sparrow Alley. Sparrow Alley terminates at the end of applicant's property and a sidewalk along the alley would not provide a complete connection.

Mr. Crassweller pointed out that it is not an alley but it's Sparrow Street. Ms. Bassett reported that it is not a Township Road.

Mr. Steinberg moved that the Planning Commission recommend **granting** of the Request for Waiver from §22-512—Sidewalks to the Board of Supervisors. Mr. Keough seconded the motion.

Mr. Crassweller asked about the living fence. Ms. Wargo reported that the landscaping modification was removed.

The motion passed unanimously.

### **b. 125 EAST PINE GROVE ROAD**

Ms. Wargo stated that on November 14, 2022, PGH Real Estate Holdings, LLC requested a waiver from Chapter 22-5C01.1.B – Off-Street Parking and Loading. The 125 East Pine Grove Road Preliminary Land Development Plan proposes the conversion of a single family home into a restaurant with indoor and outdoor dining areas. The property is located at 125 East Pine Grove Road (24-009A-030-0000) and is zoned Village (V). It is approximately 0.496 acres.

The applicant is requesting to provide 19 parking spaces on-site instead of 21 spaces as required by ordinance. The applicant noted that 21 parking spaces does not make sense with the intended use of the building and the property is not large enough to provide two additional spaces.

Mr. Wheland asked about access off Route 26 and if there will be a problem obtaining a Highway Occupancy Permit (HOP). Ms. Wargo reported that the applicant has applied for the HOP. Mr. Mike Vaow, Stahl Sheaffer Engineering reported that they will get through the preliminary land development plan with the Township and will start the HOP process with PennDot.

Mr. Wheland moved that the Planning Commission recommend **granting** of the Request for Waiver from §22-5C01.B.—Off-Street Parking and Loading to the Board of Supervisors. Dr. Taricani seconded the motion. The motion passed unanimously.

### **3. 2022 STATE OF PLANNING REPORT**

Ms. Bassett stated that the Pennsylvania Municipalities Planning Code (MPC) (§207.a) requires the Planning Commission keep a full record of its business and annually make a written report to the governing body by March 1 of each year. This is an opportunity to provide the community and elected officials with a review of the activities and achievements from the previous year. Included in the agenda is the draft 2022 State of Planning Report for review.

Ms. Bassett noted that she updated the report with a few additional permits; a few subdivisions plans; minor alterations; and added Mr. Keough suggestion of other items that the Planning Commission is looking at but has not been approved.

Mr. Keough moved that the Planning Commission recommend **approval** of the 2022 State of Planning Report to the Board of Supervisors. Mr. Crassweller seconded the motion. The motion passed unanimously.

### **V. COMMUNICATIONS TO THE COMMISSION**

Mr. Keough stated that there was a hiccup with garbage pick-up recently within Ferguson Township. Mr. Keough met with the COG Committee that is responsible for garbage pick-up and reported that they will be investigating further. Mr. Keough reported that there were significant problems with trash pickup in Pine Grove Mills.

### **VI. OFFICIAL REPORTS AND CORRESPONDENCES**

#### **A. Board of Supervisors**

Ms. Wargo reported that she presented the Draft Text Amendment for the Telecommunications Ordinance. The Board of Supervisors had additional questions and tabled unit January 17<sup>th</sup>. Ms. Bassett and Ms. Wargo are working on a GSI project. The Board had concerns with permitting in the Rural Residential District with the smaller lots.

The Board reviewed and conditionally approved the MP Machinery Preliminary Land Development Plan.

Dave Modricker provided an update on the parking study for Butz Street.

**B. CRPC Meeting**

Dr. Taricani reported that they didn't have a meeting.

**C. Land Development Plans**

Ms. Bassett compiled the following plans:

PLAN NAME	SUBMISSION DATE	REVIEW PERIOD	PLAN EXPIRATION
All Washed Up Auto Spa Preliminary Land Development Plan	September 12, 2022	Comments returned September 29, 2022	February 26, 2023
Farmstead View Preliminary Subdivision Plan	July 30, 2021	Conditionally Approved— June 21, 2022	February 25, 2023
Peace Center and Cemetery Preliminary Land Development Plan	May 18, ,2021	Second Review comments returned October 12, 2022	March 7, 2023
IMBT Preliminary Subdivision Plan	January 31, 2022	Conditionally Approved— September 6, 2022	February 6, 2023
1004 West College Ave Vertical Mixed-Use Building	March 14, 2022	Second Review comments returned October 5, 2022	February 27, 2023
MP Machinery Preliminary Land Development Plan	April 6, 2022	Conditionally Approved -- January 3, 2023	February 8, 2023
Minor Subdivision /Replot of TP 4-433-007-0000 and 24-433-008-0000 at 2151 and 2161 Sandy Drive	August 30, 2022	Conditionally Approved— October 3, 2022	February 8, 2023
Salvation Baptist Church Preliminary Land Development Plan	June 1, 2022	Conditionally Approved— November 1, 2022	January 30, 2023
125 East Pine Grove Road Preliminary Land Development Plan	October 12, 2022	Second Review Comments returned December 5, 2022	February 12, 2023

**D. Staff Updates**

There were no staff updates.

**VII. Adjournment**

Mr. Keough made a motion to **adjourn** the January 9, 2023, Planning Commission meeting at 6:50 p.m. The motion passed unanimously.

Respectfully Submitted,

---

Rob Crassweller, Secretary  
 For the Planning Commission



§ 22-5B01 **Design Standards.**  
[Ord. No. 1050, 11/18/2019]

1. Framework Plans.

C. Utilities Network.

(1) Intent. Compact development can be designed to use infrastructure more efficiently, resulting in lower costs per capita for the municipality. More users per linear foot of sewer and water main extensions, as well as lower costs for plowing, paving, and maintaining narrower, well-connected streets are intended to be achieved through the coordinated planning efforts required herein. Additionally, infrastructure that can be provided from a systems approach, without segregating design and regulation according to strict property boundaries, improves connectivity and the overall function of streets, stormwater systems, open space, and other supporting infrastructure.

(2) Design Goals.

- (a) To ensure the efficient extension of existing public infrastructure to serve Traditional Town Development in a coordinated and comprehensive manner.
- (b) To ensure the continued function of groundwater resources by coordinating drainage and stormwater management.
- (c) To guide the placement of utilities and other infrastructure in a manner that does not detract from the overall function and character of the community.

(3) Standards.

- (a) Location. All utilities, both main and service lines shall be provided underground either within private easements or located within an alley right-of-way or public street right-of-way, excluding monopolies. Monopoles shall comply with §27-710—Wireless Communications Facilities.

**§27-303.3.A.(1)(d) Traditional Town Development (TTD)**

(d) Prohibited Uses. Uses which are expressly prohibited in a traditional town development or associated mixed residential area shall include heavy or light manufacturing; storage or distribution as a principal use; outdoor advertising or billboards; prisons; detention centers; scrap yards; kennels; sand, gravel, or other mineral extraction; cemetery or crematorium; mobile home park; automobile sales, service or repair; car wash; hospital(s); personal care homes; bulk fuel storage; heavy equipment storage, sales, or rental; warehouse; drive-through or drive-in establishments; food processing and/or packing; fuel generation; landfill; campgrounds; manufactured home sales or storage; automobile storage facilities; shopping centers; ~~free-standing telecommunications towers~~; truck terminals; waste transfer facilities; adult business uses; convenience food stores that include gas sales; race track, riding stable, self-service storage facilities; dormitory; surface mining operations; motels; and

Formatted: Indent: Left: 0.25", Hanging: 0.25"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

DRAFT  
November 9, 2023 January 10, 2023

nonmunicipally owned surface parking lots that constitute the principal use of a property.

**§ 27-710 Tower-Based Wireless Communications Facilities.**  
**[Ord. No. 1080, 11/1/2022]**

1. Intent. The wireless communications facilities (WCF) regulations are intended to achieve the following:

- A. To provide a competitive and wide range of communications services.
- B. To encourage the shared use of existing communication towers, buildings and structures.
- C. To ensure compliance with federal and state regulations.
- D. To promote the health, safety and welfare of Township residents and businesses with respect to wireless communications facilities.
- E. To address modern and developing technologies including, but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other communications facilities.
- F. To establish procedures for design, siting, construction, installation, maintenance and removal of both tower-based and non-tower-based wireless communications facilities in the Township, including facilities both inside and outside of the public rights-of-way.
- G. To protect Township residents and businesses from potential adverse impacts 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.

Formatted: Indent: Left: 0.38", Hanging: 0.25"

2. General Requirements for All Tower-Based Wireless Communications Facilities. The following regulations shall apply to all tower-based wireless communications facilities:

- A. Standard of Care. Any tower-based 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 most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based 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.
- B. Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry (ANSFEINTIA-222-E Code, as amended).

Formatted: Indent: Hanging: 0.31"

C. Zoning Districts. All Tower-based WCF constructed outside the ROW shall be permitted as a conditional use in the Rural Agricultural (RA), Agricultural Research (AR), Rural Residential

Formatted: Indent: Left: 0.38", Hanging: 0.31"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

~~November 9~~ ~~January 10, 2023~~ ~~32~~  
DRAFT

(RR), General Commercial (C), Forest/Game Lands (FG), Traditional Town Development (TTD), Industrial (I) and Light, Industry, Research and Development (IRD) Zoning districts by the Board of Supervisors.

DC. Height Standards for Conditional Use. Any tower-based WCF outside the ROW shall be permitted by conditional use in the zoning districts designated in §27-710.2.C. All conditional uses shall be reviewed with the standards and criteria of this section. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards as necessary to implement the purposes of this Section and the Pennsylvania MPC.

(1) The applicant shall provide documentation that justifies the ~~designed at the~~ minimum functional height of the proposed tower and shall not exceed a maximum total height of ~~200-~~ 200 feet and shall include all subsequent additions or alterations. Applicants shall submit documentation to the Township justifying the total height of the structure.

Height shall be measured from the average natural grade to the top point of the communications tower or antenna, whichever is greater. ~~All tower based WCF applicants must submit documentation to the Township justifying the total height of the structure. Tower based WCF constructed outside the ROW at a height greater than 200 feet but not to exceed 300 feet shall be permitted as a conditional use in the RA, AR, RR, C, FG, I and IRD Districts by the Board of Supervisors if the following criteria are met:~~

Formatted: Indent: Hanging: 0.25"

(2)

(1) (1) —The applicant shall provide documentation to the Township which details the commitment to provide capacity on the proposed tower-based WCF to more than one provider. ~~The document must describe the additional tower height that is required to provide the capacity to the additional provider(s). The document shall also show that by providing the additional height and capacity, there will not be a need from the involved companies for an additional tower outside the ROW within a radius of one mile of the site. The burden of proof shall be on the applicant to show that the proposed tower is the minimum height needed to provide the required service.~~

Formatted: Indent: Left: 0.69", Hanging: 0.31",  
Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... +  
Start at: 1 + Alignment: Left + Aligned at: 0.69" +  
Indent at: 0.94"

(3)

(4) (2) If the proposed tower-based WCF is greater than 199 feet and less than 200 feet in height, ~~T~~the applicant shall provide documentation to the Township that the additional height limitation of 200 feet will require-render the construction of two or more towers as nonessential and that by permitting an increase in the height of the tower, only one tower will be required. The burden of proof shall be on the applicant to show that the proposed tower is the minimum height needed to provide the required services. The purpose of this conditional use provision is to permit an increase in the height of one tower to reduce the need for additional towers.

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

(5) Tower-based WCFs shall employ stealth technology, which may include painting the tower

DRAFT  
November 9 January 10, 2023

portion silver or another color, utilizing a galvanized or "self-rusting" finish, or designing as a tree or other structure as approved by the Board of Supervisors.

(6) A plan shall be required for all wireless communication facilities showing the antenna array, support structure, building, fencing, buffering, access, and other information as the Township may require illustrating the relationship between the proposed facility and adjacent structures and property lines.

(7) Setback and Location requirements may be modified during the public hearing for the conditional use if the Board of Supervisors finds that placement of a wireless communication facility with support structure in a particular location will reduce its visual impact, or for other reasons as presented during the hearing.

(8) Applicant shall comply with the standards of approval for all wireless communication facilities as set forth in this chapter.

Formatted: Indent: Left: 0.69", Hanging: 0.31"

ED. Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

FE. Maintenance. The following maintenance requirements shall apply:

Formatted: Indent: Left: 0.38", Hanging: 0.31"

(1) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair, except as permitted and in accordance this section.

Formatted: Indent: Left: 0.69", Hanging: 0.31"

(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) All maintenance and activities shall utilize the best available technology for preventing failures and accidents.

GF. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the Federal Communications Commission (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. The applicant shall provide, upon request, a statement from a qualified licensed and professional registered engineer that the non-ionizing electromagnetic radiation (NIER) emitted from the tower-based WCF, when measured in conjunction with the emissions from all communications antenna on the tower, does not result in an exposure at any point on or outside such facility which exceeds the lowest applicable exposure standards established by the FCC or the ANSI.

Formatted: Indent: Left: 0.38", Hanging: 0.38"

HG. Historic Buildings or Districts. No tower-based WCF may be located on or within 200 feet of a site that is listed on an historic register, a site listed for inclusion on the historic register, or in an

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

~~November 9~~ ~~January 10, 2023~~ ~~DRAFT~~

officially designated state or federal historic district.

- IH. Identification. All tower-based WCF shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township. The notice shall not exceed two square feet in gross surface area and shall maintain the contact party.
- IJ. Lighting. Tower-based WCF shall not be artificially lighted, except as required by the Federal Aviation Administration and as may be approved by the Township. 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. No flag shall be located on the structure that requires lighting.
- IK. Appearance. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color as determined by the Township Planning and Zoning Director/Board of Supervisors during the public hearing to harmonize with the surroundings.
- IL. Noise. Tower-based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and Chapter **10**, Part **3**, of the Ferguson Township Code of Ordinances, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- IM. Aviation Safety. Tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- IN. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- IO. Timing of Approval. Within 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 complete applications for tower-based WCF shall be acted upon within 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 is requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day review period.
- IP. Nonconforming Uses. Nonconforming tower-based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section. Co-location of facilities may be permitted on nonconforming structures in accordance with standards established in the

DRAFT  
November 9/January 10, 2023

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

Pennsylvania Wireless Broadband Collocation Act.

QP. 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 WCF or portions of WCF shall be removed as follows:

- (1) All unused or abandoned tower-based WCF and accessory facilities shall be removed within six 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 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. The Township reserves the right to pursue any and all available remedies under law or equity to ensure removal of the WCF and restoration of the site at the expense of the owner. Any delay in the Township taking action shall not invalidate the Township's right to take such action.
- (3) Any unused portions of tower-based WCF, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.

RQ. Application Fees. The Township may assess appropriate and reasonable application fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.

3. Tower-Based Wireless Communications Facilities Outside the Rights-of-Way. The following regulations shall apply to tower-based wireless communications facilities located outside the right-of-way (ROW):

A. ~~Permitted Only in Certain Zones. No tower-based WCF shall be permitted within 500 feet of the nearest adjoining property line.~~ Tower Setbacks and Location. A tower-based WCF located outside of the ROW shall comply with the following:

- (1) The tower shall be located at least half (1/2) the height of the tower from all adjoining property lines.
- (2) Towers shall not be closer than 300 feet to any residential building.
- (3) Towers shall not be closer than 3,000 feet to any other existing tower-based WCF located outside of the ROW.
- (4) Tower-based WCF shall only be permitted as designated in zoning districts as identified within this chapter.

DRAFT  
November 9, 2022 January 10, 2023

Formatted: Indent: Hanging: 0.25"

Formatted: Indent: Left: 0.75", Hanging: 0.25"

Formatted: Indent: Left: 0.75", Hanging: 0.25"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

BC. Sole Use on a Lot. A tower-based WCF is permitted as the sole use on a lot subject to the minimum lot size and setbacks complying with the requirements of ~~the applicable zoning district~~ this chapter.

Formatted: Not Highlight  
Formatted: Highlight

CD. Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another agricultural, industrial, commercial, or municipal use, subject to the following conditions:

(1) The existing use on the property ~~may shall~~ be ~~any~~ permitted use in the applicable zoning district and need not be affiliated with the communications facility.

(2) Minimum Lot Area. The ~~minimum~~-lot ~~area~~ shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF, the communications facility building, security fence, and buffer planting.

(3) Minimum Setbacks. The ~~tower-based WCF and~~ accompanying communications facility building ~~and equipment~~ shall comply with the ~~setbacks identified in §27-710.3.A, requirements for the applicable zoning district, provided that no tower-based WCF shall be located within 500 feet of the nearest adjoining property line.~~

Formatted: Indent: Left: 0.75", Hanging: 0.31"

DE. Notice. Upon receipt of a letter of a complete application by the Township for a tower-based WCF, the applicant shall mail notice thereof to the owner or owners of every property within 500 radial feet of the parcel or property of the proposed facility. The applicant shall provide the Township with evidence that the notice was mailed out to applicable property owners.

Formatted: Indent: Left: 0.38", Hanging: 0.38"

EF. Design and Construction.

(1) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

Formatted: Indent: Left: 0.75", Hanging: 0.31"

(2) To the extent permissible under applicable law, any height extensions to an existing tower-based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.

(3) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Tower-based WCF must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

DRAFT  
November 9 January 10, 2023

(4) Guy wires are not permitted. The monopole must be self-supporting.

**FG.** Surrounding Environs. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222-G Manual, as amended, shall be submitted to the Township to document and verify design specifications of the foundation for the tower-based WCF.

**HG.** Fence/Screen.

(1) A security fence of approved design, of not less than eight feet in height and no greater than 10 feet in height, shall completely enclose the tower-based WCF. The fencing required ~~it~~ must also have a one-foot barbed arm slanted at a 45° angle facing outwards which runs along the entire top of the fence unless the Board of Supervisors waives such requirement.

(2) ~~The applicant shall submit a landscaping plan.~~ Sites in which communications towers are located shall be required to comply with the following landscape requirements:

(a) The applicant shall submit a landscaping plan.

(b) Landscaping, consisting of evergreen plantings which shall reach a height of at least eight feet within five years of planting shall be required at the perimeter of the security fences and WCF. Existing wooded areas, tree lines and hedgerows adjacent to the facility shall be preserved and used to substitute or meet a portion of the buffer yard requirements. When the WCF is located in a developed ~~commercial or industrial~~ area, the Board of Supervisors may waive the buffer yard regulations in exchange for another type of screening which is compatible with the surrounding land use.

(3) Where feasible/appropriate, the tower or antenna shall be constructed to blend in with the surrounding area.

(4) No signs or any form of advertising of any kind shall be permitted on the WCF or antennas. However, one sign, not to exceed two square feet in gross surface area, which identifies the phone number and contact in the event of an emergency is required. In addition, "No Trespassing" signs may be placed on the security fencing in accordance with the Township's Sign Ordinance (Chapter 19).

**HI.** Accessory Equipment.

(1) Ground-mounted equipment associated with, or connected to, a tower-based WCF shall be underground, if possible. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies, as described above.

(2) All buildings and structures associated with a tower-based WCF shall be architecturally designed to blend into the environment in which they are situated and shall meet the

Formatted: Indent: Left: 0.38", Hanging: 0.44"

Formatted: Indent: Left: 0.75", Hanging: 0.38"

Formatted: Indent: Left: 1.13", Hanging: 0.38"

Formatted: Indent: Left: 0.81", Hanging: 0.31"

Formatted: Indent: Left: 0.31"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

DRAFT  
November 9 January 10, 2023



minimum setback requirements of the underlying zoning district.

**IJ.** Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. The vehicular access to the tower-based WCF and communications facility building shall meet the applicable municipal street standards for private streets and/or driveway standards. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

**JK.** Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code of Ordinances 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.

4. General Requirements for All Non-Tower-Based Wireless Communications Facilities or Small Wireless Communications Facilities located outside the Right-of-Way:

A. For the purposes of this section, the regulations shall only apply to non-tower-based wireless communications facilities that are not regulated by the Pennsylvania Wireless Broadband Collocation Act, or the Small Wireless Facilities Deployment Act (Act 50), except where noted or where otherwise permitted by law.

B. The following regulations shall apply to all non-tower-based wireless communications facilities located outside the right-of way, that do not substantially change the physical dimensions of the wireless support structure to which they are attached, as defined above:

- (1) Permitted in All Zones Subject to Regulations. Non-tower-based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.
- (2) Standard of Care. Any non-tower-based 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 most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower-based 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.
- (3) Wind. Any non-tower-based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as

Formatted: Indent: Left: 0.31", Hanging: 0.56"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

~~November 9~~ ~~January 10, 2023~~ ~~32~~  
DRAFT

prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).

- (4) Public Safety Communications. No non-tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- (5) Aviation Safety Non-tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- (6) Radio Frequency Emissions. No non-tower-based WCF shall, by itself or in conjunction with other WCF, 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.
- (7) Removal. In the event that the use of a non-tower-based 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 WCF or portions of WCF shall be removed as follows:
  - (a) All abandoned or unused WCF and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Township.
  - (b) If the WCF and/or accessory facilities are not removed within three months of the cessation of operations, or within any longer period of time 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.
- (8) Timing of Approval. Within 30 calendar days of the date that an application for a non-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. Within 60 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 60-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
- (9) Application Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower-based WCF, as well as related inspection, monitoring and related costs. Such fees may be assessed by applicable federal or state statute for relevant co-located facilities and other non-tower-based WCF.

Formatted: Indent: Left: 1.25", Hanging: 0.31"

Formatted: Indent: Left: 0.81", Hanging: 0.38"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

~~November 9~~ ~~January 10, 2023~~ ~~32~~  
DRAFT

C. The following regulations shall apply to all non-tower-based wireless communications facilities located outside the right-of-way that substantially change the wireless support structure to which they are attached:

- (1) Permitted in All Zones Subject to Regulations. Non-tower-based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.
- (2) Standard of Care. Any non-tower-based 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 most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower-based 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.
- (3) Wind. Any non-tower-based WCF structure 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-G, as amended).
- (4) Public Safety Communications. No non-tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- (5) Historic Buildings. Non-tower WCF may not be located on a building or structure that is on an historic register or a building or structure listed for inclusion on a historic register.
- (6) Aviation Safety. Non-tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- (7) Maintenance. The following maintenance requirements shall apply:
  - (a) The non-tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (b) 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.
  - (c) All maintenance activities shall utilize nothing less than the best available technologies for preventing failures and accidents.
- (8) Radio Frequency Emissions. No non-tower-based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and

Formatted: Indent: Left: 0.81", Hanging: 0.38"

Formatted: Indent: Left: 1.19", Hanging: 0.44"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

~~November 9~~ ~~January 10, 2023~~ ~~32~~  
DRAFT

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.

- (9) Removal. In the event that the use of a non-tower-based 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 WCF or portions of WCF shall be removed as follows:
  - (a) All abandoned or unused WCF and necessary facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Township.
  - (b) If the WCF or accessory facility is not removed within three months of the cessation of operations, or within any longer period of time 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.
  - (c) Timing of Approval. Within 30 calendar days of the date that an application for a non-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. Within 60 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 60-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
  - (d) Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the non-tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
  - (e) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower-based WCF, as well as related inspection, monitoring and related costs.

- 5. Non-Tower-Based Wireless Communications Facilities Outside the Rights-of-Way. The following additional regulations shall apply to non-tower-based wireless communications facilities located outside the right-of-way that substantially change the wireless support structure to which they are attached:

~~November 9~~ ~~January 10, 2023~~ ~~32~~  
DRAFT

Formatted: Indent: Left: 0.81", Hanging: 0.44"

Formatted: Indent: Left: 1.19", Hanging: 0.44"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

A. Development Regulations. Non-tower-based WCF shall be co-located on existing structures such as existing building or tower-based WCF subject to the following conditions:

Formatted: Indent: Left: 0.38", Hanging: 0.5"

- (1) Such WCF does not exceed a maximum height of 10 feet above the permitted height of any structure in the applicable zoning district.
- (2) If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
- (3) A six-foot-high security fence with evergreen screening shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

Formatted: Indent: Left: 0.81", Hanging: 0.44"

B. Design Regulations.

Formatted: Indent: Left: 0.38", Hanging: 0.5"

- (1) Non-tower-based WCF shall employ stealth technology and be treated to match the supporting structure in order to minimize the aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
- (2) Non-tower-based WCF that are mounted to a building or similar structure may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use approval.
- (3) All non-tower-based WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in context of such justification on an individual basis.
- (4) Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.
- (5) Noncommercial Usage Exemption. The design regulations enumerated in § 27-710, Subsection 6A(2), shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

Formatted: Indent: Left: 0.81", Hanging: 0.44"

C. Removal, Replacement, and Modification.

Formatted: Indent: Left: 0.54"

- (1) The removal and replacement of non-tower-based WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennas.
- (2) Any material modification to a WCF shall require prior amendment to the original permit

Formatted: Indent: Hanging: 0.44"

Formatted: Indent: Left: 0.81", Hanging: 0.44"

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

DRAFT  
November 9 January 10, 2023

or authorization.

D. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code of Ordinances 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. ~~Non-Tower-Based or Small Wireless Communications Facilities as defined by the Small Wireless Facilities Deployment Act, Act 50 of 2021, (Act 50) shall be permitted by right in all zoning districts subject to the application requirements and design standards of Chapter 21, Part 6, and the standards, rights, and obligations set forth in Act 50.~~

Formatted: Font color: Black

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Font color: Black

7. ~~Violations Applicable to All Wireless Communications Facilities.~~

Formatted: Font color: Black, Not Strikethrough

A. Penalties. Any person violating any provision of this section shall be subject, upon finding by a Magisterial District Judge, to a penalty not exceeding \$500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this section and any other remedy at law or in equity, the Township may apply to a federal district court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this section.

B. Determination of Violation. In the event a determination is made that a person has violated any provision of this section, such person shall be provided written notice of the determination and the reasons therefor. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided that person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this section and/or federal and/or Pennsylvania law and regulations.

8. Miscellaneous.

A. Police Powers. The Township, by granting any permit or taking any other action pursuant to this section, does not waive, reduce, lessen, or impair the lawful police powers vested in the Township under applicable federal, state, and local laws and regulations.

Formatted: Indent: Left: 0.56", Hanging: 0.38"

B. Severability. If any section, subsection, sentence, clause, phrase, or word of this section is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this section invalid.

Formatted: Indent: Left: 0.56", Hanging: 0.38", Space Before: 2 pt, After: 12 pt

Formatted: Font: 10 pt

Formatted: Right

Formatted: Font: 10 pt

~~November 9~~ ~~January 10, 2023~~ DRAFT

§ 22-5B01 **Design Standards.**  
**[Ord. No. 1050, 11/18/2019]**

1. Framework Plans.

C. Utilities Network.

- (1) Intent. Compact development can be designed to use infrastructure more efficiently, resulting in lower costs per capita for the municipality. More users per linear foot of sewer and water main extensions, as well as lower costs for plowing, paving, and maintaining narrower, well-connected streets are intended to be achieved through the coordinated planning efforts required herein. Additionally, infrastructure that can be provided from a systems approach, without segregating design and regulation according to strict property boundaries, improves connectivity and the overall function of streets, stormwater systems, open space, and other supporting infrastructure.
- (2) Design Goals.
  - (a) To ensure the efficient extension of existing public infrastructure to serve Traditional Town Development in a coordinated and comprehensive manner.
  - (b) To ensure the continued function of groundwater resources by coordinating drainage and stormwater management.
  - (c) To guide the placement of utilities and other infrastructure in a manner that does not detract from the overall function and character of the community.
- (3) Standards.
  - (a) Location. All utilities, both main and service lines shall be provided underground either within private easements or located within an alley right-of-way or public street right-of-way, excluding monopoles. Monopoles shall comply with §27-710—Wireless Communications Facilities.

**§27-303.3.A.(1)(d) Traditional Town Development (TTD)**

- (d) Prohibited Uses. Uses which are expressly prohibited in a traditional town development or associated mixed residential area shall include heavy or light manufacturing; storage or distribution as a principal use; outdoor advertising or billboards; prisons; detention centers; scrap yards; kennels; sand, gravel, or other mineral extraction; cemetery or crematorium; mobile home park; automobile sales, service or repair; car wash; hospital(s); personal care homes; bulk fuel storage; heavy equipment storage, sales, or rental; warehouse; drive-through or drive-in establishments; food processing and/or packing; fuel generation; landfill; campgrounds; manufactured home sales or storage; automobile storage facilities; shopping centers; truck terminals; waste transfer facilities; adult business uses; convenience food stores that include gas sales; race track, riding stable, self-service storage facilities; dormitory; surface mining operations; motels; and nonmunicipally owned surface parking lots that

constitute the principal use of a property.

**§ 27-710 Tower-Based Wireless Communications Facilities.  
[Ord. No. 1080, 11/1/2022]**

1. Intent. The wireless communications facilities (WCF) regulations are intended to achieve the following:
  - A. To provide a competitive and wide range of communications services.
  - B. To encourage the shared use of existing communication towers, buildings and structures.
  - C. To ensure compliance with federal and state regulations.
  - D. To promote the health, safety and welfare of Township residents and businesses with respect to wireless communications facilities.
  - E. To address modern and developing technologies including, but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other communications facilities.
  - F. To establish procedures for design, siting, construction, installation, maintenance and removal of both tower-based and non-tower-based wireless communications facilities in the Township, including facilities both inside and outside of the public rights-of-way.
  - G. To protect Township residents and businesses from potential adverse impacts 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.
2. General Requirements for All Tower-Based Wireless Communications Facilities. The following regulations shall apply to all tower-based wireless communications facilities:
  - A. Standard of Care. Any tower-based 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 most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based 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.
  - B. Wind. Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry (ANSFEINTIA-222-E Code, as amended).
  - C. Zoning Districts. All Tower-based WCF constructed outside the ROW shall be permitted as a conditional use in the Rural Agricultural (RA), Agricultural Research (AR), Rural Residential



(RR), General Commercial (C), Forest/Game Lands (FG), Traditional Town Development (TTD), Industrial (I) and Light, Industry, Research and Development (IRD) Zoning districts by the Board of Supervisors.

- D. Standards for Conditional Use. Any tower-based WCF outside the ROW shall be permitted by conditional use in the zoning districts designated in §27-710.2.C. All conditional uses shall be reviewed with the standards and criteria of this section. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards as necessary to implement the purposes of this Section and the Pennsylvania MPC.
- (1) The applicant shall provide documentation that justifies the minimum functional height of the proposed tower and shall not exceed a maximum total height of 200 feet and shall include all subsequent additions or alterations. Applicants shall submit documentation to the Township justifying the total height of the structure.
  - (2) Height shall be measured from the average natural grade to the top point of the communications tower or antenna, whichever is greater.
  - (3) The applicant shall provide documentation to the Township which details the commitment to provide capacity on the proposed tower-based WCF to more than one provider.
  - (4) If the proposed tower-based WCF is greater than 199 feet and less than 200 feet in height, the applicant shall provide documentation to the Township that the additional height will render the construction of two or more towers as nonessential and that by permitting an increase in the height of the tower, only one tower will be required. The burden of proof shall be on the applicant to show that the proposed tower is the minimum height needed to provide the required services. The purpose of this provision is to permit an increase in the height of one tower to reduce the need for additional towers.
  - (5) Tower-based WCFs shall employ stealth technology, which may include painting the tower portion silver or another color, utilizing a galvanized or “self-rusting” finish, or designing as a tree or other structure as approved by the Board of Supervisors.
  - (6) A plan shall be required for all wireless communication facilities showing the antenna array, support structure, building, fencing, buffering, access, and other information as the Township may require illustrating the relationship between the proposed facility and adjacent structures and property lines.
  - (7) Setback and Location requirements may be modified during the public hearing for the conditional use if the Board of Supervisors finds that placement of a wireless communication facility with support structure in a particular location will reduce its visual impact, or for other reasons as presented during the hearing.
  - (8) Applicant shall comply with the standards of approval for all wireless communication facilities as set forth in this chapter.

- E. Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- F. Maintenance. The following maintenance requirements shall apply:
- (1) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair, except as permitted and in accordance this section.
  - (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) All maintenance and activities shall utilize the best available technology for preventing failures and accidents.
- G. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the Federal Communications Commission (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. The applicant shall provide, upon request, a statement from a qualified licensed and professional registered engineer that the non-ionizing electromagnetic radiation (NIER) emitted from the tower-based WCF, when measured in conjunction with the emissions from all communications antenna on the tower, does not result in an exposure at any point on or outside such facility which exceeds the lowest applicable exposure standards established by the FCC or the ANSI.
- H. Historic Buildings or Districts. No tower-based WCF may be located on or within 200 feet of a site that is listed on an historic register, a site listed for inclusion on the historic register, or in an officially designated state or federal historic district.
- I. Identification. All tower-based WCF shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township. The notice shall not exceed two square feet in gross surface area and shall maintain the contact party.
- J. Lighting. Tower-based WCF shall not be artificially lighted, except as required by the Federal Aviation Administration and as may be approved by the Township. 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. No flag shall be located on the structure that requires lighting.
- K. Appearance. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color as determined by the Board of Supervisors during the public hearing to harmonize with the surroundings.

- L. Noise. Tower-based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and Chapter 10, Part 3, of the Ferguson Township Code of Ordinances, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- M. Aviation Safety. Tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- N. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- O. Timing of Approval. Within 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 complete applications for tower-based WCF shall be acted upon within 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 is requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day review period.
- P. Nonconforming Uses. Nonconforming tower-based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section. Co-location of facilities may be permitted on nonconforming structures in accordance with standards established in the Pennsylvania Wireless Broadband Collocation Act.
- Q. 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 WCF or portions of WCF shall be removed as follows:
- (1) All unused or abandoned tower-based WCF and accessory facilities shall be removed within six 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 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. The Township reserves the right to pursue any and all available remedies under law or equity to ensure removal of the WCF and restoration of the site at the expense of the owner. Any delay in the Township taking action shall not invalidate

the Township's right to take such action.

(3) Any unused portions of tower-based WCF, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.

R. Application Fees. The Township may assess appropriate and reasonable application fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.

3. Tower-Based Wireless Communications Facilities Outside the Rights-of-Way. The following regulations shall apply to tower-based wireless communications facilities located outside the right-of-way (ROW):

A. Tower Setbacks and Location. A tower-based WCF located outside of the ROW shall comply with the following:

(1) The tower shall be located at least half (1/2) the height of the tower from all adjoining property lines.

(2) Towers shall not be closer than 300 feet to any residential building.

(3) Towers shall not be closer than 3,000 feet to any other existing tower-based WCF located outside of the ROW.

(4) Tower-based WCF shall only be permitted in zoning districts as identified within this chapter.

B. Sole Use on a Lot. A tower-based WCF is permitted as the sole use on a lot subject to the minimum lot size and complying with the requirements of this chapter.

C. Combined with Another Use. A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another agricultural, industrial, commercial, or municipal use, subject to the following conditions:

(1) The existing use on the property shall be a permitted use in the applicable zoning district and need not be affiliated with the communications facility.

(2) Minimum Lot Area. The lot area shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF, the communications facility building, security fence, and buffer planting.

(3) Minimum Setbacks. The accompanying communications facility building and equipment shall comply with the setbacks identified in §27-710.3.A.

D. Notice. Upon receipt of a letter of a complete application by the Township for a tower-based WCF, the applicant shall mail notice thereof to the owner or owners of every property within 500

radial feet of the parcel or property of the proposed facility. The applicant shall provide the Township with evidence that the notice was mailed out to applicable property owners.

E. Design and Construction.

- (1) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
- (2) To the extent permissible under applicable law, any height extensions to an existing tower-based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.
- (3) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Tower-based WCF must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.
- (4) Guy wires are not permitted. The monopole must be self-supporting.

F. Surrounding Environs. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222-G Manual, as amended, shall be submitted to the Township to document and verify design specifications of the foundation for the tower-based WCF.

G. Fence/Screen.

- (1) A security fence of approved design, of not less than eight feet in height and no greater than 10 feet in height, shall completely enclose the tower-based WCF. The fencing required must also have a one-foot barbed arm slanted at a 45° angle facing outwards which runs along the entire top of the fence unless the Board of Supervisors waives such requirement.
- (2) Sites in which communications towers are located shall be required to comply with the following landscape requirements:
  - (a) The applicant shall submit a landscaping plan.
  - (b) Landscaping, consisting of evergreen plantings which shall reach a height of at least eight feet within five years of planting shall be required at the perimeter of the security fences and WCF. Existing wooded areas, tree lines and hedgerows adjacent to the facility shall be preserved and used to substitute or meet a portion of the buffer yard requirements. When the WCF is located in a developed area, the Board of Supervisors

may waive the buffer yard regulations in exchange for another type of screening which is compatible with the surrounding land use.

- (3) Where feasible/appropriate, the tower or antenna shall be constructed to blend in with the surrounding area.
- (4) No signs or any form of advertising of any kind shall be permitted on the WCF or antennas. However, one sign, not to exceed two square feet in gross surface area, which identifies the phone number and contact in the event of an emergency is required. In addition, "No Trespassing" signs may be placed on the security fencing in accordance with the Township's Sign Ordinance (Chapter 19).

H. Accessory Equipment.

- (1) Ground-mounted equipment associated with, or connected to, a tower-based WCF shall be underground, if possible. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies, as described above.
- (2) All buildings and structures associated with a tower-based WCF shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

I. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. The vehicular access to the tower-based WCF and communications facility building shall meet the applicable municipal street standards for private streets and/or driveway standards. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

J. Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code of Ordinances 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.

4. General Requirements for All Non-Tower-Based Wireless Communications Facilities or Small Wireless Communications Facilities located outside the Right-of-Way:

A. For the purposes of this section, the regulations shall only apply to non-tower-based wireless communications facilities that are not regulated by the Pennsylvania Wireless Broadband

Collocation Act, or the Small Wireless Facilities Deployment Act (Act 50), except where noted or where otherwise permitted by law.

- B. The following regulations shall apply to all non-tower-based wireless communications facilities located outside the right-of way, that do not substantially change the physical dimensions of the wireless support structure to which they are attached, as defined above:
- (1) Permitted in All Zones Subject to Regulations. Non-tower-based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.
  - (2) Standard of Care. Any non-tower-based 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 most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower-based 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.
  - (3) Wind. Any non-tower-based WCF structure 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-G, as amended).
  - (4) Public Safety Communications. No non-tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
  - (5) Aviation Safety Non-tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
  - (6) Radio Frequency Emissions. No non-tower-based WCF shall, by itself or in conjunction with other WCF, 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.
  - (7) Removal. In the event that the use of a non-tower-based 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 WCF or portions of WCF shall be removed as follows:
    - (a) All abandoned or unused WCF and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved

by the Township.

- (b) If the WCF and/or accessory facilities are not removed within three months of the cessation of operations, or within any longer period of time 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.
- (8) **Timing of Approval.** Within 30 calendar days of the date that an application for a non-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. Within 60 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 60-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.
  - (9) **Application Fees.** The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower-based WCF, as well as related inspection, monitoring and related costs. Such fees may be assessed by applicable federal or state statute for relevant co-located facilities and other non-tower-based WCF.
- C. The following regulations shall apply to all non-tower-based wireless communications facilities located outside the right-of-way that substantially change the wireless support structure to which they are attached:
- (1) **Permitted in All Zones Subject to Regulations.** Non-tower-based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.
  - (2) **Standard of Care.** Any non-tower-based 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 most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower-based 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.
  - (3) **Wind.** Any non-tower-based WCF structure 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-G, as amended).



- (4) **Public Safety Communications.** No non-tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- (5) **Historic Buildings.** Non-tower WCF may not be located on a building or structure that is on an historic register or a building or structure listed for inclusion on a historic register.
- (6) **Aviation Safety.** Non-tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- (7) **Maintenance.** The following maintenance requirements shall apply:
  - (a) The non-tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (b) 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.
  - (c) All maintenance activities shall utilize nothing less than the best available technologies for preventing failures and accidents.
- (8) **Radio Frequency Emissions.** No non-tower-based WCF shall, by itself or in conjunction with other WCF, 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.
- (9) **Removal.** In the event that the use of a non-tower-based 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 WCF or portions of WCF shall be removed as follows:
  - (a) All abandoned or unused WCF and necessary facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Township.
  - (b) If the WCF or accessory facility is not removed within three months of the cessation of operations, or within any longer period of time 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.
  - (c) **Timing of Approval.** Within 30 calendar days of the date that an application for a non-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. Within 60 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 60-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.

- (d) Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the non-tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (e) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower-based WCF, as well as related inspection, monitoring and related costs.

5. Non-Tower-Based Wireless Communications Facilities Outside the Rights-of-Way. The following additional regulations shall apply to non-tower-based wireless communications facilities located outside the right-of-way that substantially change the wireless support structure to which they are attached:

- A. Development Regulations. Non-tower-based WCF shall be co-located on existing structures such as existing building or tower-based WCF subject to the following conditions:
  - (1) Such WCF does not exceed a maximum height of 10 feet above the permitted height of any structure in the applicable zoning district.
  - (2) If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
  - (3) A six-foot-high security fence with evergreen screening shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
- B. Design Regulations.
  - (1) Non-tower-based WCF shall employ stealth technology and be treated to match the supporting structure in order to minimize the aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

- (2) Non-tower-based WCF that are mounted to a building or similar structure may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use approval.
- (3) All non-tower-based WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in context of such justification on an individual basis.
- (4) Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.
- (5) Noncommercial Usage Exemption. The design regulations enumerated in § 27-710, Subsection 6A(2), shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

C. Removal, Replacement, and Modification.

- (1) The removal and replacement of non-tower-based WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennas.
- (2) Any material modification to a WCF shall require prior amendment to the original permit or authorization.

D. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code of Ordinances 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. Non-Tower-Based or Small Wireless Communications Facilities as defined by the Small Wireless Facilities Deployment Act, Act 50 of 2021, (Act 50) shall be permitted by right in all zoning districts subject to the application requirements and design standards of Chapter 21, Part 6, and the standards, rights, and obligations set forth in Act 50.

7. Violations Applicable to All Wireless Communications Facilities.

- A. Penalties. Any person violating any provision of this section shall be subject, upon finding by a Magisterial District Judge, to a penalty not exceeding \$500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this section and any other remedy at law or in equity, the Township may apply to a federal district court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this

section.

- B. Determination of Violation. In the event a determination is made that a person has violated any provision of this section, such person shall be provided written notice of the determination and the reasons therefor. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided that person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this section and/or federal and/or Pennsylvania law and regulations.

8. Miscellaneous.

- A. Police Powers. The Township, by granting any permit or taking any other action pursuant to this section, does not waive, reduce, lessen, or impair the lawful police powers vested in the Township under applicable federal, state, and local laws and regulations.
- B. Severability. If any section, subsection, sentence, clause, phrase, or word of this section is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this section invalid.

§ 27-205.1 - District - Rural Agriculture (RA)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Agriculture	P
1	Agriculture Related Production	P
1	Bird and Wildlife Sanctuaries/Fish Hatcheries	P
1	Commercial Hunting Preserves	P
1	Communication Facilities*	C
1	Communication Towers*	C
1	Conservation Areas	P
1	Equestrian Facility (50 acres or greater)	P
1	Forestry	P
1	Landscape and Garden Center – Non-Retail (50 acres or greater)	P
1	Cemeteries	P
1	Cideries	P
1	Community Gardens	P
1	Country Club	C
1	Equestrian Facility	P
1	Essential Services – Type 1	P
1	Landscape and Garden Center – Non-Retail	P
1	Mining and Quarrying	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Places of Assembly, Community	P
1	Places of Assembly, Regional	C
1	Single-Family Detached Dwelling on Non-Subdivided Lot – see Baseline Example Scenario and Example Scenario D	P
1	Solar Energy Systems (PSES)	P
1	Storage of Land Clearing Material	C
1	Water Production Facilities	P
1	Wind Energy Systems	P
2	Communication Facilities*	C
2	Communication Towers*	C
2	Emergency Services	P
2	Farm Cafés	C
2	Farm Markets	C
2	Kennels	P
2	Pet Care Services Facility	C
2	Single-Family Detached Dwelling (one for every 50 acres of a primary use as determined and calculated before subdivision into smaller separate lots – see Example Scenario C)	P
2	Tasting Facilities	P
2	Veterinary Offices/Clinics	P

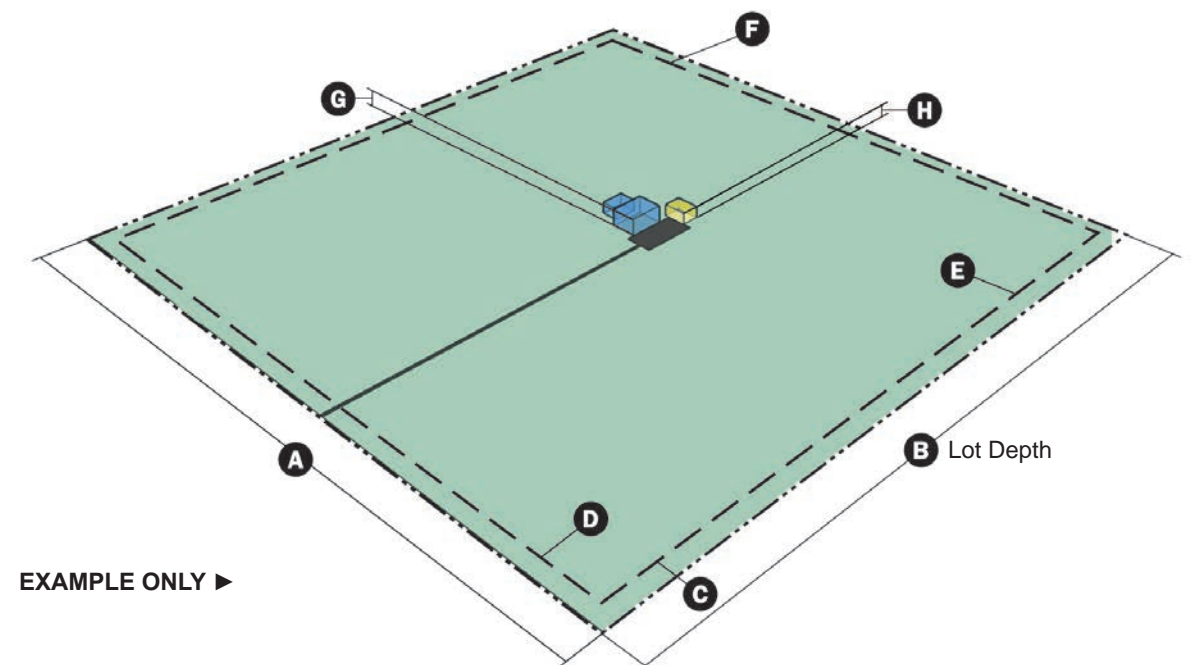
ACCESSORY USES		
Use	Area and Bulk Categories	
	1	2
Accessory Use Customarily Incidental to the Specified Principal Use	P	P
Agriculture/Environmental Education Program	P	
Agriculture	P	P
Agritourism	P	
Bed and Breakfast (1-3 rooms)	P	P
Bed and Breakfasts (10 rooms max.)	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P
Cideries	P	
Commercial Hunting Preserve	P	
Communication Facilities*	C	C
Communication Towers*	C	C
Community Garden	P	P
Community-Supported Agriculture Delivery Station	P	P
Composting – Small Scale	P	P
Day and Overnight Camping	P	
Dwelling Units	P	
Essential Services – Type 2	C	
Family Child-Care Homes	P	P
Farm Cafés	P	P
Farm Markets	P	P
Farm Stands by Road <2,000 SF	P	
Farm Stands by Road >2,000 SF	P	
Farm Structures, Traditional-Scale	P	
Farm Structures, Non-Traditional-Scale	P	
Food Trucks	P	P
General Storage to include Boat and RVs	P	P
Group Child-Care Homes	P	P
Home-Based Business, No-Impact (including Farm-Based Business, No Impact)	P	P
Home Occupation – Type 1	P	P
Home Occupation – Type 2	P	P
Horse Riding Stables/Riding Academies	P	
Incinerators, agricultural	P	
Kennels	C	
Pet Care Services Facility	P	P
Retail Establishments, Agriculture-Supported	P	
Retail Establishments, Value-Added Agriculture	P	
Non-Commercial Keeping of Livestock	P	
Short-Term Rentals	P	P
Silos	P	P
Sugar Shacks for Processing Sap from Trees on Different Lot	P	
Sugar Shacks for Processing Sap from Trees on Lot	P	P
Tasting Facilities	P	P
Usual Farm Structures, including Barns, Greenhouses, and Single- and Two-Family Dwellings not to Exceed Three Dwelling Units on a Lot – see Example Scenarios A, B, and E	P	
Veterinary Offices/Clinics	P	P
Welding Shops, Small Engine Repair	P	
Wind Energy Systems	C	C
Wineries/Tasting Facilities	P	

DIMENSIONS			AREA AND BULK CATEGORIES		
			1	2	
Minimum	Lot Size	C	50 ac	1 ac min. 2 ac max.	
		Lot Width	at Building Setback Line		
	Setback	A	at Street Line		
		D	Front Yard, for Principal Use on Local/Collector Street	50 ft	20 ft
		D	Front Yard, for Principal Use on Arterial Street	50 ft	50 ft
		E	Side Yard, for Principal Use	50 ft	30 ft
Maximum	Height	F	Rear Yard, for Principal Use	50 ft	50 ft
		G	Principal Structure	50 ft	50 ft
	Coverage	H	Accessory Structure	60 ft	40 ft
		Building	n/a	30%	
	Impervious Surface	10%	50%		

AREA AND BULK CATEGORIES:

- 1 – usual farm structures and single- and two-family dwellings not to exceed three dwelling units on a lot
- 2 – other

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



EXAMPLE ONLY ▶

§ 27-205.2 - District - Rural Residential (RR)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Agriculture	P
1	Agriculture Related Production	C
1	Bird and Wildlife Sanctuaries/Fish Hatcheries	P
1	Cideries/Wineries/Tasting Facilities	P
1	Commercial Hunting Preserves	C
1	Conservation Areas	P
1	Equestrian Facility (50 acres or greater)	P
1	Forestry	P
1	Group Homes	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Places of Assembly, Regional	C
1	Single-Family Detached Dwellings	P
2	Community Gardens	P
2	Emergency Services	P
2	Essential Services – Type 1	P
2	Farm Cafés	C
2	Farm Markets	C
2	Landscape and Garden Center- Retail	P
2	Landscape and Garden Center- Non Retail	C
2	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
2	Park and Outdoor Recreational Facilities, Community, Public	P
2	Personal Care Homes, Large	P
2	Pet Care Services Facility	C
2	Places of Assembly, Community	P
2	Solar Energy Systems (PSES)	C
2	Veterinary Offices/Clinics	P
2	Water Production Facilities	C
3	Single-Family Detached Dwellings	P
3	Seasonal Dwellings	P
3	Personal Care Homes, Small	P
4	Communication Facilities*	C
4	Communication Towers*	C
4	Wind Energy Systems	C
5	Mining and Quarrying	C

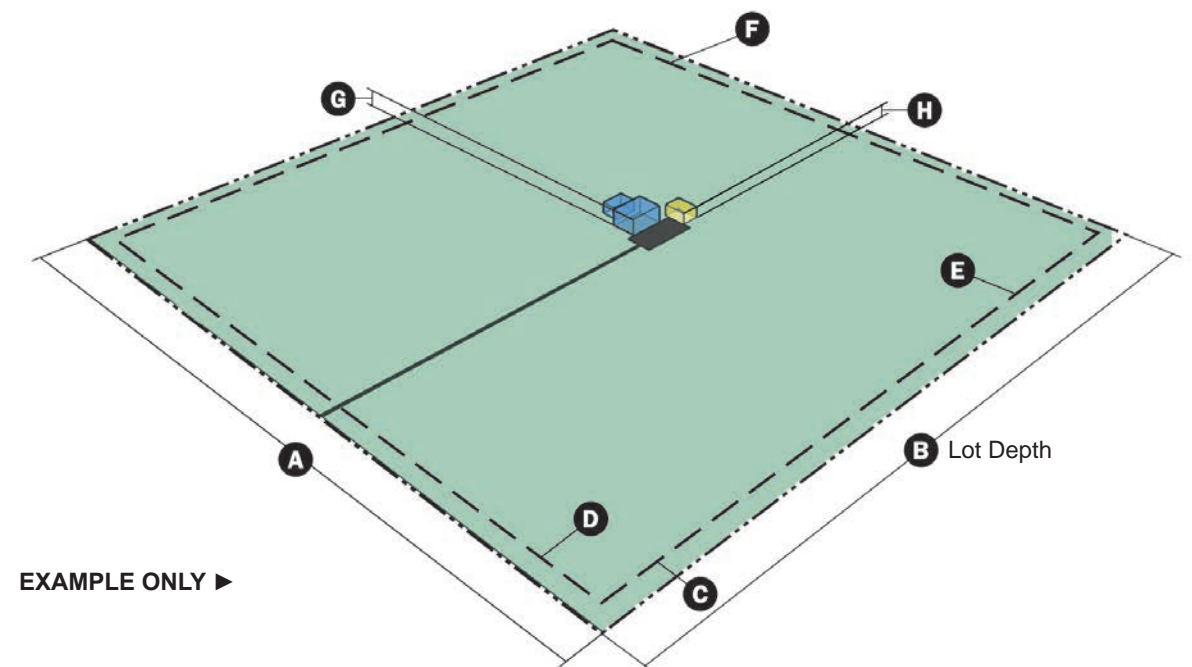
ACCESSORY USES	Area and Bulk Categories			
	1	2	3	4
Use				
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Agriculture/Environmental Education Program	P	P		P
Agriculture	P	P	C	P
Agritourism	P	P		P
Bed and Breakfasts (10 rooms max.)	P	P	P	
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Cemeteries	P	P		
Cideries/Wineries/Tasting Facilities	P			
Commercial Hunting Preserve	C			
Communication Facilities*	C			
Communication Towers*	C			
Community Garden	P	P	P	P
Community-Supported Agriculture Delivery Station	P	P	P	
Composting – Small Scale	P	P		P
Day and Overnight Camping	P	P		
Dwelling Unit	P			
Essential Services – Type 2	C	C		C
Family Child-Care Homes	P	P	P	
Farm Cafés	P	P		
Farm Markets	C	C		
Farm Stands by Road <2,000 SF	P	P	C	
Farm Stands by Road >2,000 SF	P	P	P	
Farm Structures, Traditional-Scale	P	P		
Farm Structures, Non-Traditional-Scale	C	C		
Food Trucks	P	P	P	
General Storage to include Boat and RVs	P	P		
Group Child-Care Homes	P	P	P	
Home-Based Business, No-Impact (including Farm-Based Business, No Impact)	P	P	P	
Home Occupation – Type 1	P	P	P	
Home Occupation – Type 2	P	P	P	
Horse Riding Stables/Riding Academies	P	P	P	
Kennel	C			
Non-Commercial Keeping of Livestock	P	P	P	P
Retail Establishments, Agriculture-Supported	P	P		
Retail Establishments, Value-Added Agriculture	P	P		
Personal Care Homes, Small			P	
Seasonal Dwellings	P	P	P	
Short-Term Rentals	P		P	
Silos	P	P		P
Sugar Shacks for Processing Sap from Trees on Different Lot	P	P		
Sugar Shacks for Processing Sap from Trees on Lot	P	P		
Two-Family Dwellings			P	
Welding Shops, Small Engine Repair	P	P		

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	<b>C</b> Lot Size	10 ac	3 ac	1 ac	n/a	n/a
		at Building Setback Line	150 ft	150 ft	150 ft	n/a	n/a
	Setback	at Street Line	150 ft	150 ft	100 ft	n/a	n/a
		<b>D</b> Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	20 ft	500 ft	n/a
		<b>D</b> Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	500 ft	n/a
		<b>E</b> Side Yard, for Principal Use	50 ft	30 ft	30 ft	500 ft	n/a
<b>F</b> Rear Yard, for Principal Use	75 ft	75 ft	30 ft	500 ft	n/a		
Maximum	Height	<b>G</b> Principal Structure	50 ft	50 ft	50 ft	200 ft	n/a
		<b>H</b> Accessory Structure	60 ft	40 ft	40 ft	20 ft	n/a
	Coverage	Building	n/a	30%	30%	n/a	n/a
Impervious Surface		5%	30%	30%	n/a	n/a	

**AREA AND BULK CATEGORIES:**

- 1 – agricultural and conservation activities
- 2 – non-residential uses
- 3 – dwellings
- 4 – utility and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



§ 27-205.3 - District - Agricultural Research (AR)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Administrative Office Buildings (associated with Advanced Agricultural Research)	P
1	Advanced Agricultural Research	P
1	Agriculture	P
1	Agriculture/Environmental Education Program	P
1	Any Use Performed by the State Game Commission	P
1	Bird and Wildlife Sanctuaries/Fish Hatcheries	P
1	Exhibit Halls and Museums	P
1	Forestry	P
1	General Natural Resource Research	P
1	General Weather, Radio and Satellite Research	P
1	Nature Education Centers	P
1	Recreation Facilities for Employees, Faculty & Students	P
1	Storage of Land Clearing Material	C
2	Farm Markets	C
2	Tasting Facilities	P
3	Archery and Shooting Ranges, Indoor	P
3	Community Gardens	P
3	Emergency Services (Ambulances, Fire, Police)	P
3	Essential Services – Type 1	C
3	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
3	Park and Outdoor Recreational Facilities, Community, Public	P
3	Park and Outdoor Recreational Facilities, Regional, Public	P
3	Places of Assembly, Neighborhood	P
3	Places of Assembly, Community	P
3	Places of Assembly, Regional	P
3	Solar Energy Systems (PSES)	C
4	Communication Facilities*	C
4	Communications Towers*	C
4	Wind Energy Systems	C

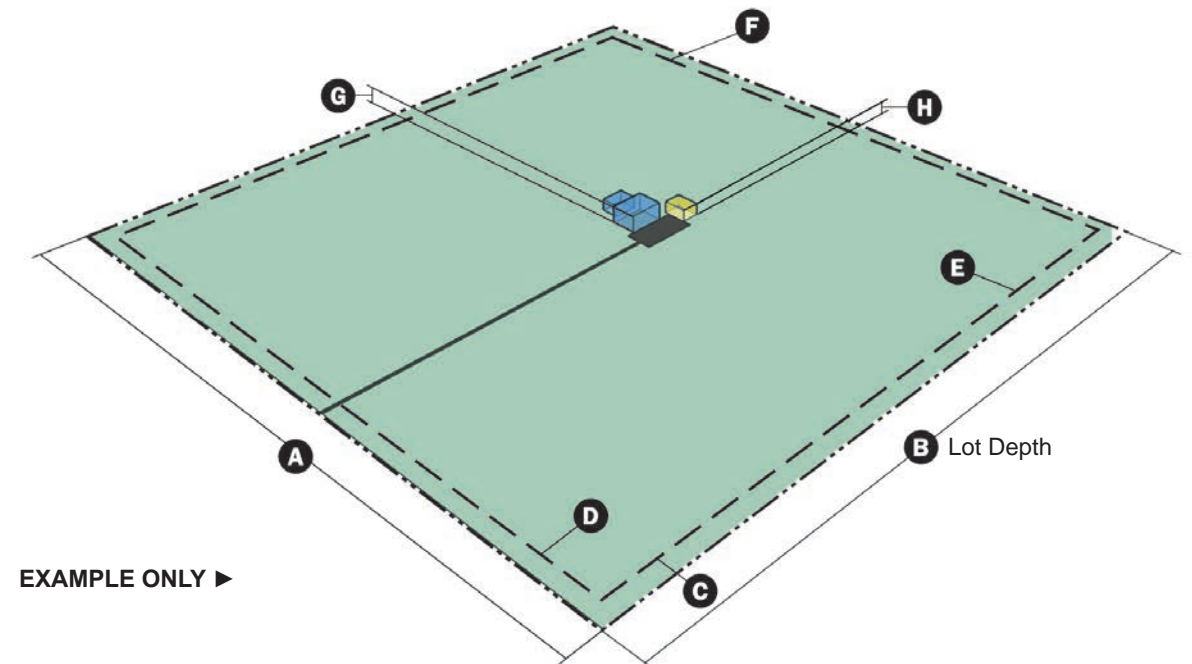
Use	ACCESSORY USES			
	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Agriculture/Environmental Education Program	P	P	P	
Agritourism	P	P	P	
Agriculture	P	P	P	
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Communication Facilities*	C		C	
Communication Towers*	C		C	
Community Gardens	P	P	P	P
Composting – Small Scale	P	P	P	P
Day and Overnight Camping	P		P	
General Storage to include Boat and RVs	P			
Farm Structures, Traditional-Scale	P	P	P	P
Farm Structures, Non-Traditional-Scale	P	P	P	P
Food Trucks	P	P	P	
Incinerators	P			
Offices, Laboratories, Work Areas Related to Administrative/Research Activities	P	P		
Silos	P	P		
Temporary Facilities Related to Advanced Agricultural Research	P	P		
Welding Shops, Small Engine Repair	P			

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	<b>C</b> Lot Size	10 ac	2 ac	5 ac	n/a	n/a
		<b>A</b> Lot Width	at Building Setback Line	300 ft	150 ft	150 ft	150 ft
	at Street Line		300 ft	150 ft	150 ft	150 ft	n/a
	Setback	<b>D</b> Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	500 ft	n/a
			<b>D</b> Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	500 ft
		<b>E</b> Side Yard, for Principal Use	100 ft	100 ft	100 ft	500 ft	n/a
<b>F</b> Rear Yard, for Principal Use		75 ft	75 ft	75 ft	500 ft	n/a	
Maximum	Height	<b>G</b> Principal Structure	40 ft	40 ft	40 ft	200 ft	n/a
		<b>H</b> Accessory Structure	40 ft	40 ft	60 ft	20 ft	n/a
	Coverage	Building	10%	30%	n/a	n/a	n/a
Impervious Surface		10%	50%	10%	n/a	n/a	

**AREA AND BULK CATEGORIES:**

- 1 – agricultural, conservation, research, and institutional uses
- 2 – agriculture-related businesses
- 3 – non-agricultural/non-residential/other uses
- 4 – utility and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



EXAMPLE ONLY ▶

§ 27-205.4 - District - Forest/Game Lands (FG)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Any Use Owned or Managed by the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) or the State Game Commission	P
1	Bird and Wildlife Sanctuaries/Fish Hatcheries	P
1	Forestry	P
2	Archery and Shooting Ranges, Indoor/Outdoor	P
2	Camping Grounds	C
2	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
2	Park and Outdoor Recreational Facilities, Community, Public	P
2	Park and Outdoor Recreational Facilities, Regional, Public	P
2	Park and Outdoor Recreational Facilities, Private	C
2	Recreation Facilities for Employees, Faculty & Students	P
2	Seasonal Dwellings	P
3	Commercial Hunting Preserves	P
3	Community Gardens	P
3	Conservation Areas	P
3	General Weather, Radio and Satellite Research	P
3	Nature Education Centers	P
4	Communication Facilities*	C
4	Communications Towers*	C
4	Essential Services – Type 1	P

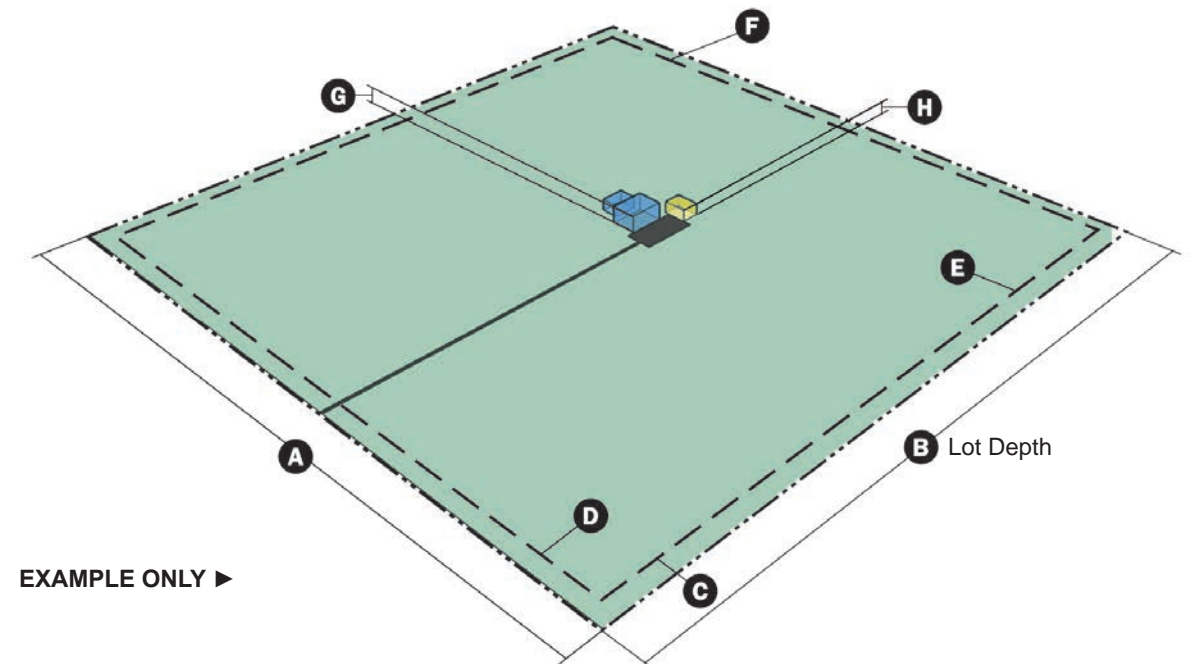
ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Communication Facilities*	C	C		
Communication Towers*	C	C		
Community Garden	P	P	P	P
Composting – small scale	P	P	P	P
Food Trucks	P	P	P	
Day and Overnight Camping	P	P		
Incinerators	C			

DIMENSIONS		AREA AND BULK CATEGORIES						
		1	2	3	4	5		
Minimum	Lot Size	<b>C</b>	25 ac	10 ac	1 ac	n/a	n/a	
	Lot Width		at Building Setback Line	300 ft	150 ft	150 ft	150 ft	n/a
		<b>A</b>	at Street Line	300 ft	150 ft	150 ft	150 ft	n/a
	Setback	<b>D</b>	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	500 ft	n/a
			Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	500 ft	n/a
<b>E</b>		Side Yard, for Principal Use	100 ft	100 ft	50 ft	500 ft	n/a	
<b>F</b>		Rear Yard, for Principal Use	75 ft	75 ft	50 ft	500 ft	n/a	
Maximum	Height	<b>G</b>	Principal Structure	40 ft	40 ft	40 ft	200 ft	n/a
		<b>H</b>	Accessory Structure	40 ft	40 ft	40 ft	40 ft	n/a
	Coverage		Building	n/a	5%	15%	n/a	n/a
		Impervious Surface	5%	10%	25%	n/a	n/a	

**AREA AND BULK CATEGORIES:**

- 1 – agricultural and conservation activities
- 2 – recreational uses
- 3 – research and institutional uses
- 4 – utility and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.





§ 27-205.13 - District - General Commercial (C)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Sport and Field Complexes	P
2	Group Homes	P
2	Personal Care Homes, Small	P
3	Automobile Service Stations and Garages	P
3	Banks and Financial Establishments	P
3	Business, Professional and Financial Offices	P
3	Car Washes	P
3	Child/Day Care Centers	P
3	Cideries	P
3	Cigar, Hookah, and/or Vapor Lounge	C
3	Clinics and Medical and Dental Offices	P
3	Convenience Food Stores	P
3	Eating and Drinking Establishments, Sit-Down	P
3	Eating and Drinking Establishments, Takeout	P
3	Essential Services	P
3	Food Catering	P
3	Health and Athletic Clubs	P
3	Laundromats	P
3	Medical Marijuana Dispensary	P
3	Mortuaries	P
3	Personal Service Establishments	P
3	Pet Care Services Facility	C
3	Pet Stores	P
3	Printing Establishments	P
3	Retail Establishments, General	P
3	Schools, Commercial	P
3	Studios for Instruction in Music, Performing Arts and Visual Media	P
3	Tasting Room	P
3	Treatment Centers	C
3	Tutoring and Study Centers	P
3	Veterinary Offices/Clinics	P
4	Adult Business Uses	C
4	Amusement Arcades	P
4	Bowling Alleys	P

AREA AND BULK CATEGORY	PRINCIPAL USES, continued	
4	Exercise and Fitness Centers	P
4	Grocery Stores	P
4	Health and Athletic Clubs	P
4	Hotels and Motels	P
4	Micro-Distillery/Brewery (Beverage Production Facilities)	P
4	Miniature Golf	P
4	Public or Private Parking Garages	P
4	Self-Service Storage Facility	P
4	Theater	P
4	Wineries	P
4	All Other Commercial Uses	C
5	Bus Passenger Stations	P
5	Communication Facilities*	C
5	Communication Towers*	C
5	Emergency Services	P
5	Places of Assembly, Neighborhood	C
5	Places of Assembly, Community	C
5	Places of Assembly, Regional	C
5	Potable Water Pump Station Facilities	C
5	Radio and Television Studios, Excluding Towers in Excess of District Max. Height	P
5	Taxi and Limousine Services	P

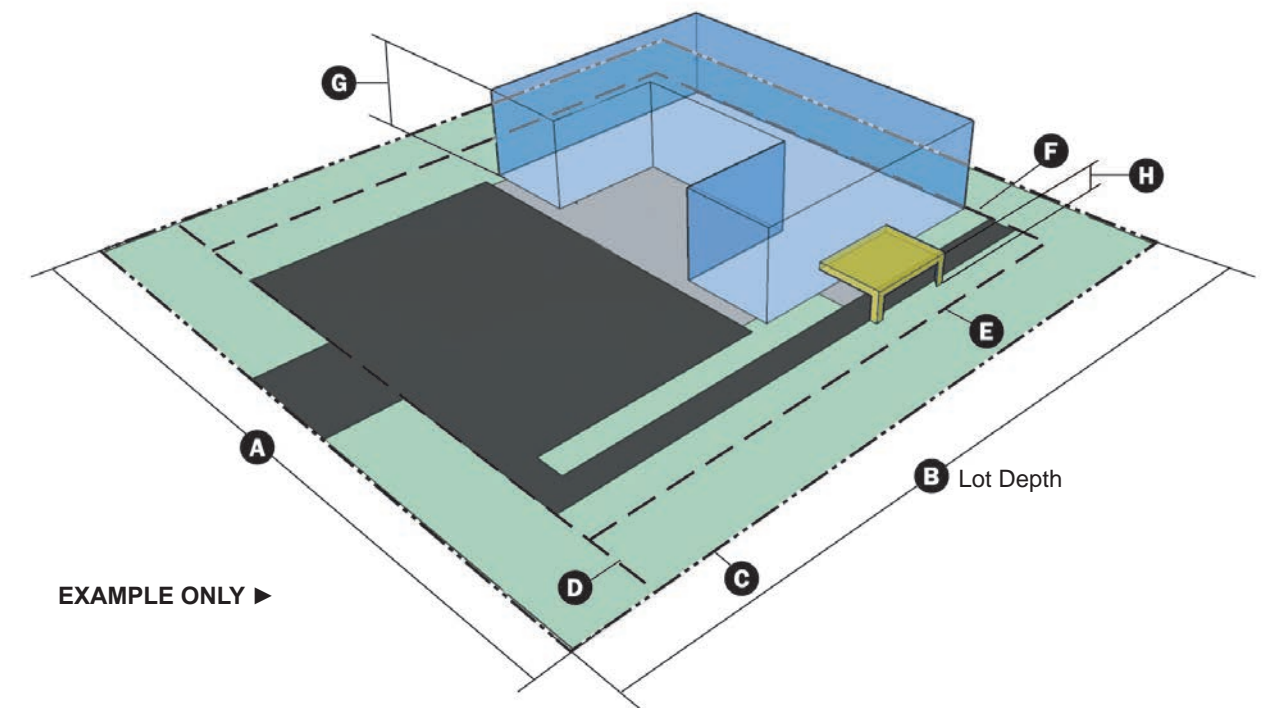
ACCESSORY USES					
Use	Area and Bulk Categories				
	1	2	3	4	5
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P	P
Communication Facilities*	C				
Communication Towers*	C				
Food Truck	P	P	P	P	P
General Storage to include Boats and RVs					P

DIMENSIONS		AREA AND BULK CATEGORIES						
		1	2	3	4	5		
Minimum	Lot Size	<b>C</b>	1 acre	10,000 sf	5,000 sf	20,000 sf	n/a	
		<b>A</b>	at Building Setback Line	75 ft	50 ft	25 ft	100 ft	60 ft
	at Street Line		75 ft	50 ft	50 ft	100 ft	60 ft	
	Setback	<b>D</b>	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	50 ft
			Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	50 ft
		<b>E</b>	Side Yard, for Principal Use	30 ft	15 ft	15 ft	25 ft	75 ft
<b>F</b>		Rear Yard, for Principal Use	50 ft	50 ft	20 ft	50 ft	50 ft	
Maximum	Height	<b>G</b>	Principal Structure	40 ft	40 ft	40 ft	45 ft	40 ft
		<b>H</b>	Accessory Structure	40 ft	40 ft	40 ft	40 ft	40 ft
	Coverage	Building	n/a	45%	45%	45%	30%	
Impervious Surface		30%	80%	80%	80%	50%		

**AREA AND BULK CATEGORIES:**

- 1 – conservation and recreation activities
- 2 – residential uses
- 3 – local commercial uses
- 4 – regional commercial uses
- 5 – institutional, governmental, utility, and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



EXAMPLE ONLY ▶

§ 27-205.14 - District - Industrial (I)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Recreation Facilities for Employees, Faculty & Students	P
2	Distribution Facilities	P
2	Landscape and Garden Center- Retail	P
2	Light Manufacturing, Assembly, Processing, Production and Fabrication	P
2	Moving and Storage Parcel Delivery and Express Transfer Stations	P
2	Research, Development, Engineering or Testing Laboratory	P
2	Storage of Passenger Vehicles and Light Trucks	C
2	Wholesale Distribution, Warehouse	P
3	Auto Wrecking, Junk, and Scrap Establishments	P
3	Freight and trucking terminals	P
3	Incinerators, non-agricultural	C
3	Manufacturing, Processing or Bulk Storage of Natural Gas	C
3	All Other Commercial and Industrial Uses	C
4	Emergency Services	P
4	Essential Services – Type 1	P
4	Potable Water Well Pump Station Facilities	C
4	Public or Private Parking Garages	P
5	Communication Facilities*	C
5	Communication Towers*	C

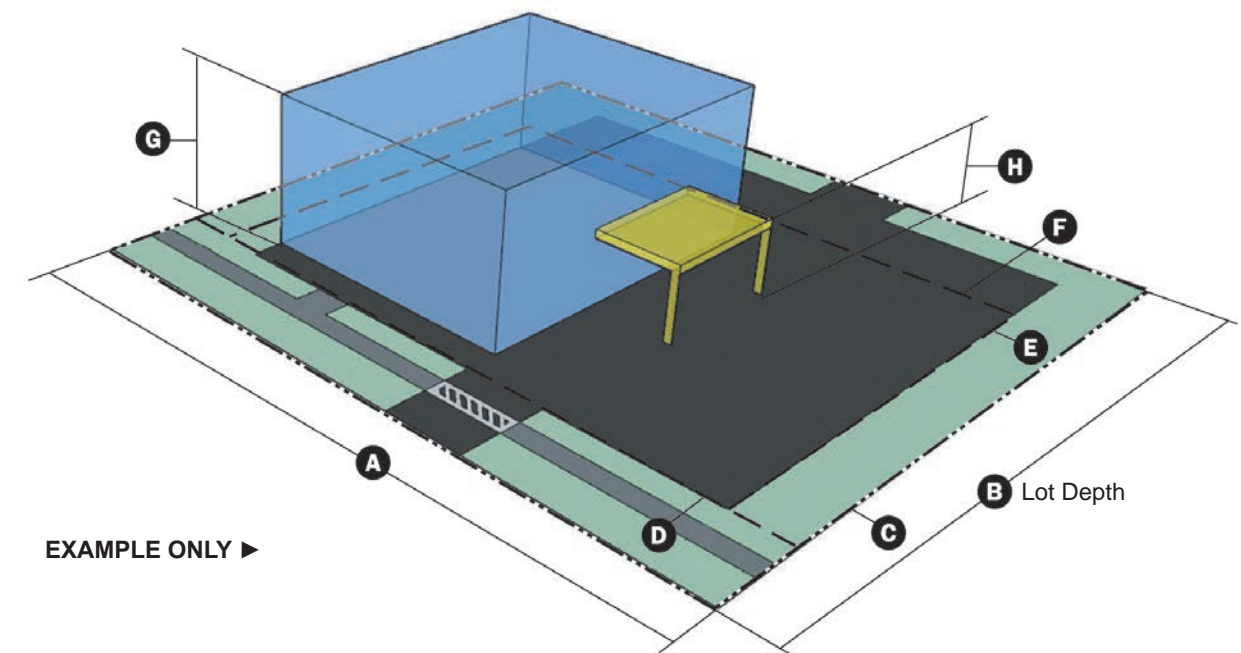
ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Communication Facilities*	C	C		C
Communication Towers*	C	C		C
General Storage to include Boats and RVs		P		
Food Truck	P	P	P	
Research, Development, Engineering or Testing Laboratory		P	P	P

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	1 ac	1 ac	4 acs	n/a	n/a	
	Lot Width	at Building Setback Line	75 ft	100 ft	150 ft	60 ft	60 ft
		at Street Line	75 ft	100 ft	150 ft	60 ft	60 ft
	Setback	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	500 ft
		Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	500 ft
		Side Yard, for Principal Use	25 ft	25 ft	25 ft	75 ft	500 ft
Rear Yard, for Principal Use		50 ft	50 ft	50 ft	50 ft	500 ft	
Maximum	Height	Principal Structure	40 ft	45 ft	45 ft	200 ft	200 ft
		Accessory Structure	40 ft	40 ft	40 ft	40 ft	40 ft
	Coverage	Building	n/a	45%	45%	30%	30%
Impervious Surface		30%	75%	75%	60%	60%	

**AREA AND BULK CATEGORIES:**

- 1 – conservation and recreation activities
- 2 – light industrial uses
- 3 – other uses
- 4 – institutional, governmental, utility, and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



§ 27-205.15 - District - Light, Industry, Research & Development (IRD)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Recreation Facilities for Employees, Faculty & Students	P
2	Administrative Office Buildings (associated with the Uses in this Area and Bulk Category)	P
2	Food Catering	P
2	Micro-Distillery/Brewery (Beverage Production Facilities)	P
2	Light Manufacturing, Assembly, Processing, Production and Fabrication	P
2	Research, Development, Engineering or Testing Laboratory	P
2	Self-Service Storage Facility	P
2	Archival Libraries	P
3	Amusement Arcades	P
3	Archery and Shooting Ranges, Indoor	P
3	Bowling Alleys	P
3	Business, Professional and Financial Offices	P
3	Child/Day Care Centers	P
3	Clinics and Medical and Dental Offices	P
3	Eating and Drinking Establishments, Sit-Down	P
3	Eating and Drinking Establishments, Takeout	P
3	Health and Athletic Clubs	P
3	Pet Care Services Facility	C
3	Schools, Commercial	P
3	Sport and Field Complexes	P
3	Sporting and Entertainment Arenas and Stadiums	P
3	Studios for Instruction in Music, Performing Arts and Visual Media	P
3	Tutoring and Study Centers	P
4	Community Gardens	P
4	Emergency Services	P
4	Essential Services – Type 1	P
4	Potable Water Pump Station Facilities	C
4	Radio and Television Studios, Excluding Towers in Excess of District Max. Height	P
4	Telecommunications Switching Facility	P
5	Communication Facilities*	C
5	Communication Towers*	C

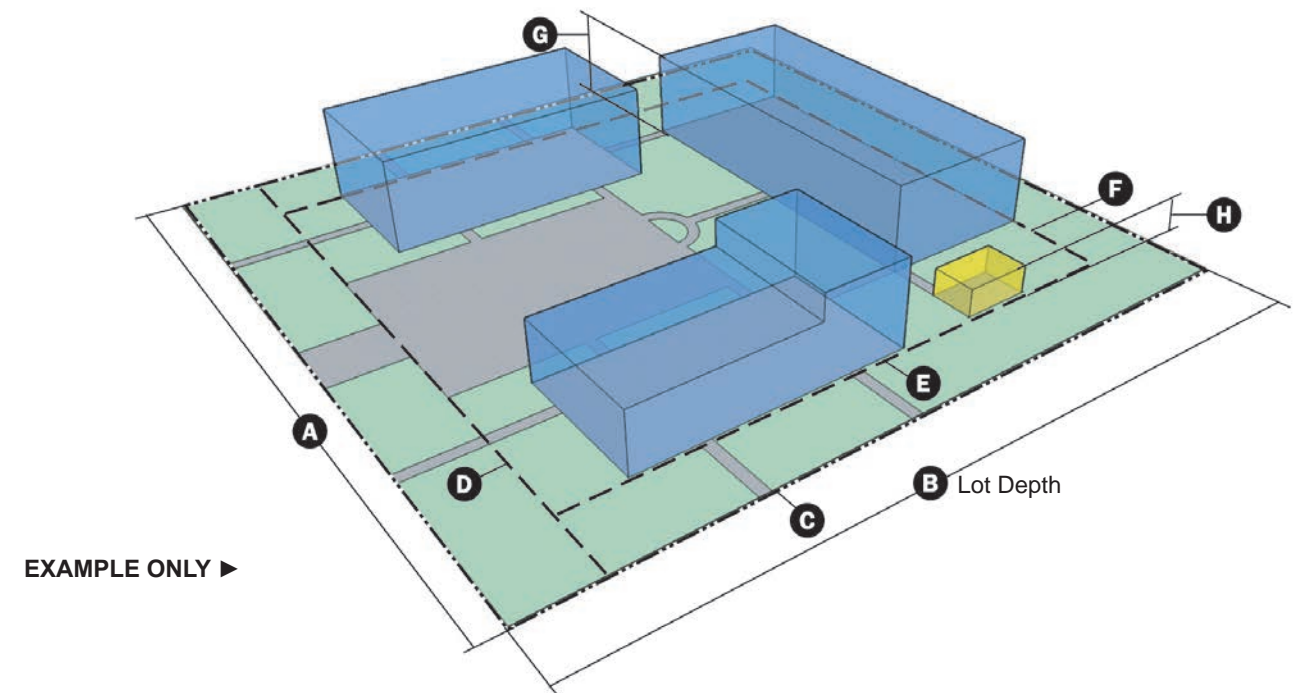
ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Communication Facilities*	C		C	
Communication Towers*	C		C	
Food Truck	P	P	P	P
General Storage to include Boat and RVs	P	P	P	P

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	1 ac	20,000 sf	1 ac	n/a	n/a	
	Lot Width	at Building Setback Line	75 ft	100 ft	100 ft	60 ft	60 ft
		at Street Line	75 ft	100 ft	100 ft	60 ft	60 ft
	Setback	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	500 ft
		Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	500 ft
		Side Yard, for Principal Use	25 ft	25 ft	25 ft	50 ft	500 ft
Rear Yard, for Principal Use		50 ft	50 ft	50 ft	50 ft	500 ft	
Maximum	Height	Principal Structure	40 ft	45 ft	45 ft	200 ft	200 ft
		Accessory Structure	40 ft	40 ft	40 ft	40 ft	40 ft
	Coverage	Building	n/a	30%	30%	30%	30%
Impervious Surface		30%	60%	60%	60%	60%	

**AREA AND BULK CATEGORIES:**

- 1 – conservation and recreation activities
- 2 – light industrial uses
- 3 – other uses
- 4 – institutional, governmental, utility, and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



# ZONING PRACTICE

Unique Insights | Innovative Approaches | Practical Solutions

## Coliving: An Old Idea Is New Again



**In This Issue:** [What Is Coliving?](#) | [A Brief History](#) | [Benefits of Coliving](#)  
[Barriers to Coliving](#) | [What Can Planners Do?](#) | [Conclusion](#) | [References](#)

# Coliving: An Old Idea Is New Again

By Kelly Cousino, AICP

Coliving communities are an emerging land use with roots in the sharing economy. Rapid advances in technology, particularly mobile technology, continue to influence the way we work, the way we obtain goods and services, how we travel, where we stay when we get there, and now, with whom we choose to live.

Between 2011 and 2021, the number of Americans who own a smartphone increased from 45 to 85 percent. Correspondingly, use of sharing-economy services in the U.S.—many of which operate through a mobile app—nearly doubled over the past five years from 44.8 million adults in 2016 to an estimated 86.5 million in 2021 (Lock 2022).

The rapid growth in sharing-economy services, such as ridesharing, coworking, and homesharing, has created a unique set of zoning and community planning

challenges. Since 2010, many communities have updated their zoning ordinances to address these uses. However, explicit regulations for coliving remain rare, which can unintentionally limit legal opportunities to live communally.

This issue of *Zoning Practice* defines and describes coliving and its benefits, distinguishes coliving from other similar land uses, and identifies barriers to the production of purpose-built coliving communities. It then provides recommendations for changes to local zoning codes to accommodate and encourage coliving.



Treehouse  
Hollywood, a  
purpose-built  
coliving facility  
in Los Angeles  
(Credit: Treehouse)

## What Is Coliving?

The terms *coliving*, *cohousing*, and *home-sharing* are often used interchangeably. While they share a common foundation of community and collaboration, this article defines coliving, cohousing, and homesharing as distinctly different living arrangements.

While the modern concept of coliving, particularly purpose-built coliving facilities, lacks a standard industry definition, most coliving communities share a common set of basic characteristics. They are comprised of one or more buildings where residents have a private bedroom and (usually) a private bath, with shared common rooms including a kitchen, laundry room, and one or more living/lounge areas. Private bedrooms in a coliving dwelling do not include cooking facilities.

A handful of residents, typically four to eight, share a coliving unit (Rice et al. 2020). The owner or operator usually furnishes the common spaces (and often bedrooms too). Amenities include Wi-Fi, basic household supplies, weekly cleaning services, free laundry facilities, and shared kitchens with high-end appliances. Larger facilities may offer additional amenities, such as a fitness center, coffee bar, or coworking space.

Coliving facilities range in size, with larger facilities housing 100 or more residents. Larger facilities share many similarities with traditional multifamily developments. In fact, some multifamily developers combine coliving units with traditional multifamily dwelling units to mitigate risk, as the coliving market—though increasingly popular—is still relatively new (Rice et al. 2020).

In contrast, the Cohousing Association of the U.S. defines cohousing as a “community intentionally designed with ample common spaces surrounded by private homes. Collaborative spaces typically include a common house with

a large kitchen and dining room, laundry, and recreational areas and outdoor walkways, open space, gardens, and parking. Neighbors use these spaces to play together, cook for one another, share tools, and work collaboratively” (2022). Private homes in a cohousing community are often detached dwellings, with a kitchen, one or more bedrooms and bathrooms, and other features typical of an individual dwelling unit. In a zoning context, cohousing communities are similar to traditional subdivisions though the ownership structure may involve a horizontal property regime rather than fee simple lots.

Finally, homesharing may refer to a long-term living arrangement where two or more unrelated people live as roommates and share the responsibilities for maintaining the household. However, this term can also describe a form of short-term rental, where a portion of the dwelling is rented on a nightly or weekly basis. The smallest coliving community, where residents share one dwelling unit (as traditionally defined with one kitchen), may be more appropriately described as homesharing.



*The Highland Gardens Village cohousing community in Denver (Credit: [Placematters / Flickr](#))*



*Levittown on New York's Long Island, with its mass-produced single-family homes, became a model for suburban communities across the U.S. (Credit: [Mark Mathosian / Flickr](#))*

### **A Brief History**

Cooperative and communal living arrangements are hardly a new phenomenon; humans have lived this way for thousands of years. The concept of a single-family household, in a form most similar to the way current zoning ordinances characterize them, did not truly begin to emerge until the 1500s in Europe (Strauss 2016). However, single-family households did not become the norm in the U.S. until after the Industrial Revolution. Even then, households commonly included unrelated boarders or lodgers who worked on the premises or nearby.

As growth in U.S. cities exploded in the late 1800s, affordable housing options for workers became critical to the success of many factories. Boarding houses, residential hotels, and single-room occupancy facilities (SROs) provided a solution—they offered new city residents an affordable place to live near jobs, flexible lease terms, and a social network. Many boarding houses also offered hot meals. They helped ease the transition to city life for young people moving from agricultural areas to seek employment. As many as half of 19th-century urban residents either took in boarders or were boarders themselves (Gamber 2007).

During the 20th century, a stigma (which persists today) developed around

boarding houses, residential hotels, and SROs. They came to be viewed as crowded, substandard housing inhabited by people of low moral character. Many stereotypes of these uses originate in racist and xenophobic views of the immigrants and residents of lower means that often occupied these housing types. This stigma, along with the emergence of the single-family suburbs in the middle part of the century, led to a significant decrease in these uses over time, with many communities banning them entirely.

Single-family homes and the idealized vision of family life in the suburbs came to define the “American Dream,” resulting in long-held negative perceptions of land-use patterns that do not conform to this model. Many communities have “zoned out” most housing types other than detached single-family dwellings or made them extremely difficult to build, further perpetuating the myth that housing types other than single-family dwellings are inherently detrimental to communities. The result is that, today, “around 75 percent of land zoned for housing in major cities in the U.S. is zoned for single-family housing” (Planetizen 2022). In some places, this percentage is even higher. For example, over 90 percent of land in Connecticut is zoned for by-right single-family housing (Bronin 2022).

## Benefits of Coliving

The dominance of large-lot, single-family housing has far-reaching effects on our communities, not all of them positive. It increases the consumption of land, leading to the loss of rural and agricultural areas. It requires more infrastructure than higher density housing, generates increased demand on public services, and perpetuates the wealth gap by increasing the cost of housing. Large-lot, single-family housing can also increase feelings of isolation, particularly for older adults or people with limited mobility.

As part of a diverse housing stock, coliving communities offer a variety of benefits for their residents and for the broader community that help balance some of the negative effects of sprawling, low-density development typical in many American communities.

## Increased Social Connections

The desire to return to a more communal way of living is a byproduct of our modern society, where we have become more connected yet more isolated than ever before. The ubiquity of the internet and social media allows us to connect with people all over the world, but doing it from behind a screen can lead to feelings of loneliness and social isolation. Further, studies have linked the COVID-19 pandemic to an increase in such feelings in many people (Ernst et al. 2022). Coliving communities offer a way to connect with others on a daily basis. They encourage interaction through shared living spaces, while offering private spaces for retreat.

Coworking spaces offer similar benefits for remote workers, allowing them a place to connect outside of their home office. Industry estimates indicate the number of coworking spaces and the number of workers using these spaces will continue to grow (Coworking Resources 2020). The popularity of coworking spaces and the trend towards increasing the number and types of amenities offered further illustrates many peoples' desire to frequently interact with others in-person. It is reasonable to expect this desire would influence living arrangements as well.

While coliving communities often attract and are marketed to young professionals, the coliving model presents a great opportunity for intergenerational housing, housing for older adults, and transitional housing. These types of living arrangements are characterized by residents who need or want the support of other residents in their daily lives.

**The desire to return to a more communal way of living is a byproduct of our modern society, where we have become more connected yet more isolated than ever before.**

## Affordability

Alongside this desire for increased connectivity with others, one of the primary reasons behind the growing market for coliving communities is the lack of affordable housing—particularly in areas closest to employment centers. In May 2022, the National Association of Realtors Housing Affordability Index fell to its lowest level since 2006 (Friedman 2022). Median rents continue to rise across the U.S. (Berner and Hale 2022).

In a 2017 analysis of U.S. Census data, the Pew Research Center found “more U.S. households [36.6 percent] are headed by renters than at any point since at least 1965” (Cilluffo et al. 2017). Many renters cite financial reasons for continuing to rent (Fry and Brown 2016). Coliving facilities, which are predominantly rental communities, offer residents a savings of 20–30 percent over rents for traditional studio apartments while providing owners an approximately 23 percent or higher per-square-foot premium over average studio rents (Albers et al. 2020). This makes coliving a viable approach for communities to use as part of a holistic strategy to address rental housing affordability.



### Housing Stock Diversity

Coliving communities contribute to the diversity of housing stock. A diverse housing stock increases affordable housing opportunities by providing a variety of dwelling types, sizes, and price points, and offers choices to residents who may not want to live in a single-family home.

### Preservation of Open Space and Rural Landscapes

Coliving facilities and other housing types that accommodate more people in a smaller land area help to preserve open space and rural landscapes, a high priority in many communities. Higher-density development uses less land and requires less infrastructure (e.g., streets, utilities, and emergency services) than lower-density development, while lower-density development contributes to sprawl, a primary cause of rural land loss in the U.S. In fact, a recent study found the U.S. lost approximately 17,800 square miles (more than 11 million acres) of natural and agricultural land to sprawl between 2002 and 2017 (Kolankiewicz et al. 2022).

*A private bedroom in Treehouse Hollywood (Credit: Treehouse)*

### Increased Mobility

Coliving also offers residents the benefit of increased mobility. The purpose-built coliving model emphasizes “move-in ready” units, where private and shared living spaces are fully furnished and kitchens include dishes and utensils, pots and pans, and daily supplies like dish soap and paper towels. This increases residents’ mobility, allowing them to easily relocate without the added expense of hiring movers or leasing storage units. Remote work has become more common, particularly since the start of the COVID-19 pandemic, with many workers able to work from anywhere with an internet connection. This makes move-in ready coliving units particularly attractive to remote workers who want the experience of living in different cities, as well as those whose jobs require frequent relocation (e.g., travel nurses, construction managers, and journalists).

Despite the myriad benefits associated with coliving communities, many zoning ordinances restrict the ability of the market to deliver this type of housing.



**The purpose-built coliving model emphasizes “move-in ready” units, where private and shared living spaces are fully furnished and kitchens include dishes and utensils, pots and pans, and daily supplies like dish soap and paper towels.**

### **Barriers to Coliving**

As noted above, a primary benefit of coliving facilities is the opportunity they offer to increase affordable housing options in communities. However, “barriers such as zoning regulations, building codes, and neighborhood opposition will need to be addressed before coliving spaces are fully reintroduced into the affordable housing stock” (USDHUD 2019).

The exclusionary zoning regulations described in this section not only present barriers to the development of coliving communities, but also restrict the overall supply of housing which, in turn, limits labor mobility. A recent study found that “the increased spatial misallocation of labor due to housing supply constraints in cities with high productivity growth rates lowered aggregate [economic] growth between 1964 and 2009 by a significant amount” (Hsieh and Moretti 2019). Thus, communities interested in long-term economic success should consider ways to increase the supply of diverse housing types, including coliving facilities.

### **Community Perception**

Residents in many communities have negative perceptions of land uses such as multifamily dwellings, boarding houses, residential hotels, and SRO facilities. Most people are not familiar with coliving and, without a complete understanding of the difference between the modern coliving model and these other uses, negative perceptions carry over to coliving as well.

Neighborhood opposition to coliving and other unfamiliar land uses can be difficult to overcome. Education is a critical component to building support for coliving. Without it, attempts to eliminate the barriers described below may find little success.

### **Lack of Clear Regulation**

One of the most common barriers to coliving is when the zoning ordinance does not address the use at all. Some communities prohibit any use not expressly allowed by the ordinance, while others allow zoning officials to classify the use in accordance with the most similar use allowed. Depending on the configuration and minimum lease timeframes of a particular coliving facility, and a community’s land-use definitions in the zoning ordinance, the use could be considered as a multifamily dwelling, group dwelling, boarding or rooming house, residential hotel, SRO facility, dormitory, or congregate living facility. Communities often relegate such uses to only a few zoning districts and sometimes require approval by appointed or elected officials. As noted above, negative perceptions of these uses can lead to community opposition, making the establishment of a coliving facility a challenging prospect.

### **Conflicts With Current Use Definitions**

Even if a community is inclined to consider a coliving facility as a multifamily dwelling, the use wouldn’t meet the definition of a *multifamily dwelling* in many zoning ordinances. Typically, at least three to five individual dwelling units comprise a multifamily dwelling. Zoning ordinance definitions of *dwelling unit* often align with the International Residential Code, which defines the term as “[a] single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation” (ICC 2021). Each coliving unit could constitute a multifamily dwelling unit, but units shared by three or more people may run afoul of the zoning ordinance’s definition of *family*.

Limiting the occupancy of a dwelling unit to one family, typically defined as a nuclear family or not more than a certain number (often three, four, or five) of unrelated people, is an exclusionary zoning practice that fails to recognize many modern living arrangements. Connolly and Brewster note that “increasingly... the nuclear family is a foreign concept to most American households” (2020). Further, they observe that restricting residential occupancy to families “is unlikely to directly accomplish” community planning goals such as lessening congestion or protecting public health and safety.

An important first step planners can take to overcome limiting zoning definitions and help avoid negative perceptions of coliving is to define it as a distinct land use and ensure the definition reflects the characteristics present in modern coliving communities. Further, zoning ordinances should also incorporate a broader definition of *family* to accommodate modern living arrangements or eliminate the regulation of residential occupancy by “families” altogether.

**Zoning ordinances should expressly define coliving community as a land use to distinguish it from other similar living arrangements.**

The latter approach necessitates a rethinking of how zoning ordinances define dwelling types. Rather than referring to them as single-family, two-family, or multifamily dwellings, zoning ordinances should define dwelling types by their physical characteristics, rather than their occupants. For example, detached and attached single-family dwellings could become *detached houses* and *townhouses* or *rowhouses*. Two-family dwellings could become *attached houses* or *duplexes*. This also allows for finer-grain regulation of multi-dwelling buildings by

scale, opening up possibilities to accommodate moderately sized housing types like *triplexes* and *quadplexes* in more zoning districts.

### **Low Residential Densities**

Low residential densities inhibit the production of smaller dwelling units, resulting in another barrier to coliving facilities. In many communities, maximum densities are simply too low to make multifamily development and larger coliving communities a viable option. This is often by design, due in part to the negative perceptions of higher-density housing that perpetuate in our communities and the legacy of economic and racial discrimination in zoning. If developers can only build a few units on an acre of land, they realize higher returns on investment for larger units. Low-density development also encourages sprawl, pushing homes further from jobs and services and increasing traffic congestion as land-use patterns force people to rely on cars to meet everyday transportation needs.

Zoning ordinances typically base residential densities on the number of dwelling units per acre of land, which raises the question of how density applies to a coliving facility. Does each bedroom count as a dwelling unit for density purposes, or does each coliving unit count as a dwelling unit? In the latter case, we encounter the issues mentioned above with regard to the definitions of *dwelling unit* and *family*.

Many communities are shifting away from the regulation of density, instead allowing the market to dictate the number of dwellings a site can support. Other zoning and land-development regulations, such as height and floor-area-ratio limits, minimum parking ratios, and stormwater management requirements, indirectly limit the number of dwellings a given site can accommodate. In the absence of these other regulations, density limits may help achieve traditional zoning ordinance goals such as reducing overcrowding, maintaining open space, and limiting traffic congestion. However, in a more complex regulatory environment, density limits lower than what a given site could otherwise support artificially restrict the supply of housing and increase housing costs.



### Minimum Parking Ratios

Minimum parking requirements also present a barrier to the establishment of coliving facilities. In general, parking minimums inhibit walkability by increasing the separation of land uses, drive up the cost of development, and increase the amount of impervious surfaces which contribute to the heat island effect and necessitate larger stormwater management facilities—pushing land uses even further apart.

While many planners advocate for the complete elimination of minimum parking ratios, this is politically unrealistic in many communities. However, simply allowing flexibility may be sufficient to accommodate the needs of coliving facilities. For example, instead of prescribing a minimum parking ratio for all coliving facilities, such as one space per bedroom, zoning ordinances should consider the building's proximity to employment centers and public transportation as well as verifiable, empirical data from the developer to determine the anticipated parking demand for a particular coliving facility.

### Minimum Dwelling Size

Some zoning ordinances prescribe a minimum square footage for dwelling units, which could exclude the development of coliving facilities—particularly if the minimum square footage applies to each rental unit (i.e., bedroom), rather than the complete coliving unit. As an exclusionary zoning law, minimum size requirements increase the cost of housing and perpetuate economic and racial segregation. Zoning ordinances relate minimum size requirements to the notion of protecting property values but fail to recognize that smaller dwelling units and higher density housing generally do not negatively affect property values in the vicinity (Craw 2017; Eskic 2021; Haughey 2005).

---

*A shared kitchen  
in a coliving unit in  
Treehouse Hollywood  
(Credit: Treehouse)*

## What Can Planners Do?

Armed with a better understanding of the modern coliving concept and the ways zoning ordinances directly and indirectly limit this land use, planners can begin to break down the barriers to coliving in their communities. To do so, planners should advocate for the following zoning reforms.

### Expressly Define “Coliving Community” as a Use

Zoning ordinances should expressly define *coliving community* as a land use to distinguish it from other similar living arrangements. The definition should clarify that a *coliving community* is a purpose-built facility; in other words, it is distinct from *homesharing* as defined earlier in this article. If appropriate to the community context and helpful in building community support, the ordinance should distinguish coliving from similar uses intended primarily for short-term leases or transient occupancy. Lease terms in coliving communities average nine months (Albers et al. 2020).

The Durham City-County, North Carolina, Unified Development Ordinance (UDO) defines *coliving* as “a dwelling unit where individuals reside by leasing a bedroom, the collective individuals do not qualify as a family as defined in this [o]rdinance, and where bathrooms may be shared but the common spaces and kitchen are shared. No individually leased rooms maintain separate cooking facilities. This definition does not include a fraternity or sorority, or a hotel, bed and breakfast inn, or other overnight accommodation” (§17.3). San Jose, California’s zoning code includes a similar definition for *coliving community*, but limits bedrooms to one or two occupants and requires kitchens to serve at least six bedrooms (§20.200.197).

Both definitions clearly describe the use, but Durham’s is preferable since it does not limit the facility’s configuration or occupants. Coliving units typically include four to eight bedrooms (Rice et al. 2020), so requiring a minimum of six bedrooms per coliving unit unnecessarily restricts the use.

### Broaden the Definition of Family

Zoning ordinances should include a broader definition of family to accommodate modern living arrangements or, better yet, should entirely eliminate the limitation of dwelling unit occupancy to one *family*. The ordinance should define dwelling types by their physical characteristics, not their occupants.

Edina, Minnesota, utilizes the latter approach. Its zoning ordinance does not define *family* and instead classifies dwellings as single dwelling units, double dwelling units, townhouses, and apartment buildings (§36-10).

The definition of *family* has implications for individual homesharing dwelling units as well as purpose-built coliving communities. As illustrated above in Durham’s definition, planners can craft the definition of *coliving community* to essentially “exempt” the use from the community’s definition of *family*. But homesharing is limited by an ordinance’s definition of family since it involves people sharing a single dwelling unit. The rational basis for allowing an unlimited number of related people to live in a single dwelling unit, but arbitrarily limiting the number of unrelated people who can live in the same dwelling unit is tenuous at best.

**Zoning ordinances should minimize or eliminate parking ratios for coliving facilities, particularly in walkable neighborhoods and areas with widely available public transportation.**

### Reconsider Density Limitations

Planners should reconsider density limitations and how they apply to coliving communities, evaluate the appropriateness of regulating residential density, and consider alternate zoning techniques to produce desired development outcomes.

Blacksburg, Virginia, regulates density by number of bedrooms per acre in several of its residential and mixed-use districts. For example, the RM-48 Medium Density Multiunit Residential District allows up to 48 bedrooms per acre but excludes single-unit residential from this limitation ([Appendix A §3092\(b\)](#)). Ostensibly, single-unit residential is instead limited by minimum lot area.

Regulating density by bedrooms, rather than dwelling units, per acre bears a more rational relationship to the impacts that density limitations seek to control. In many communities, a single dwelling unit could be occupied by an unlimited number of related people. However, if the regulation of density is intended to reduce congestion and overcrowding, bedrooms per acre is a more effective metric.

### **Minimize or Eliminate Parking Ratios for Coliving Facilities**

Zoning ordinances should minimize or eliminate parking ratios for coliving facilities, particularly in walkable neighborhoods and areas with widely available public transportation. In other areas, the ordinance should allow developers to

establish a market-based parking ratio for the development, supported by verifiable empirical data.

Many communities across the country have eliminated minimum parking ratios in certain districts, such as city centers, historic districts, and transit-oriented districts (Parking Reform Network 2022). A few, such as South Bend, Indiana, and Ann Arbor, Michigan, have accomplished this citywide. Cities and counties of all sizes continue to explore parking reforms to encourage development that is economically viable and environmentally sensitive.

York County, South Carolina, recently implemented incremental parking reforms including allowing for alternative parking plans ([§155.910 et seq.](#)). Its zoning code allows an applicant for any use to submit a parking demand study if the applicant believes the relevant parking ratio is inappropriate for their proposed use. While this adds to development costs, it is likely more cost effective than providing unneeded parking spaces. It also allows developers to establish the appropriate amount of parking for their use based on neighborhood and market context.



*Communal outdoor space at Pilsen Coliving in Chicago (Credit: Pilsen Coliving)*



---

### About the Author

**Kelly Cousino, AICP**, is a planner with White & Smith, LLC. Her practice focuses on drafting zoning and development codes and assisting local governments with comprehensive plan implementation. She has also worked as a public sector planner for one of the fastest growing small cities in the country.

## Eliminate Minimum Square Footage Requirements for Dwelling Units

Zoning ordinances should exclude minimum square footage requirements for dwelling units. Desirable dwelling size is a matter of personal choice, not of public health and safety. While many private neighborhood covenants still limit dwelling size, municipal and county ordinances are moving away from regulation of dwelling size and instead allowing the building code to control. For example, Charlotte County, Florida, publishes a handout to clarify that only the Florida Building Code controls the size of one- and two-family dwellings in its jurisdiction (2019).

### Conclusion

Local government planners know firsthand the challenges of addressing emerging land uses. Identifying the most appropriate way to regulate a new use when its characteristics and potential local impacts (both positive and negative) are largely unknown is a difficult task. However, the swift rise in the use of sharing-economy services reinforces the need for communities of all sizes to proactively plan for these uses even if they are not yet a major issue in the community.

Though sharing-economy services may be more prevalent in large, urban areas, demand continues to rise in smaller suburban and rural communities. For

example, while larger cities and resort communities experienced much of the early demand for short-term rentals, communities of all sizes across the country have begun to grapple with the best way to regulate this use in the age of Airbnb. Letting the use go unchecked and waiting to regulate until there are problems has proven a difficult approach in many communities, as it sets the stage for intense conflicts between supporters and critics. A more proactive approach anticipates the use and crafts a solution that aligns with the community's priorities and goals, balances private property rights, and limits potentially negative impacts.

Coliving does not appear to be a passing trend, with operators planning "to open more than 55,000 beds in the next few years" and raising "hundreds of millions of dollars of equity to meet their expansion targets" (Rice et al. 2020). The current focus is on major metropolitan areas with large job markets, such as Los Angeles, Denver, Chicago, Miami, New York, and Boston. However, housing affordability is a challenge in communities of all sizes, and coliving provides a unique opportunity to diversify housing stock to help confront this challenge. For this reason, and due to the other benefits of coliving described above, this land use will likely expand into smaller markets in the near future. As the modern coliving model continues to evolve, communities must ensure their zoning ordinances keep pace.

---

## References

- Albers, Jacob, David Bitner, and Kristina Garcia. 2020. "[Coliving During COVID-19: How Communal Living Has Adapted to the New Normal.](#)" Chicago: Cushman & Wakefield.
- Berner, Joel and Danielle Hale. 2022. "[May Rental Report: Rent Continues to Surge Nationwide, But Growth Starts to Slow.](#)" *Realtor.com*, June 22.
- Bronin, Sara C. 2022. "[Zoning by a Thousand Cuts.](#)" *Cornell Journal of Law and Public Policy*, forthcoming.
- Charlotte (Florida), County of. 2019. "[Minimum Home Size Requirements for One & Two Family Dwellings.](#)"
- Cilluffo, Anthony, A.W. Geiger, and Richard Fry. 2017. "[More U.S. Households Are Renting Than at Any Point in 50 Years.](#)" Washington, D.C.: Pew Research Center.
- Cohousing Association of the U.S. 2022. "[What Is Cohousing?](#)"
- Connolly, Brian J., and David A. Brewster. 2020. "[Modern Family: Zoning and the Non-Nuclear Living Arrangement.](#)" *Zoning Practice*, May.
- Coworking Resources. 2020. "[Global Coworking Growth Study 2020.](#)"
- Craw, Michael. 2017. "[Effects of Multi-Family Housing on Property Values, Crime and Code Violations in Little Rock, 2000-2016.](#)" Little Rock, Arkansas: University of Arkansas at Little Rock Center for Public Collaboration.
- Ernst, Mareike, Daniel Niederer, Antonia M. Werner, Sara J. Czaja, Christopher Mikton, Anthony D. Ong, Tony Rosen, Elmar Brähler, and Manfred E. Beutel. 2022. "[Loneliness Before and During the COVID-19 Pandemic: A Systematic Review With Meta-Analysis.](#)" *American Psychologist*, 77(5): 660–677.
- Eskic, Dejan. 2021. "[The Impact of High-Density Apartments on Surrounding Single-Family Home Values in Suburban Salt Lake County.](#)" Salt Lake City: University of Utah Kem C. Gardner Policy Institute.
- Friedman, Nicole. 2022. "[Housing-Affordability Index Drops to Lowest Level Since 2006.](#)" *Wall Street Journal*, July 8.
- Fry, Richard and Anna Brown. 2016. "[In a Recovering Market, Homeownership Rates Are Down Sharply for Blacks, Young Adults.](#)" Washington, D.C.: Pew Research Center.
- Gamber, Wendy. 2007. *The Boardinghouse in Nineteenth-Century America*. Baltimore: Johns Hopkins University Press.
- Haughey, Richard M. 2005. *Higher-Density Development: Myth and Fact*. Washington, D.C.: Urban Land Institute.
- Hsieh, Chang-Tai and Enrico Moretti. 2019. "[Housing Constraints and Spatial Misallocation.](#)" *American Economic Journal: Macroeconomics*, 11(2): 1–39.
- International Code Council (ICC). 2021. "[Section R202 Definitions.](#)" In *2021 International Residential Code*.
- Kolankiewicz, Leon, Roy Beck, and Eric A. Ruark. 2022. "[From Sea to Sprawling Sea: Quantifying the Loss of Open Space in America.](#)" Arlington, Virginia: NumbersUSA.
- Lock, S. 2022. "[Number of Sharing Economy Users in the U.S. 2016-2021.](#)" *Statista*, July 27.
- Parking Reform Network. 2022. "[Mandates Map.](#)"
- Pew Research Center. 2021. "[Mobile Fact Sheet.](#)"
- Planetizen. 2022. "[What Is Single-Family Zoning?](#)"
- Rice, Jeanette, George Entis, Jamie Sabat, and Eric Burka. 2020. *Multifamily Innovation Watch: The Rise of Co-Living*. Dallas: CBRE.
- Strauss, Ilana E. 2016. "[The Hot New Millennial Housing Trend Is a Repeat of the Middle Ages.](#)" *Atlantic*, September 26.
- U.S. Department of Housing and Urban Development (USD-HUD). 2019. "[Coliving: A Nontraditional Affordable Housing Option.](#)" *PD&R Edge*, April 29.



**American Planning Association**

*Creating Great Communities for All*

**ZONING PRACTICE** NOVEMBER 2022 | VOL. 39, NO. 11. Zoning Practice (ISSN 1548-0135) is a monthly publication of the American Planning Association. Joel Albizo, FASAE, CAE, Chief Executive Officer; Petra Hurtado, PHD, Research Director; David Morley, AICP, Editor. Subscriptions are available for \$95. © 2022 by the American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601-5927; [planning.org](http://planning.org). All rights reserved. No part of this publication may be reproduced or utilized in any form or by any means without permission in writing from APA.