

FERGUSON TOWNSHIP PLANNING COMMISSION
Regular Meeting Agenda
Monday, November 14, 2022, 6:00 PM

Hybrid Meeting

REMOTE PARTICIPANTS:

Join Zoom Meeting:

<https://us02web.zoom.us/j/83268113138>

Meeting ID: 832 6811 3138

[**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. October 24, 2022, Regular Meeting Minutes

IV. NEW BUSINESS

**1. ORDINANCE AMENDMENT REQUEST—CHAPTER 27, ZONING, SECTION 303,
TRADITIONAL TOWN DEVELOPMENT AND SECTION 710, WIRELESS
COMMUNICATIONS FACILITIES**

Jenna Wargo, Director of Planning & Zoning

On January 10, 2022, Chris Schubert, Esq. on behalf of his client, AT&T, submitted an application for a text amendment to Section 303—Traditional Town Development and Section 710—Wireless Communications Facilities. The Board of Supervisors referred the request to Planning Commission for further review.

Planning Commission received a presentation from the applicant at the February 14, 2022, meeting and worked with Staff on identifying all areas in the Township Code that would need to be amended as a result. That draft was reviewed by Planning Commission at the March 14, 2022, meeting and was recommended to the Board of Supervisors for consideration.

The Board of Supervisors chose to separate the text amendment request and focus on the amendments that were required for State compliance (Act 50) with the understanding that the text amendment request would be revisited after adoption. On November 1, 2022, the Board adopted the Small Wireless Facilities in the Right-of-Way amendments for compliance with Act 50.

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), Agricultural Research (AR), Rural

Residential (RR), General Commercial (C), Forest/Game Lands (FG), Industrial (I) and Light, Industry, Research and Development (IRD) zoning districts that was referred to the Board for their consideration in March. This draft amendment is based on research and peer review of other Pennsylvania Municipalities. Staff has also included the Staff Report that was completed for the initial review by Planning Commission. Staff is prepared to review the proposed amendments with Planning Commission.

Recommended Motion: Move that the Planning Commission recommend approval to the Board of Supervisors of the draft ordinance amendment to the Board of Supervisor.

Staff Recommendation: Recommend approval to the Board of Supervisors the proposed draft ordinance amendment.

2. REVIEW OF THE 2022 STATE OF PLANNING REPORT

Kristina Bassett, Community Planner

The Pennsylvania Municipalities Planning Code (MPC) requires the Planning Commission to keep a full record of its business and annually make a written report to the governing body by March 1st 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.

Recommended Motion: That the Planning Commission receive and provide comments on the draft 2022 State of Planning Report.

Staff Recommendation: That the Planning Commission receive the draft and provide comment.

3. REVIEW AND APPROVAL OF THE 2023 PLANNING COMMISSION WORK PROGRAM

Kristina Bassett, Community Planner

Provided in the agenda is a draft 2023 Planning Commission Work Program for review.

Recommended Motion: That the Planning Commission review and provide comments on the draft 2023 Planning Commission Work Program.

Staff Recommendation: That the Planning Commission receive the draft and provide comment.

4. REVIEW AND APPROVAL OF THE 2023 PLANNING COMMISSION CALENDAR

Kristina Bassett, Community Planner

Provided in the agenda is a draft 2023 Planning Commission Meeting Calendar for review.

Recommended Motion: That the Planning Commission review and provide comments on the draft 2023 Planning Commission Meeting Calendar.

Staff Recommendation: That the Planning Commission receive the draft and provide comment.

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	Comments returned September 28, 2022	December 11, 2022
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	December 15, 2022
IMBT Preliminary Subdivision Plan	January 31, 2022	Conditionally Approved— September 6, 2022	March 5, 2023
1004 West College Ave Vertical Mixed-Use Building	March 14, 2022	Second Review comments returned October 5, 2022	December 12, 2022
MP Machinery Preliminary Land Development Plan	April 6, 2022	Third Review Comments returned November 8, 2022	January 10, 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	January 1, 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	First Review Comments returned October 27, 2022	January 9, 2023
165 Volos Lane Minor Land Development Plan	June 3, 2022	Conditionally Approved— September 20, 2022	December 19, 2022
LeCrone Minor Subdivision Plan	October 21, 2022	Comments Returned November 8, 2022	January 19, 2023

4. Staff Updates

VII. ADJOURNMENT

**FERGUSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MONDAY, OCTOBER 24, 2022
6:00 PM**

ATTENDANCE

The Planning Commission held its first meeting of the month on Monday, October 24, 2022, as a hybrid meeting. In attendance:

Commission:

Jerry Binney – Chair
Dr. Ellen Taricani – Vice Chair
Rob Crassweller - Secretary
Shannon Holliday
Bill Keough
Lisa Rittenhouse
Lewis Steinberg - Alternate

Staff:

Jenna Wargo – Director of Planning
Jeff Ressler - Zoning Administrator
Kristina Bassett – Community Planner

Others in attendance: Rhonda R. Demchak, Recording Secretary; Tobey Field, PSU Student; Joe Lichty, Lichty Engineering

I. CALL TO ORDER

Mr. Binney called the Ferguson Township Planning Commission’s regular meeting to order on Monday, October 24, at 6:00 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 congratulated Ms. Rittenhouse as a member of the Planning Commission instead of an alternate.

II. CITIZEN INPUT

There were no comments.

III. APPROVAL OF MINUTES

Dr. Taricani moved that the Planning Commission **approve** the September 26, 2022, Regular Meeting Minutes. Mr. Keough seconded the motion. The motion passed unanimously

Mr. Keough expressed his concerns with not recording the attendees who are in person and hybrid on the meeting minutes.

IV. NEW BUSINESS

1. Salvation Baptist Church Preliminary Land Development Plan

Ms. Bassett reported that on June 1, 2022, Lichty Engineering submitted, a Preliminary Land Development Plan on behalf of their client, The Salvation Baptist Church. Salvation Baptist Church, formerly known as The Russian Church of Christ, is located at 3645 West College Avenue (TP: 24-004-,078-,0000-). This parcel is approximately 60.61 acres and is zoned Rural Agricultural (RA) and Corridor Overlay (COD).

This land development plan proposes a fellowship hall and garage, totaling 13,626 SF. At the time of the original land development plan, a fellowship hall and garage were proposed adjacent to the church and was never constructed. Since it has been more than five (5) years since the last approved land development plan, a new plan is required.

Staff has reviewed the 4th resubmission of the preliminary land development plan and is recommending conditional approval subject to the conditions described in the Community Planner memorandum, dated October 20, 2022.

Mr. Joe Lichy, Lichy Engineering, fielded questions regarding the land development plan. Mr. Crassweller asked about the volleyball court with regards to the flood plain. Mr. Lichy reported that in 2017 they had to do a land development plan for the volleyball court and the stream crossing. Mr. Lichy noted that the 100-year flood calculation is very low, and that the watershed is only 1-square mile. Mr. Crassweller asked since the flood plain was changed, will the Township be liable. Ms. Wargo and Mr. Ressler reported that the Township would not be liable because they were granted a variance. Mr. Lichy reported that DEP determined that the stream is not regulatable.

Mr. Keough asked about the recommendation of a study being completed to determine the actual floodplain limits. Mr. Ressler noted that it is zoned A now, but a study should be done because it is actually zoned AE. Mr. Lichy presented a map that showed the FEMA boundaries. Mr. Lichy stated that he didn't see the value of going to FEMA since the plan could go back to the original FEMA boundaries. Ms. Wargo reported that it is determined by the Zoning Officer because the regulation is in the Zoning Ordinance. Mr. Ressler stated that he stands by his recommendation of a study being conducted. Ms. Wargo noted that the Planning Commission can table the plan until the outstanding conditions that are in the comment letters. Mr. Ressler stated that it isn't uncommon for the Township to ask for a study because it is done on all plans that are zoned A Floodplain. Mr. Ressler noted that the plan could be approved with the condition that it is taken care of prior to the final plan. Mr. Lichy will contact Mr. Ressler tomorrow regarding the study/zoning.

Mr. Crassweller moved that the Planning Commission **recommend** conditional approval of the Salvation Baptist Preliminary Land Development Plan to the Board of Supervisors subject to the conditions described in the Community Planner memorandum dated October 20, 2022, and the comments from Mr. Ressler's memo on October 18, 2022. Dr. Taricani seconded the motion. The motion passed unanimously.

2. College Township Pedestrian Facilities Master Plan Review

Ms. Bassett stated that College Township has submitted Walkable College Township, a Pedestrian Facilities Master Plan for Ferguson Township's review and comment.

Included in the agenda is a memorandum from Lindsay Schoch, AICP, College Township Principal Planner, that includes a [link](#) to review the master plan and survey to submit comments.

Mr. Crassweller suggested that College Township remove "2000" from F.1 on page 28 of the agenda packet. Mr. Keough suggested using the word "Current" to reflect the Centre Region Comprehensive Plan.

Mr. Keough asked what the purpose of the plan is. Ms. Bassett reported that it is because there is connectivity in and amongst the regions.

Mr. Binney asked how the fee-in-lieu was calculated. Ms. Bassett stated that there is a lot of information on their [website](#).

Mr. Keough asked if Ferguson Township has a fee-in-lieu for bike paths. Ms. Wargo reported that the Township accepts both fee-in-lieu for park land and pedestrian bike paths. Mr. Keough asked about electric scooters/bikes in the Township. Ms. Wargo reported that the Township partnered with PSU with their Spin program. Ms. Holliday stated that it is difficult to navigate on campus with scooter, bikes, and skateboards. Ms. Holliday suggested that they should take a class on how to navigate properly on campus.

V. COMMUNICATIONS TO THE COMMISSION

1. Update on Cecil Irvin Park Grant

Ms. Wargo reported that staff received a request from Planning Commission member, Qian Zhang to provide a brief update on the Cecil Irvin Park State Grant that the Township recently applied for. On September 6, 2022, the Pennsylvania Department of Conservation and Natural Resources (DCNR) opened an application period for a supplemental fall funding round. As a result of this opportunity, Staff proposed to apply for this grant for the construction of Cecil Irvin Park—Phase II, a vital, urgent need providing connectivity throughout the Pine Grove Mills Village area. Additionally, this park features climate action affirmative Green Infrastructure via native seed mixes and pervious paving, additional walking paths and alternative amenities suggested as a result of a 2021 review process by the Pine Grove Mills Small Area Plan Committee. Amenities include dual walking loops, ADA accessible pathways, benches, parking, and a pavilion providing access to recreation of all.

VI. OFFICIAL REPORTS AND CORRESPONDENCES

A. Board of Supervisors

Ms. Wargo reported that Supervisor Tierra Williams resigned from the Board.

B. CRPC Meeting

Dr. Taricani reported that they talked about the Connector Project and how it will impact Townships.

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 28, 2022	December 11, 2022
Farmstead View Preliminary Subdivision Plan	July, 30, 2021	Conditions of approval returned June 27, 2022	August 24, 2022 (Conditional Approval by BOS on June 21, 2022)
Peace Center and Cemetery Preliminary Land Development Plan	May 18, ,2021	Second Review comments returned October 12, 2022	January 31, 2023
Fusion Japanese Steakhouse		WITHDRAWN	
IMBT Preliminary Subdivision Plan	January 31, 2022	Conditions of approval returned September 7, 2022	November 2, 2022 (Conditional Approval by BOS on September 6, 2022)
1004 West College Ave Vertical Mixed-Use Building	March 14, 2022	Second Review comments returned October 5, 2022	December 12, 2022
MP Machinery Preliminary Land Development Plan	April 6, 2022	Under Staff's Third Review. Comments due October 27, 2022	November 30, 2022
Minor Subdivision /Replot of TP 4-433-007-0000 and 24-433-008-0000 at 2151 and 2161 Sandy Drive	August 30, 2022	Conditions of approval returned October 5, 2022	November 29, 2022 (Conditional Approval by BOS on October 3, 2022)
Salvation Baptist Church Preliminary Land Development Plan	June 1, 2022	PC Review 10/24/2022 (BOS 11/1/2022)	November 7, 2022
125 East Pine Grove Road Preliminary Land Development Plan	October 12, 2022	Under Staff's First Review. Comments due October 26, 2022	January 10, 2023

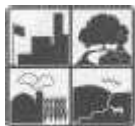
D. Staff Updates

VII. Adjournment

Mr. Crassweller made a motion to **adjourn** the October 24, 2022, Planning Commission meeting at 7:17 p.m. Dr. Taricani seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Rob Crassweller, Secretary
For the Planning Commission



APPLICATION FOR PROPOSED ORDINANCE AMENDMENT
Ferguson Township, Centre County

Date Application Submitted: January 10, 2022

Subject of Proposed Ordinance Amendment: Amend Use Regulations of the TTD District to Allow for Additional Use of Tower-based WCFs, subject to Limitations

Applicant Name: New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility

Address: c/o C. H. Schubert, Esq./RILEY RIPER HOLLIN & COLAGRECO
PO Box 1265, Exton, PA 19341

Phone: (610) 283-7440 **Fax:** (610) 458-4441 **E-Mail:** chriss@rrhc.com

Chapter / Section of Existing Ordinance to be Amended: Chapt. 27, Sect. 303.3.A.(c)

Description of Proposed Ordinance Amendment: Subject to applicable provisions of Sect. 27-710 (Wireless Communication Facilities), allow additional use of Tower-based WCFs outside of the rights-of-way, if located at least 1/3 the tower height from adjoining property lines and 4,000 from existing towers. See proposed text amendment, attached hereto as Addendum "A".

Describe Reason for Ordinance Amendment: To provide for enhanced wireless services to a highly-populated and heavily-traveled area of the township, and for emergency first responders, including state-of-the-art locational capabilities and greater capacity and data through-put speeds.

Signature of Applicant:

Christopher H. Schubert, Esquire

Date Fee Paid: _____ **Amount:** \$ 250.00

Note: To be considered on a Board agenda, this application along with the required fee (see Township Fee Schedule) must be submitted to the Township a minimum of 7 days in advance of the Board meeting at which the applicant wishes to attend. The fee is non-refundable.

ADDENDUM "A"

FERGUSON TOWNSHIP CODE PROPOSED ZONING TEXT AMENDMENT

§ 27-303. Traditional Town Development (TTD)

...

3. Site Plans.

A. Land Use Standards.

(1) Composition of Uses. A variety of uses are required to be provided within a traditional town development. This variety shall be comprised of a combination of the permitted uses as listed below in the percentages required by the diversity provisions of § **27-303**, Subsection 1C(2):

...

(c) Commercial.

...

[6]. Subject to the applicable provisions of Section 27-710, Tower-based Wireless Communication Facilities Outside of the Rights-of-Way, if located at least 1/3 the tower height from adjoining property lines¹ and 4,000 feet from existing towers.²

¹ This provision is necessary due to §27-710.3.A of the Wireless Communication Facilities provisions (which requires a setback of 500 feet from adjoining property lines for Tower-based WCFs). NOTE: By §27-303.2.F(1), the above proposed setback requirement applicable in the TTD district will override the general setback requirement in the Wireless Communication Facilities section. §27-303.2.F(1) provides:

“Where specific reference is made to one or more provisions of other chapters of the Code of Ordinances, only those regulations so referenced will be applicable where they are not in conflict with standards found herein.”

Also, §27-303.2.F(4) provides, “The Board of Supervisors may allow for modification of the design standards applicable to a traditional town development provided for in this section, including but not limited to compactness, pedestrian orientation, street geometry or other related design features, in accordance with the standards applicable to the grant of modifications under Chapter 22, Subdivision and Land Development, § 22-105.

² This provision is provided to ensure that only one Tower-based WCF located outside of the ROW will be possible within the land area zoned TTD-Traditional Town Development. The closest tower is the SBA tower located 4,150 feet to the south in the I-Industrial district. See attached Zoning Map Detail.

§ 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; ~~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

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

(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 ~~200-300 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.~~

(3)

(4) (2) If the proposed tower-based WCF is greater than 199 feet and less than 300 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: 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"

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

Formatted: Font: 10 pt

Formatted: Right

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

officially designated state or federal historic district.

- H. 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.
- I. 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.
- J. 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 to harmonize with the surroundings.
- K. 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.
- L. Aviation Safety. Tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- M. 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.
- N. 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.
- O. 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, 2022

Formatted: Font: 10 pt

Formatted: Right

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.

Formatted: Indent: Hanging: 0.25"

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

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.

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

Formatted: Font: 10 pt

Formatted: Right

DRAFT
November 9, 2022

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

(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 ~~must~~ 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

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

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

DRAFT
November 9, 2022

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

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:

DRAFT
November 9, 2022

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

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

Formatted: Font: 10 pt

Formatted: Right

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

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: Text 1

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Font color: Text 1

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

Formatted: Font color: Text 1, Not Strikethrough

Formatted: Font color: Text 1

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

§ 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 300 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 300 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 Township Planning and Zoning Director 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	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	Golf Course	C
1	Landscape and Garden Center – Retail	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

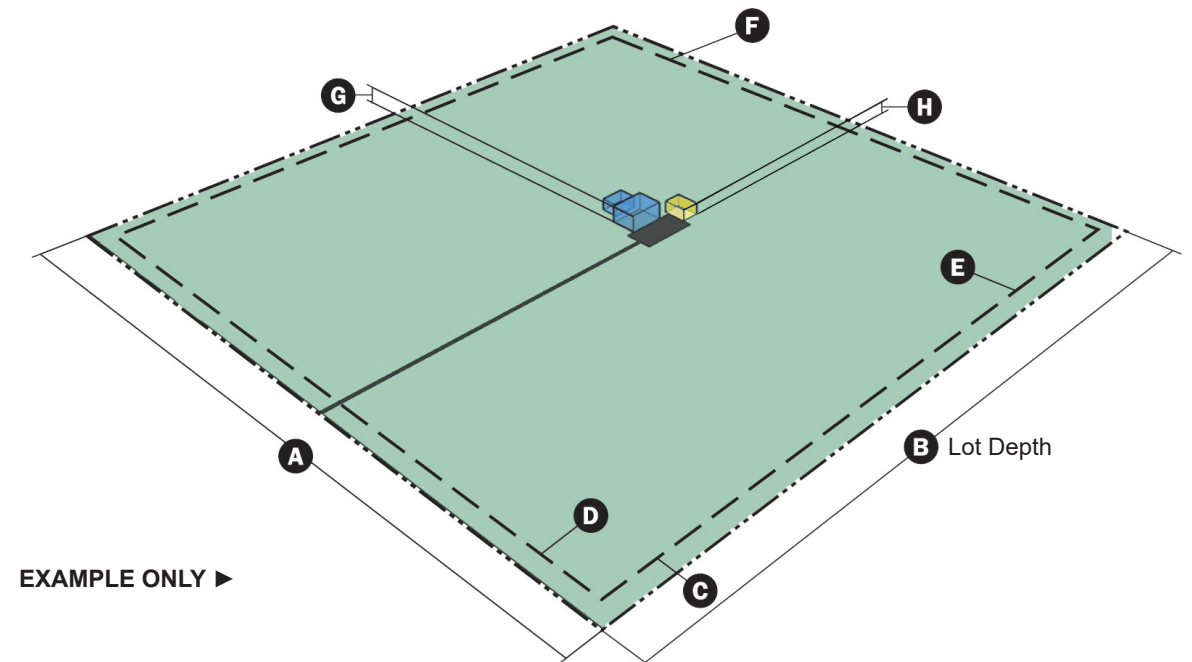
ACCESSORY USES		
Use	Area and Bulk Categories	
	1	2
Accessory Use Customarily Incidental to the Specified Principal Use	P	P
Agriculture/Environmental Education Program	P	
Agriculture	P	P
Agritourism	P	
Bed and Breakfast (1-3 rooms)	P	P
Bed and Breakfasts (10 rooms max.)	P	P
Building- and Ground-Mounted 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 Lot Size	50 ac	1 ac min. 2 ac max.	
		Lot Width	C at Building Setback Line	60 ft	60 ft
	A at Street Line		60 ft	60 ft	
	Setback	D Front Yard, for Principal Use on Local/Collector Street	D Front Yard, for Principal Use on Arterial 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	
F Rear Yard, for Principal Use		50 ft	50 ft		
Maximum	Height	G Principal Structure	50 ft	50 ft	
		H Accessory Structure	60 ft	40 ft	
	Coverage	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 ▶

P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

§ 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

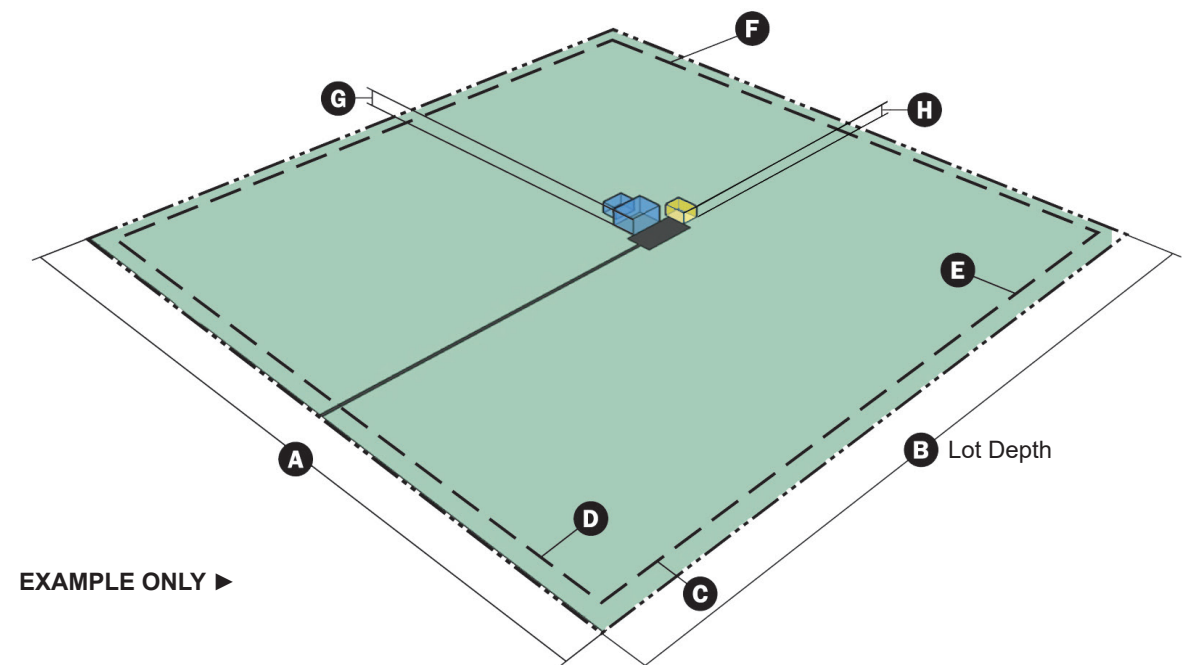
ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Agriculture/Environmental Education Program	P	P		P
Agriculture	P	P	C	P
Agritourism	P	P		P
Bed and Breakfasts (10 rooms max.)	P	P	P	
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Cemeteries	P	P		
Cideries/Wineries/Tasting Facilities	P			
Commercial Hunting Preserve	C			
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	C	10 ac	3 ac	1 ac	n/a	n/a	
		A	at Building Setback Line	150 ft	150 ft	150 ft	n/a	n/a
	at Street Line		150 ft	150 ft	100 ft	n/a	n/a	
	Setback	D	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	20 ft	500 ft	n/a
			Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	500 ft	n/a
		E	Side Yard, for Principal Use	50 ft	30 ft	30 ft	500 ft	n/a
F		Rear Yard, for Principal Use	75 ft	75 ft	30 ft	500 ft	n/a	
Maximum	Height	G	Principal Structure	50 ft	50 ft	50 ft	200 ft	n/a
		H	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

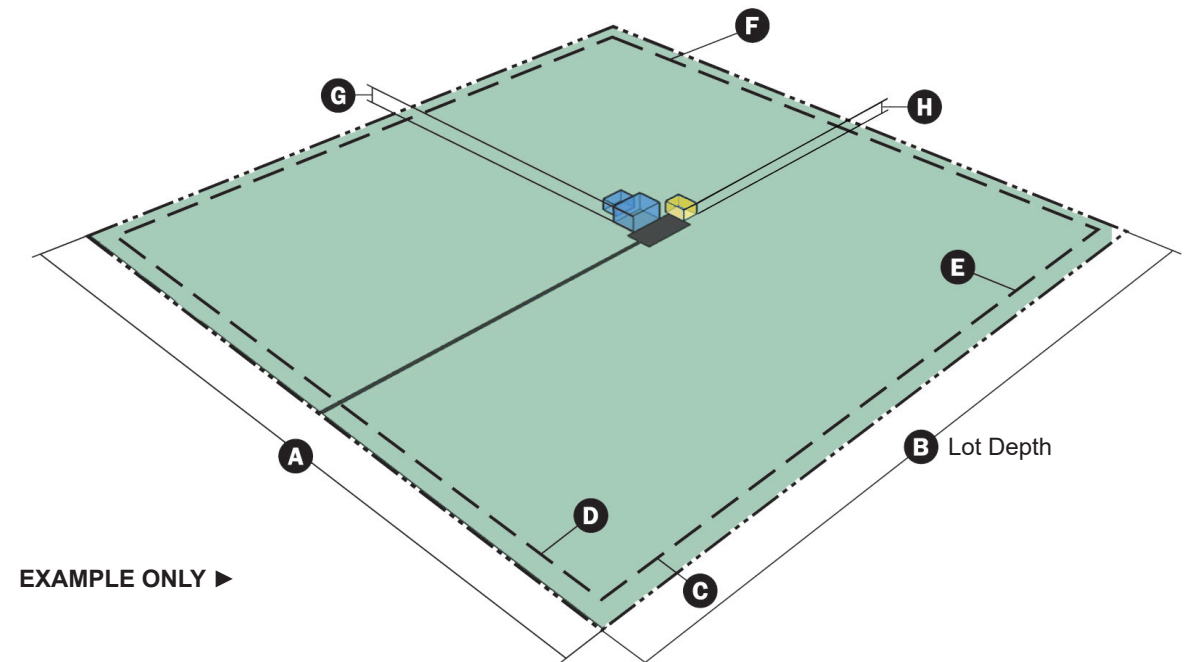
Use	ACCESSORY USES			
	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Agriculture/Environmental Education Program	P	P	P	
Agritourism	P	P	P	
Agriculture	P	P	P	
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Community Gardens	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	C Lot Size	10 ac	2 ac	5 ac	n/a	n/a
		A 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	D Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	500 ft	n/a
			D Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	500 ft
		E Side Yard, for Principal Use	100 ft	100 ft	100 ft	500 ft	n/a
F Rear Yard, for Principal Use		75 ft	75 ft	75 ft	500 ft	n/a	
Maximum	Height	G Principal Structure	40 ft	40 ft	40 ft	200 ft	n/a
		H 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
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			

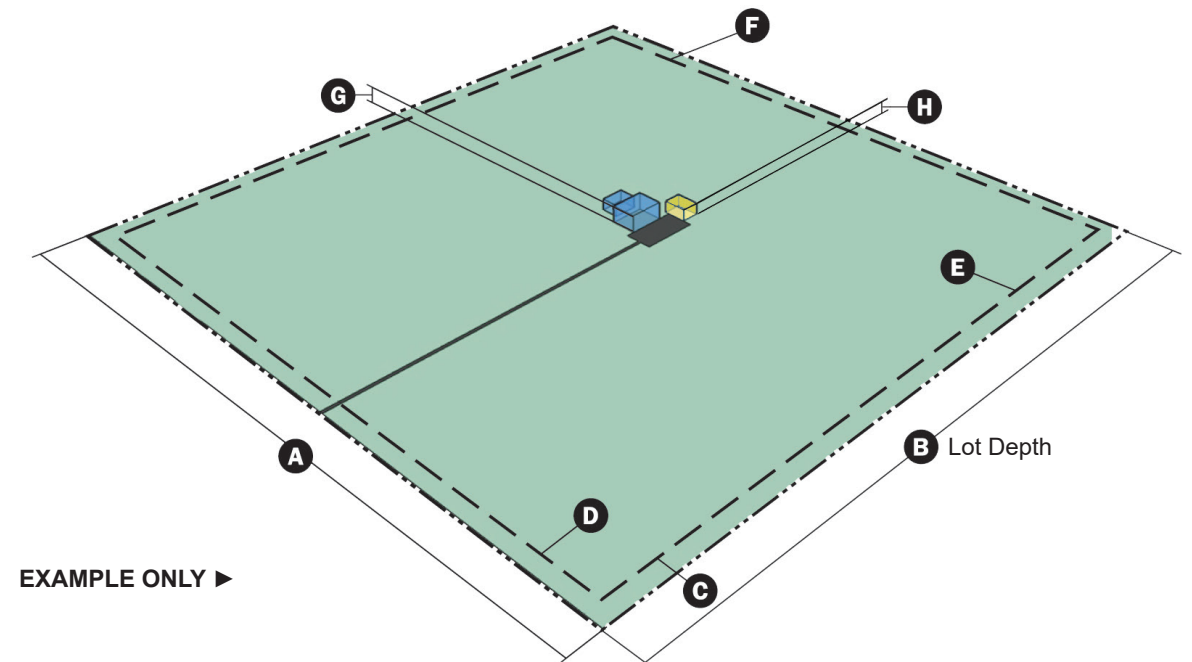
DIMENSIONS		AREA AND BULK CATEGORIES						
		1	2	3	4	5		
Minimum	Lot Size	C						
	Lot Width	at Building Setback Line	25 ac	10 ac	1 ac	n/a	n/a	
		at Street Line	300 ft	150 ft	150 ft	150 ft	n/a	
	Setback	Front Yard, for Principal Use on Local/Collector Street	D	50 ft	50 ft	50 ft	500 ft	n/a
		Front Yard,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

DRAFT



P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

§ 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

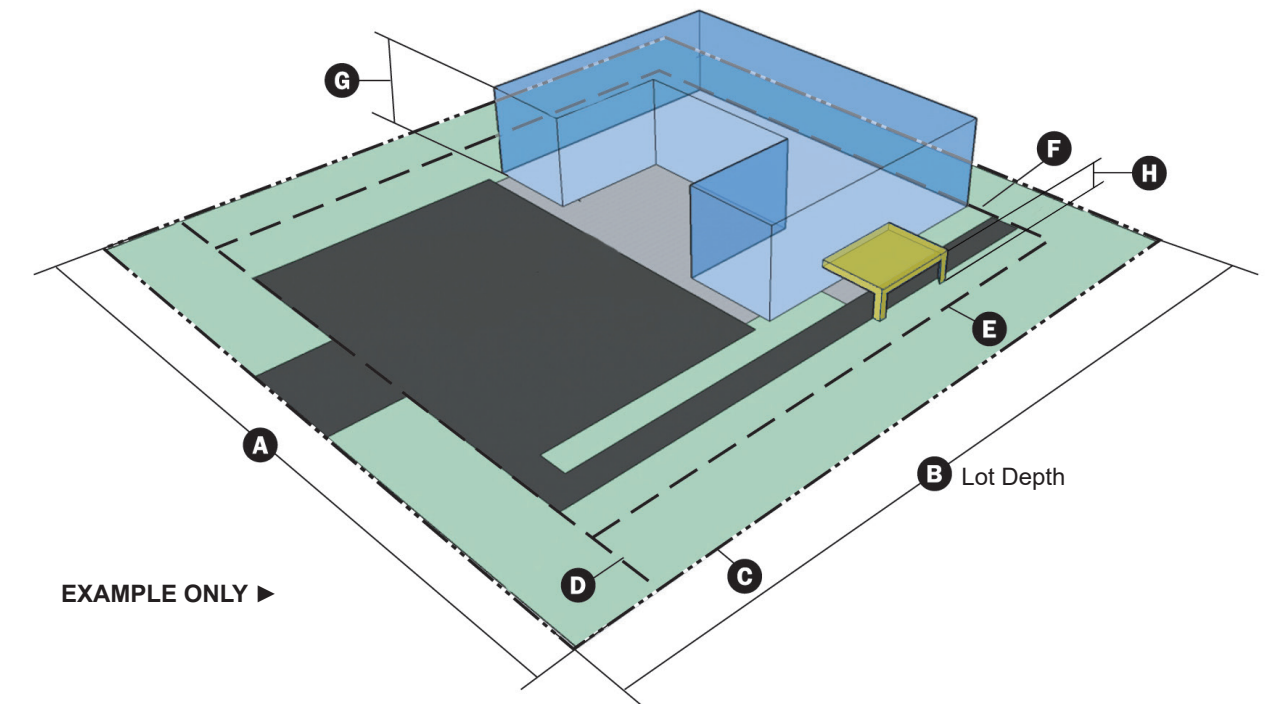
ACCESSORY USES					
Use	Area and Bulk Categories				
	1	2	3	4	5
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P	P
Food Truck	P	P	P	P	P
General Storage to include Boats and RVs					P

DIMENSIONS		AREA AND BULK CATEGORIES						
		1	2	3	4	5		
Minimum	Lot Size	C	1 acre	10,000 sf	5,000 sf	20,000 sf	n/a	
		A	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	D	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
		E	Side Yard, for Principal Use	30 ft	15 ft	15 ft	25 ft	75 ft
F		Rear Yard, for Principal Use	50 ft	50 ft	20 ft	50 ft	50 ft	
Maximum	Height	G	Principal Structure	40 ft	40 ft	40 ft	45 ft	40 ft
		H	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.



P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

§ 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
General Storage to include Boats and RVs		P		
Food Truck	P	P	P	
Research, Development, Engineering or Testing Laboratory		P	P	P

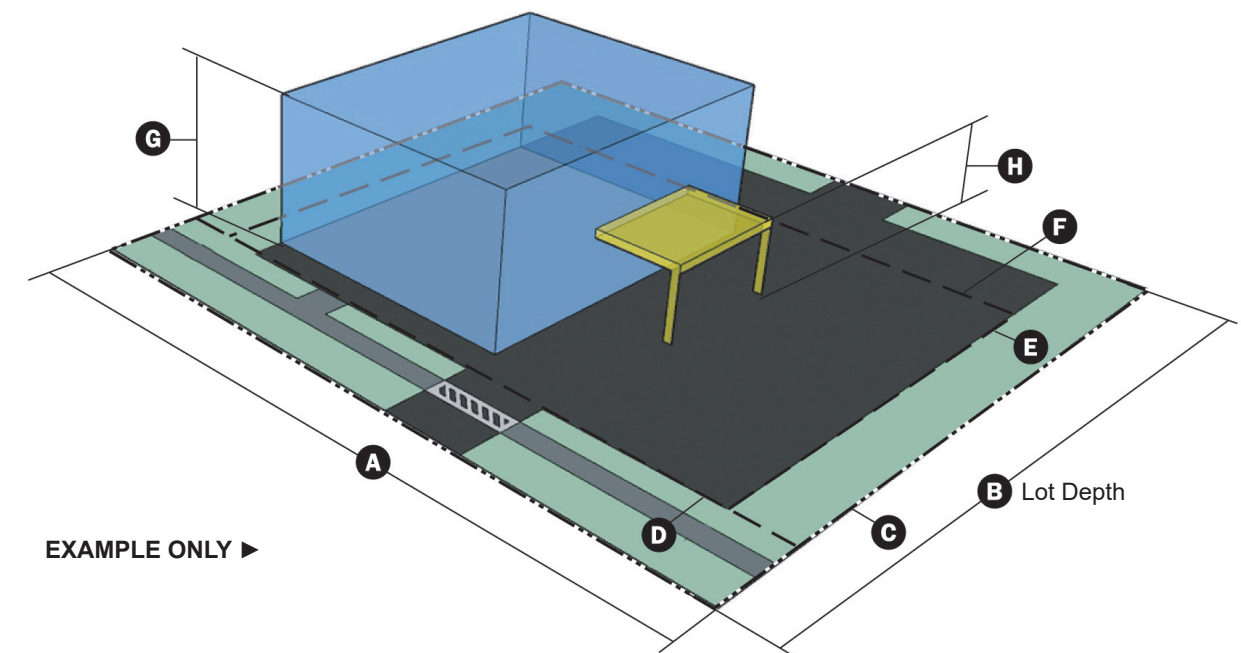
DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size C	1 ac	1 ac	4 acs	n/a	n/a	
	Lot Width	at Building Setback Line A	75 ft	100 ft	150 ft	60 ft	60 ft
		at Street Line A	75 ft	100 ft	150 ft	60 ft	60 ft
	Setback	D Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	500 ft
		D Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	500 ft
		E Side Yard, for Principal Use	25 ft	25 ft	25 ft	75 ft	500 ft
F Rear Yard, for Principal Use		50 ft	50 ft	50 ft	50 ft	500 ft	
Maximum	Height	G Principal Structure	40 ft	45 ft	45 ft	200 ft	200 ft
		H 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.

DRAFT



P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

§ 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

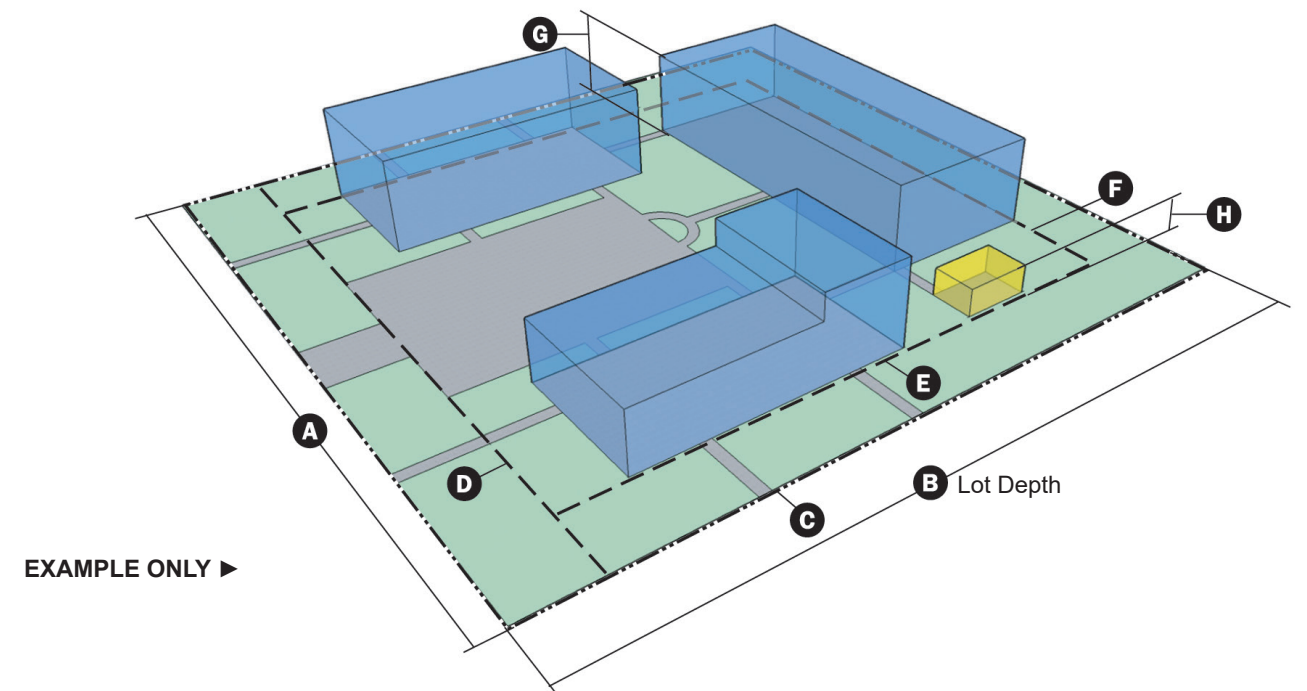
ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Food Truck	P	P	P	P
General Storage to include Boat and RVs	P	P	P	P

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.



P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

SUBJECT: Wireless Communication Facilities

APPLICANT: New Cingular Wireless PCS, LLC d/b/a/ AT&T Mobility

AUTHORIZED AGENT: Christopher Schubert, Esq. Riley Riper Hollin & Colagreco

PROPERTY OWNER: Circleville Road Partners B, LP

TAX PARCEL: 24-004-,200B,0000-

REQUEST: Zoning text amendment to the Traditional Town Development (TTD) Zoning District for a wireless communications tower to be permissible outside of the right-of-way.

STAFF: Kristina Bassett, Ferguson Township Community Planner

ZONE DISTRICT: Traditional Town Development (TTD)

EXECUTIVE SUMMARY: On January 10, 2022, an application for a Proposed Zoning Text Amendment was submitted to Ferguson Township. The request comes from New Cingular Wireless PCS, LLC d/b/a/ AT&T Mobility requesting Wireless Communication Towers be permissible outside of the right-of-way, if located at least 1/3 the tower height from adjoining property lines and 4,000 feet from existing towers in the Traditional Town Development Zoning District. To date, the Agricultural Research (AR), Rural Residential (RR), Rural Agriculture (RA), General Commercial (C), Industrial (I), and Industry, Research and Development (IRD) zoning districts allow Wireless Communication Towers by right. The Facility is proposed to remedy a significant gap in wireless coverage and service capacity in AT&T's network in the vicinity of the property.

BACKGROUND: On September 15, 2021, Ferguson Township received a request for a variance from New Cingular Wireless PCS, LLC d/b/a/ AT&T Mobility from Chapter 27-303.A.d to allow free-standing telecommunications tower within the TTD, Traditional Town Development district; Chapter 27-710.3.A to permit a setback of 60 feet from Blue Course Drive to the east and a setback of 100 feet from the Havershire Boulevard to the south, where a setback of 500 feet from the nearest property is required; and Chapter 27-710.3.H.2 to permit buffer landscaping around three sides of the fenced-compound, instead of the entire perimeter of the compound. The applicant proposed to install a 165 foot monopole free standing telecommunications tower at the north corner of Blue Course Drive and Havershire Boulevard. The monopole would be able to accommodate up to four (4) carriers, including First Net System. The Zoning Hearing Board heard the case on October 26, 2021 and denied the request 2-1.

On January 10, 2022, Chris Schubert, Esq. on behalf of his client, AT&T, New Cingular Wireless PCS, LLC

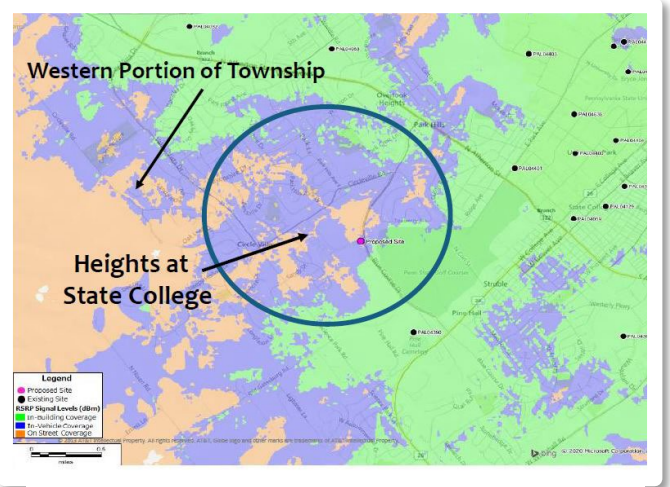


Figure 1: Current Coverage

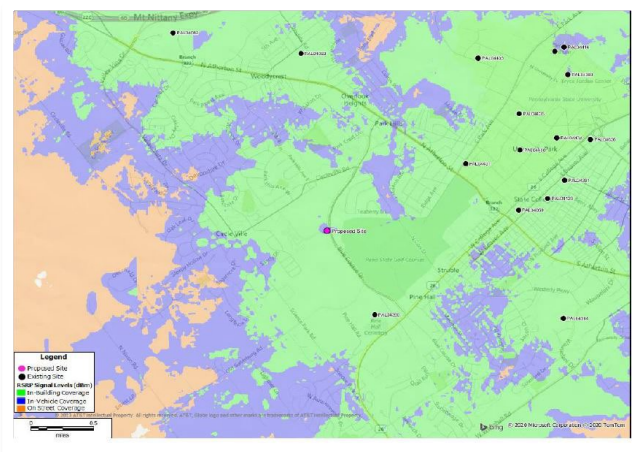


Figure 2: Current Coverage

d/b/a/ AT&T, submitted an application for a Zoning Text Amendment to the Traditional Town Development Zoning District. Mr. Schubert drafted the text amendment showing the changes AT&T requested to allow the type of WCF proposed. Mr. Schubert's presentation to the Planning Commission highlighted the increased demand of wireless communications and the lack of coverage in the proposed area.

The proposed tower would be located on the property owned by Circleville Road Partners, LLC. The owners welcome the proposed tower. The property is a part of the Approved Turnberry Land Development Plan.

The Planning Commission heard the presentation and asked staff to review the proposed amendment and for more research to be done.

HISTORY: Tax Parcel 24-4-200B was known as the Circleville Farm property locally and zoned Rural Agriculture. In 2005, the property, along with several other parcels, were rezoned to the newly formed Traditional Town Development (TTD) Zoning District. Wireless Communication Towers were not included as an allowed use in the Traditional Town Development. In 2012, Circleville Road Partners, LLC, received approval for the Turnberry Master Plan. This multi-phased plan proposed 890 dwelling units, 605 units have been constructed thus far.

In 2019, the Pine Hall Master Plan received approval. This plan proposed a mix of residential (1029 dwelling units), office and commercial uses on the adjoining property to the south. The demand for wireless communications will only increase as the approved plans are constructed.

On December 8, 1997, the Board of Supervisors established Chapter 27, Zoning, Part 2, District Regulations for regulating communications facilities and towers. This ordinance was established to provide a competitive and wide range of communications services while minimizing the impacts of the communications infrastructure in populated areas; To encourage and maximize the shared use of existing communication towers, buildings, and structures; and To ensure that new towers will be safe, placed in suitable locations, and blend into the environment where located. Towers were permissible in the RA (Rural Agricultural District), RR (Rural Residential District), C (General Commercial District), OC (Office Commercial District), I (General Industrial District) and the IRD (Light Industry, Research and Development) Zoning Districts. A maximum height of 200' was established, with communication towers constructed at a height greater than 200 feet but not to exceed 300 feet shall be permitted as a conditional use in the RA, RR, C, OC, I, and IRD districts by the Board of Supervisors. Setbacks were 200' or 110% of the proposed tower height, whichever was greater. Towers were to be designed to withstand winds of 100 mph.

On October 18, 1999, Communication Towers were added as a permitted use in the newly established Forest Gamelands Zoning District.

On October 18, 1999, amendments to the landscape, fencing and screening requirements found in Section 209, subsection 6 were approved by the Board of Supervisors. This amendment required a security fence, of approved design, of not less than eight (8) feet in height, and no greater than ten (10) feet in height, shall completely enclose the communications facility. For the purposes of fencing, the communications facility shall not include an office building which is occupied on a daily basis. A fence of not less than eight (8) feet in height and not greater than ten (10) feet in height shall also completely enclose the anchored locations of the guy wires, if used. The fencing

required in this section must also have a one (1) foot barbed-arm slanted at a forty-five (45) degree angle which runs along the entire top of the fence.

On September 16, 2002, a comprehensive update to Chapter 27 – Section 209, Communication Facilities and Towers, was approved by the Board of Supervisors.

On January 5, 2015, Chapter 27, Zoning, Part 2, District Regulations, Section 209, Communications Facilities and Towers was amended to Wireless Communication Facilities (WCF). This update added definitions and requirements for emerging technology in the wireless communications field.

The Ferguson Township Zoning Code limits Wireless Communication Facilities (WCF) to Rural Agriculture (RA), Rural Residential (RR), Commercial (C), Industrial (I) and Industry, Research and Development (IRD) Zoning Districts. Chapter 27- Section 710 outlines the requirements for WCF in those zoning districts.

STAFF ANALYSIS: Based upon the foregoing information, staff does yet have an opinion and needs to conduct further research.

Primary Author:

Kristina Bassett | Community Planner, 814-238-4651 or kbassett@twp.ferguson.pa.us

Reviewed/Approved By:

Jenna Wargo, AICP | Director of Planning & Zoning

PAGE INTENTIONALLY LEFT BLANK



STATE OF PLANNING ANNUAL REPORT 2022

**FERGUSON TOWNSHIP
PLANNING & ZONING DEPARTMENT**

PREPARED DECEMBER 2021

2021 ANNUAL REPORT OF ACTIVITIES FOR:

Ferguson Township Planning Commission Ferguson Township Planning & Zoning Department

In 2021, the Planning Commission held 16 regular meetings and 1 joint meeting with the Ferguson Township Board of Supervisors to discuss community-wide planning issues.

PLANNING COMMISSION

- Jeremie Thompson, Chair
- Jerry Binney, Vice-Chair
- Rob Crassweller, Secretary
- Ralph Wheland
- William Keough
- Shannon Holliday
- Dr Ellen Taricani
- Qian Zhang - Alternate
- Lisa Rittenhouse - Alternate
- Lewis Steinberg - Alternate



PLANNING STAFF

- Jenna Wargo, AICP, Planning & Zoning Director
- Jeff Ressler, Zoning Administrator
- Kristina Bassett, Community Planner

TABLE OF CONTENTS

PLANNING COMMISSION	2
PLANNING STAFF	2
Community Planning	4
Annual Activities	4
2022 Work Program	4
Capital Improvement Program	6
Zoning update	7
Conditional Uses	8
Plan Review	10
Land Development Plans	10
Subdivision/Replot Plan Reviews	12
Minor Alterations	13

COMMUNITY PLANNING

Annual Activities

Each year, the Planning Commission completes a number of routine activities. In 2022, these activities included reviewing and preparing a 2022 Work Program and meeting schedule, providing reports and recommendations to Board of Supervisors, and commenting on the proposed Capital Improvements Program for 2023-2027.

2022 Work Program

The Board of Supervisors reviewed and approved the 2022 Planning Commission Work Program during their January 24, 2022 meeting. Key responsibilities of Planning Commission in 2022 were to:

- meet PA Municipalities Planning Code (MPC) requirements;
- perform mandated land development and subdivision review;
- review the Township's Zoning and Subdivision and Land Development ordinances;
- review the Township's Official Map amendments;
- assist in the implementation of the Pine Grove Mills Small Area Plan and navigate a post-pandemic economy and the impacts on land use.

Other task performed by the Planning Commission:

- review MP Machinery's Parking Analysis;
- review an application for a text amendment to allow wireless communication facilities in the TTD;
- review an application for a text amendment to allow home burials in the TSD and Source Water Protection Zone II;
- reviewed the mobile food truck ordinance;
- reviewed an ordinance amendment to wireless communication facilities in accordance to The Small Wireless Facilities Deployment Act (Act 50), Chapter 21-Streets and Sidewalks and Chapter 27-Zoning, Section 710-Wireless Communication Facilities, and Section 1102, Definitions were amended as a result;
- investigated elder cottages as a use in various zoning districts;
- examined design guidelines, the vision for the Terraced Streetscape District and develop a Request for Proposals (RFP) for professional services to rewrite the zoning district ordinance;
- participate in public meetings and a charrette with consultant for the Terraced Streetscape District rewrite;

2022 FERGUSON TOWNSHIP PLANNING COMMISSION WORK PROGRAM

Approved by Planning Commission on : December 7, 2021
Approved by Board of Supervisors on : December 13, 2021

Key: I= Initiate Planning, IP= In Progress
BOS=Refer to Board of Supervisors
R/C=Review and Comment, C=Complete
H = High, M = Medium, L = Low

ROUTINE ACTIVITIES		Priority	Board Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Comments
1	Plan Reviews	H	These activities vary greatly in their scope and support the Strategic Plan Goals	All routine items take place on an as needed basis.				Ferguson Township Long Range Growth Management Plan
2	Subdivision Reviews	H						
3	Items referred by the Board	H						
4	Capital Improvements Program	H						
5	Interaction with CRPC	H						
6	FTPC Reports to the Board	H						
7	State of Planning Report	H						

ORDINANCE AMENDMENTS		Priority	Board Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Comments
8	Terraced Streetscape District Rewrite	H	Goal 3: Growth Management	—	—	—	→	RFP to be posted 1 st quarter
9	Zoning/SALDO Ordinance Amendments	H	Goal 3: Growth Management	IP				
10	Village Zoning District	M	Goal 3: Growth Management			R/C	BOS	This will involve coordination with PGMAC and FTPW
11	Riparian Buffer Ordinance Review	M	Goal 4: Environmental Stewardship		R/C			
12	TSD/PGM Ped Mobility Connection Possibilities - Official Map Review	H	Goal 3: Growth Management	IP				
13	Act 50 Ordinance Amendment	M	Goal 3: Growth Management		R/C			
14	Minor Alteration Process Review	H	Goal 3: Growth Management	R/C				

PLAN IMPLEMENTATION & REVISIONS		Priority	Board Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Comments
15	Assist with implementation activities as identified in the Pine Grove Mills Small Area Plan	M	These activities vary greatly in their scope and support the Strategic Plan	As needed				Implementation of priority recommendations/items and identification of partnerships/resources needed.
16	Participate in revisions to the 2009 Recreation, Park, and Open Space Plan	H	Goal 4: Environmental Stewardship	As needed				This will involve coordination with Ferguson Township Parks Committee

ADDITIONAL DUTIES		Priority	Board Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Comments
17	Alley and Private Streets Study	L	Goal 3: Growth Management	—	—	—	→	This will involve coordination with FTPW
18	Recreation Economy in Ferguson Township	L	Goal 2: Economic Development	R	—	—	→	This will involve coordination with PGMAC
19	Elder Cottages Research	L	Goal 3: Growth Management	—	—	—	→	
20	Provide input and technical assistance where necessary to the Ferguson Township Climate Action Ad Hoc Advisory Board	L	Goal 4: Environmental Stewardship	As needed				

Capital Improvement Program

The Capital Improvement Program is a planning document used for the Township's budget process. The program identifies capital projects, provides a planning schedule and identifies options for financing the plan. It is the link between the Township's annual budget and the Comprehensive Plan and Strategic Plan.

The process for preparing the 2023-2027 Capital Improvements Program (CIP) kicked off May 2021. In order for staff to begin drafting the 2023-2027 CIP, staff requested Planning Commission to review the previous CIP, for feedback on the projects that were previously approved.

ZONING UPDATE

Ordinance Updates

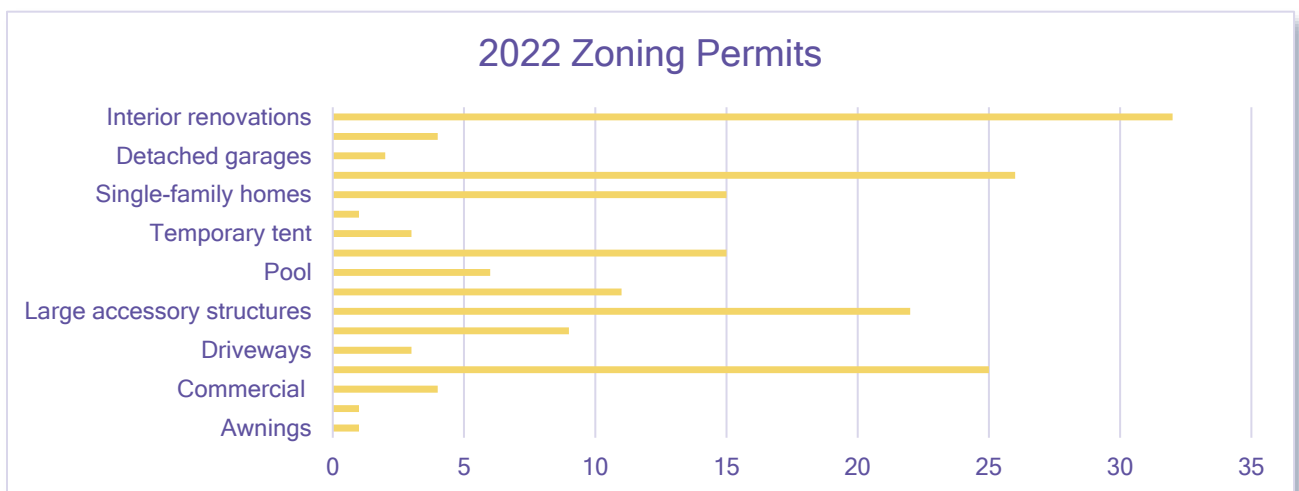
- Chapter 25, Trees, Part 4 - Heritage and Significant Trees (Ordinance 1062 1/18/2021)
 - This ordinance update was to permit Mobile Food Vendors in Township Parks.
- Chapter 22, Subdivision and Land Development, Section 202, Definitions, Section 301, General, Section 303, Review of Preliminary Plan, Section 304, Review of Final Plan, Section 306, Minor Subdivision and Minor Alteration Plan, Section 401, Preliminary Plan Contents and Review, Section 506, Water Supply, Section 5C01, General Regulations, Section 5C02, Bicycle Parking Regulations and Establishing Section 516, Landscaping. (Ordinance 1076 3/15/2022)
 - This part of the ordinance updated errors and omissions from the November 19, 2019 comprehensive update.
- Chapter 27, Zoning, District Regulations, Section 205.13, Rural Agriculture (RA) District Quick, Section 205.3 Agriculture Research (AR) District Quick, Section 209, Yard Requirements, Section 302, Planned Residential Development (PRD), Section 303, Traditional Town Development, Section 304, Terraces Street (TS) District, Section 401, Corridor Overlay District Requirements, Section 502, Standards for Specific Uses, Section 702, Slope Controls, Repealing 707, Landscaping, Amending 713, Solar Collectors and Solar-Related Equipment, Section 717, Bed and Breakfast, Section 718, Regional Parks and Outdoor Recreational Facilities, Section 719, Short-Term Rentals, Section 721, Home Occupation, Section 722, Temporary Used, Section 723, Food Trucks, Section 905, Occupancy Permits and Section 1102, Definitions. (Ordinance 1076 3/15/2022)
 - This part of the ordinance updated errors and omissions from the November 19, 2019 comprehensive update.



- Code of Ordinances, Appendix D, Official Map (Ordinance 1077 5/16/2022)
 - This amendment updated the Bike Facilities on the Official Map for consistency with the recently updated Regional Bike Plan.
- Chapter 16, Parks and Recreation, Section 101, Definitions, Section 102, Interpretation of Rules and Regulations, Section 103, Conduct Prohibited in Parks, Section 105, Traffic Control, Section 106, Regulated Uses, and Section 107, Centre Region Parks and Recreation Department (Ordinance 1078 8/16/2022)
 - This ordinance was amended for consistency with amendments made to Chapter 27, Section 723 - Mobile Food Vendors.
- Chapter 27, Zoning, Part 7, Supplemental Regulations, Section 710, Tower-Based Wireless Communications Facilities and Part 11, Definitions; Section 1102, Definitions. (Ordinance 1080 11/1/2022)
 - This amendment removed all Small Wireless Facilities regulations from Chapter 27, Zoning.
- Chapter 21, Streets and Sidewalks, Part 6, Non-Tower Small Cell Wireless Communication Facilities in the Right-of-Way (Ordinance 1080 11/1/2022)
 - This ordinance established regulations for Non-Tower Small Cell Wireless Communication Facilities in the Right-of-Way for compliance with Act 50..

Zoning Permits

In 2022, The Ferguson Township Zoning Administrator approved 180 zoning permits. \$____ were collected from permit fees. The most requested permit was for Interior Renovations with 32, followed closely by additions at 26 permits.



Conditional Uses

A use permitted by right is a use expressly permitted in a zoning ordinance for which the zoning officer has authority to determine conformance with ordinance requirements and approve and issue a zoning permit. A use permitted by conditional use is also expressly permitted in a zoning ordinance, and subject to a hearing and decision of the governing body. The function of these public hearings is to determine whether the conditional use application is consistent with the public interest as expressed in specific standards and criteria established in the zoning ordinance. Planning Commission reviews and makes recommendations to the Board of Supervisors on Conditional Uses before the public hearing. In 2022, Planning Commission reviewed one conditional use application.

- Farmstead View Flag Lot

An application for a conditional use permit for property located at 139 Farmstead Lane (TP: 24-022-306-0000) requesting to subdivide the lot and create a flag lot. A flag lot is permitted through the Conditional Use process.

Decision: The Board of Supervisor's granted the Applicant's request for a Conditional Use as a flag lot on **April 19, 2022**.

PLAN REVIEW

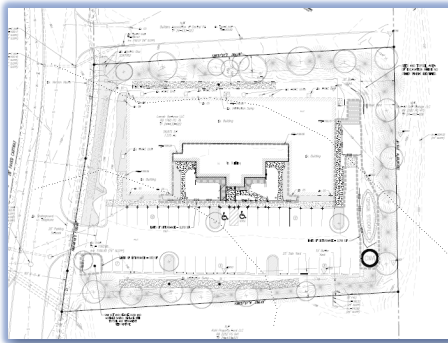
Land Development Plans

264 Sycamore Drive Preliminary/Final LDP

This land development plan proposed to construct a single-family home located at 264 Sycamore Drive. The 7.57-acre lot contains slopes that are greater than 25%, therefore a land development plan is required.

The plan was approved by the Board of Supervisors on March 16, 2022.

Centre Volunteers in Medicine Land Development Plan

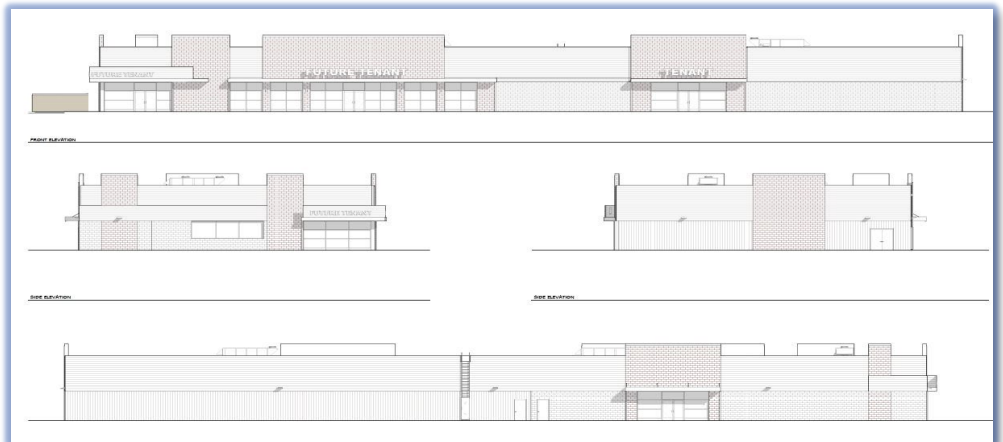


This land development plan proposed the expansion of the existing building. The building will be expanded in the front by enclosing two alcoves bringing the footprint of the building to 13,107 square feet. Accessibility to the building from the parking lot will be improved as well.

The plan was approved by the Board of Supervisors on May 3, 2022.

Orchard Square Final Land Development Plan

The land development plan proposed the construction of a 19,856 square foot Commercial/retail shopping center with associated parking and utilities. As proposed, there will be 3 retail store fronts and 119 parking spaces, including 5 ADA handicap spaces provided. The retail spaces are proposed to be 10,722 square feet, 6,483 square feet and 2,566 square feet.



The final plan was approved by the Board of Supervisors on April 5, 2022.

Centre Animal Hospital Land Development Plan

This land development plan proposed the construction of two (2) small buildings near existing water wells. The buildings would facilitate improved water pumping on the well sites.

The plan was conditionally approved by the

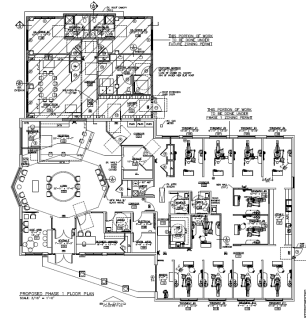


Board of Supervisors on July 19, 2022

Nittany Dental Minor Land Development Plan

The minor land development plan proposed a 1,603 square foot addition to the existing building enclosing the drive-thru canopy for additional office space.

The final plan was conditionally approved by the Board of Supervisors on July 19, 2022.



165 Volos Lane Minor Land Development Plan

The land development plan proposed to construct a second residential home on the lot. The Board of Supervisors will determined that sidewalks are required.

The final plan was conditionally approved by the Board of Supervisors on September 20, 2022.

Salvation Baptist Church Preliminary Land Development Plan

The land development plan proposed a fellowship hall and garage adjacent to the existing church. The fellowship hall and garage were on the original 2004 Church LDP but was never constructed.

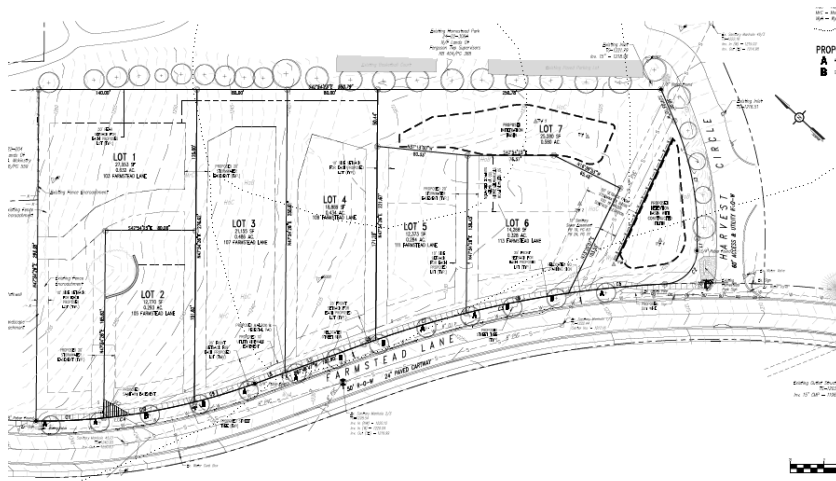
The preliminary plan was conditionally approved by the Board of Supervisors on November 1, 2022.

Subdivision/Replot Plan Reviews

Farmstead Lane Preliminary Subdivision

This subdivision plan proposed to subdivide the lot at 137 Farmstead Lane into seven lots, six lots for single-family homes and one stormwater retention lot.

The plan was conditionally approved by the Board of Supervisors on June 21, 2022.



2151 Sandy Drive and 2161 Sandy Drive Replot (MP Machinery)

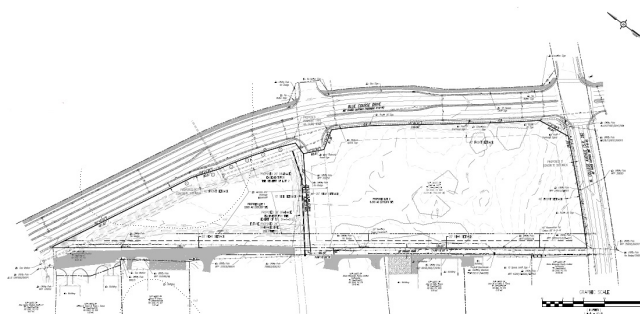
This minor subdivision plan proposed to expand Lot 7 (TP 24-433-7) by 20 feet in width, increasing Lot 7's area by 4,800 square feet. Lot 8 conveyed the land width and area to lot 7.

The plan was approved by the Board of Supervisors on October 4, 2022.

Imbt Subdivision

The subdivision plan proposed to subdivide Tax Parcel 4-004-,017A,0000- into one Commercial lot and one stormwater management lot. The current lot is approximately 9.25 acres and is zone General Commercial (C). Proposed Lot 1 will be 6.313 acres and proposed Lot 2 will be 2.921 acres.

The plan was conditionally approved by the Board of Supervisors at their September 6, 2022 meeting.



Minor Alterations

All applications for approval of a minor alteration plan shall be reviewed and approved by the Township Zoning Administrator.

- **Northland Center Metro T-Mobile**
 - Change of use for Metro T-Mobile

- **PSU Golf Course - Walker Clubhouse**
 - Parking lot changes and interior renovations

- **The Cottages at State College**
 - Post Final changes for landscaping
- **Little Bears Daycare (Greenleaf Lot 23R)**
 - Change of use from Office to Daycare
- **1510 Martin Street**
 - Addition and subdividing building space for additional tenants
- **Penn State University Applied Research Lab @3011 Research Drive**
 - Added a 20.5' x 5.02' concrete pad for air cooled condensing units
- **3510 West College Avenue**
 - Landscaping, parking, removal of street median and lighting

PAGE INTENTIONALLY LEFT BLANK

2023 FERGUSON TOWNSHIP PLANNING COMMISSION WORK PROGRAM

Approved by Planning Commission on:

Approved by Board of Supervisors on:

Key: I= Initiate Planning, IP= In Progress

BOS=Refer to Board of Supervisors

R/C=Review and Comment, C=Complete

H = High, M = Medium, L = Low

<u>ROUTINE ACTIVITIES</u>		Priority	Board Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Comments
1	Plan Reviews	H	These activities vary greatly in their scope and support the Strategic Plan Goals	All routine items take place on an as needed basis.				
2	Subdivision Reviews	H						
3	Items referred by the Board	H						
4	Capital Improvements Program	H						Ferguson Township Long Range Growth Management Plan
5	Interaction with CRPC	H						
6	FTPC Reports to the Board	H						
7	State of Planning Report	H						BOS

<u>ORDINANCE AMENDMENTS</u>		Priority	Board Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Comments
8	Terraced Streetscape District Rewrite	H	Goal 3: Growth Management	IP	BOS			
9	Village Zoning District Text/Map Amendment	M	Goal 3: Growth Management & Goal 2: Economic Development			R/C		This will involve coordination with PGMSAP AC
10	Sign Ordinance Amendment- Village District	L	Goal 2: Economic Development					This will involve coordination with PGMSAP AC
11	Riparian Buffer Ordinance Review	M	Goal 4: Environmental Stewardship		I	R/C		

<u>PLAN IMPLEMENTATION & REVISIONS</u>		Priority	Board Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Comments
12	Assist with implementation activities as identified in the Pine Grove Mills Small Area Plan	M	These activities vary greatly in their scope and support the Strategic Plan		As needed			Implementation of priority recommendations/items and identification of partnerships/resources needed.

13	Participate in revisions to the 2009 Recreation, Park, and Open Space Plan	M	Goal 4: Environmental Stewardship	As needed				This will involve coordination with Ferguson Township Parks Committee
----	--	---	---	-----------	--	--	--	---



<u>ADDITIONAL DUTIES</u>		Priority	Board Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Comments
14	Recreation Economy in Ferguson Township	L	Goal 2: Economic Development					This will involve coordination with PGMAC
15	Elder Cottages Research	M	Goal 3: Growth Management					
16	Provide input and technical assistance where necessary to the Ferguson Township Climate Action Ad Hoc Advisory Board	L	Goal 4: Environmental Stewardship	As needed				

2023 FERGUSON TOWNSHIP MEETING CALENDAR

JANUARY						
S	M	T	W	R	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
New Years Day, MLK Day						

FEBRUARY						
S	M	T	W	R	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	President's Day			

MARCH						
S	M	T	W	R	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL						
S	M	T	W	R	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

MAY						
S	M	T	W	R	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
Memorial Day						

JUNE						
S	M	T	W	R	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
Juneteenth						

JULY						
S	M	T	W	R	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
Independence Day						

AUGUST						
S	M	T	W	R	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SEPTEMBER						
S	M	T	W	R	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
Labor Day						

OCTOBER						
S	M	T	W	R	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

NOVEMBER						
S	M	T	W	R	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
Veterans Day, Thanksgiving Day						

DECEMBER						
S	M	T	W	R	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	Christmas Day					

Holiday
 Planning Commission 6 PM