

**TOWNSHIP OF CRANBERRY
BUTLER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 27 THE CODE OF THE TOWNSHIP OF CRANBERRY TO ESTABLISH GENERAL AND SPECIFIC STANDARDS RELATING TO NON-TOWER WIRELESS COMMUNICATIONS FACILITIES, SMALL WIRELESS COMMUNICATIONS FACILITIES, AND TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES.

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

WHEREAS, the **CRANBERRY TOWNSHIP PLANNING ADVISORY COMMISSION and BOARD OF SUPERVISORS** have reviewed the proposed zoning amendment; and

WHEREAS, the **CRANBERRY TOWNSHIP PLANNING ADVISORY COMMISSION** reviewed the Ordinance and made a recommendation to the **BOARD OF SUPERVISORS** on January 31, 2022; and

WHEREAS, the **BOARD OF SUPERVISORS** held a public hearing on February 24, 2022 as provided by the Cranberry Township Code and the Pennsylvania Municipalities Planning Code at which time testimony was received concerning the amendment; and

WHEREAS, the **BOARD OF SUPERVISORS** advertised the public hearings February 7, 2022 and February 14, 2022 and advertised the notice of intent to adopt the proposed amendment on February 7, 2022 and February 14, 2022 as provided by the Cranberry Township Code and the Pennsylvania 2nd Class Township code; and

WHEREAS, in the judgment of the **BOARD OF SUPERVISORS**, such an amendment to the Zoning Ordinance of the Township of Cranberry, Butler County, Pennsylvania is consistent with the overall Comprehensive Plan adopted by the Township.

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

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY the Board of Supervisors of the Township of Cranberry, Butler County, Commonwealth of Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:

SECTION I. DELETION OF CERTAIN DEFINITIONS.

Section 27-202 of the Cranberry Township Zoning Ordinance is hereby amended by repealing the definitions of “Antenna,” “Co-Location,” “Distributed Antenna Systems (DAS),” “Emergency,” “Height of a Tower-Based WCF,” “Monopole,” “Non-Tower Wireless Communications Facility (Non-Tower WCF),” “Stealth Technology,” “Tower-Based Wireless Communications Facility,” “WBCA,” “Wireless,” “Wireless Communications Facility,” “Wireless Communications Facility Accessory Equipment,” and “Wireless Support Structure.”

SECTION II. AMENDMENT OF WIRELESS COMMUNICATIONS FACILITIES PROVISIONS

Section 27-327 “Wireless Communications Facilities (WCF)” of the Cranberry Township Code is hereby **repealed in its entirety and replaced** with a new Section 27-327 entitled and provided for as follows:

§27-327 Wireless Communications Facilities

1. Definitions. As used in this section, the following terms shall have the meanings indicate:

ACCESSORY EQUIPMENT — Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term “Accessory Equipment” includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

ANTENNA — An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.

COLLOCATION — The mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

CONTEXT-SENSITIVE — As defined in Section 27-202.

EMERGENCY — A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

EQUIPMENT COMPOUND — An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

FRONT FAÇADE AREA — As defined in Section 27-202.

HEIGHT OF WCF — The vertical distance measured from the ground level, including any base pad, to the highest point on a WCF, including antennas mounted on the tower and any other appurtenances.

MODIFICATION OR MODIFY — The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

MONOPOLE – A wireless support structure which consists of a single pole, designed and erected on the ground or on top of a structure, to support communications antennas and connecting appurtenances.

PERSON — Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that “Person” does not include or apply to the Township, or to any department or agency of the Township.

REPLACEMENT — The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

RIGHT-OF-WAY (ROW) — As defined in Section 27-202.

STEALTH TECHNOLOGY — Camouflaging methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

TECHNICALLY FEASIBLE – By virtue of engineering or spectrum usage, the proposed placement for a small wireless communications facility or its design or site location can be implemented without a material reduction in the functionality of the small wireless communications facility.

UTILITY POLE – A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, street signage or a similar function or for collocation. The term includes the vertical support structure for

traffic lights or horizontal structures to which signal lights or other traffic control devices are attached.

UTILITY EQUIPMENT — As defined in Section 27-202.

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

WIRELESS COMMUNICATIONS FACILITY (WCF) — an antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services. Types of Wireless Communications Facilities shall include:

MICRO WIRELESS FACILITY (MICRO WCF) – A wireless communications facility installed by a franchised cable operator on an existing cable strand that:

1. Does not exceed two cubic feet in volume; and
2. Has an exterior antenna no longer than 11 inches.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF) — Wireless communications facilities collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. Each antenna associated with the deployment is no more than three cubic feet in volume excluding the associated equipment. Replacement of an existing WCF facility shall not exceed the volume of the existing antenna. (see 27 attachment 11).

SMALL WIRELESS COMMUNICATIONS FACILITY (SMALL WCF) — A wireless communications facility that meets the following criteria (see 27 attachment 11):

1. The structure on which antenna facilities are mounted—
 - (i) is 50 feet or less in height, or
 - (ii) is no more than 10 percent taller than other adjacent structures, or
 - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
2. Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
3. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.
4. The facilities do not require antenna structure registration under 47 CFR Part 17;
5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) — Any wireless support structure and wireless communication facility over 50' in

height that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying Antenna and Accessory Equipment (see 27 attachment 11).

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT) — Any person, firm or entity seeking to place a WCF within the boundaries of the Township.

WIRELESS SUPPORT STRUCTURE (WSS) — A utility pole, monopole, tower, base station, building, or any other structure, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

2. Intent. The intent of this section is to:

- A. Promote the health, safety, and welfare of Township residents and businesses with respect to WCFs.
- B. Provide for the managed development of WCFs in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations.
- C. Establish procedures for the design, siting, construction, installation, maintenance and removal of Tower-Based, Non-Tower-based WCFs, and Small WCFs in the Township, both inside and outside the public rights-of-way.
- D. Address new wireless technologies, including, but not limited to, distributed antenna systems (DAS), data collection units, Small wireless communications facilities, and other WCFs.
- E. Encourage the collocation of WCFs on existing structures rather than the construction of new wireless support structures.
- F. Protect Township residents 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.
- G. Comply with all provisions and requirements of the Federal Communications Commission’s 2018 Third Report and Order and Declaratory Ruling, the Pennsylvania Small Wireless Facilities Deployment Act of 2021, as amended, and any other applicable state and/or federal regulations.

3. Applicability.

- A. All WCFs, as defined herein, shall comply with all applicable terms and provisions of this section.
- B. WCFs for which a building permit has been issued prior to the effective date of this article shall not be required to meet the requirements of this article except for the annual reimbursement for ROW usage.
- C. This article shall not govern the installation of any amateur radio facility that is owned or operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- D. Noncommercial Usage Exemption. Township citizens utilizing satellite dishes and antennas for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from this section.
- E. Public Exemption. All wireless communications facilities are permitted as uses by right if the property in question contains one or more of the following principal uses: municipal properties, public recreation, public utility facilities, solar energy facility, or wind energy facility.
- F. This article shall supersede all conflicting requirements of other chapters of this Code regarding the locating and permitting of wireless communications facilities.

4. Authorized Uses.

- A. Refer to 27 Attachment 2, "Table of Authorized Principal Uses, Zoning Districts Where Use is Authorized, and Method of Authorization," for zoning districts in which WCFs are permitted. Any WCF which is identified as requiring conditional use approval shall also comply with the express standards and criteria for uses authorized by conditional use as set forth in Part 7 of this chapter.
- B. Refer to 27 Attachment 3, "Table of Authorized Accessory Uses, Zoning District Where Authorized, and Method of Authorization," for zoning districts in which any WCF accessory uses are permitted. Any WCF which is identified as requiring conditional use approval shall also comply with the express standards and criteria for uses authorized by conditional use as set forth in Part 7 of this chapter.

5. Procedures.

- A. Application. Each WCF Applicant proposing the construction of a WCF shall complete and submit all appropriate applications in accordance with the requirements of this Section 27-327 prior to beginning construction of such WCF.
- B. Permits. WCF Applicants proposing the Modification of an existing WCF or the construction of a new WCF shall obtain all required permits from the Township prior to

beginning such construction or Modification. New construction and Modifications shall be prohibited without a zoning permit.

- C. Fees. The Township may assess appropriate and reasonable permit fees, as delineated or limited by the WBCA or any other applicable state and/or federal laws or regulations, which are directly related to the Township's actual costs in reviewing and processing applications for approval as well as related inspection, monitoring and related costs.
- D. Engineer Signature. All plans and drawings shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
- E. Retention of Experts. Except as limited by applicable federal or state laws, 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 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 reasonable costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- F. Applicable Timeframes. The following table details the applicable timeframes for notice of incompleteness and final decision for each type of WCF application:

<u>Type of WCF/Application</u>	<u>Notice of Incompleteness</u>	<u>Final Decision</u>
<u>Eligible Facilities Request</u>	<u>No more than 30 calendar days from receipt of initial application; 10 calendar days from receipt of supplemental application for subsequent notices.</u>	<u>60 total calendar days from receipt of initial application.</u>
<u>Small WCF (Collocated)</u>	<u>No more than 10 business days from receipt of initial or supplemental application.</u>	<u>60 total calendar days from receipt of initial application.</u>
<u>Small WCF (New or Replacement Wireless Support Structure)</u>	<u>No more than 10 business days from receipt of initial or supplemental application.</u>	<u>90 total calendar days from receipt of initial application.</u>
<u>Non-Tower WCF</u>	<u>No more than 30 calendar days from receipt of application for initial notice; 10 calendar days</u>	<u>90 total calendar days from receipt of initial application.</u>

	<u>from receipt of supplemental application for subsequent notices.</u>	
<u>Tower-Based WCF</u>	<u>No more than 30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.</u>	<u>150 total calendar days from receipt of initial application.</u>

G. 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 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. Regulations Applicable to All Wireless Communications Facilities.

A. Standard of care. All WCFs shall meet or exceed all applicable standards and provisions of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate wireless communications facilities, the latest National Electrical Safety Code (NESC), American National Standards Institute (ANSI), and the structural standards of the American Association of State Highway and Transportation Officials or any other industry standard applicable to the structure. In case of conflict, the most stringent requirements shall prevail. All necessary certifications shall be obtained by the WCF Applicant and provided to the Township.

B. Eligible Facilities Requests.

(1) WCF Applicants proposing a Modification to an existing WCF shall be required only to obtain a building permit from the Township Zoning Officer. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township Zoning Officer in accordance with applicable permit policies and procedures. Such permit application shall clearly state that the proposed Modification constitutes an Eligible Facilities Request pursuant to the requirements of 47 CFR §1.6100. The permit application shall detail all dimensional changes being made to the WCF and Wireless Support Structure.

C. Design.

(1) WCFs, including all associated Antennas, Wireless Support Structures, Accessory Equipment, sheds, buildings, and the like, shall be context-sensitive, employ stealth technology, and be treated to match any Wireless Support Structure, when

applicable, in order to minimize aesthetic impact. The application of such treatments shall be subject to the approval of the Township.

(2) Wind and ice. All WCFs shall be designed to withstand the effects of wind gusts and ice 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/TIA-222, as amended), or to the industry standard applicable to the structure.

(3) Aviation safety. WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

D. Location.

(1) All WCFs shall be located on an existing Wireless Support Structure whenever practical and Technically Feasible.

(2) Should Collocation on an existing Wireless Support Structure not be possible, the proposed WCF shall be Collocated on an existing structure that does not support a WCF, including, but not limited to, a Utility Pole or building.

(3) Should Collocation not be possible, the proposed WCF may be located on a new Wireless Support Structure and shall abide by the general regulations set forth in this section as well as § 27-327.8.

(4) WCFs shall not be located in the Front Façade Area of the following uses: single-family detached, single-family semidetached, quad dwelling, two-family dwelling, townhouse, or row dwelling. This restriction shall not apply in instances involving collocation on an existing nonconforming building or structure that already holds WCF equipment.

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

E. Operations.

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- (1) Radio frequency emissions. A WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The WCF Applicant shall submit proof of compliance with all applicable standards relating to radio frequency emissions as part of any complete WCF application.
- (2) Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in Emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (3) Lighting. No WCF shall be artificially lighted, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. All other associated lighting related to the WCF and/or its accessory equipment shall comply with the Township Code, § 27-318.
- (4) Public safety communications. WCFs shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- F. Non-conforming Wireless Support Structures. WCFs shall be permitted to Collocate upon existing non-conforming Wireless Support Structures. Collocation of WCFs upon existing Wireless Support Structures is encouraged even if the Wireless Support Structure is non-conforming as to use within a zoning district.
- G. Inspections; reports. Wireless communications facilities shall be inspected to ensure structural integrity and compliance with applicable federal, state, and local codes and regulations. Inspection reports shall be submitted to the Township upon request.
- H. Indemnification. Each Person that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WCF. Each Person that owns or operates a WCF shall defend any actions or proceedings against the Township in which it is claimed that personal

injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

I. Abandonment; Removal. In the event that use of a WCF is 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. A WCF not operated for a period of twelve (12) months shall be considered abandoned. Discontinued or abandoned WCFs, or portions of WCFs, shall be removed as follows:

(1) All abandoned or unused WCFs and Accessory Equipment shall be removed within ninety (90) days of the cessation of operations at the site or receipt of notice that the WCF has been deemed abandoned by the Township, unless a time extension is approved by the Township.

(2) If the WCF or Accessory Equipment is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF regardless of the owner's or operator's intent to operate the WCF in the future.

(3) The Township reserves the right to pursue all available remedies under the law to ensure removal of the WCF and restoration of the site at the expense of the owner. Any delay by the Township in taking action shall not invalidate the Township's right to take action.

(4) Where there are two or more users of a single WCF, this provision shall not become effective until all users have terminated use of the WCF for a period of twelve (12) months.

J. Maintenance. The following maintenance requirements shall apply:

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

(2) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents and in accordance with all applicable Township, state and federal regulations

(3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

K. Insurance.

(1) Each Person that owns or operates a Tower-Based WCF shall provide the Zoning Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF.

(2) Each Person that owns or operates a Non-Tower WCF or Small WCF shall provide the Zoning Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the WCF.

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

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

7. Specific Requirements for Small Wireless Communications Facilities.

A. Small WCFs located inside the Rights-of-Way shall be a permitted use in all Township zoning districts, subject to the requirements of this Section 27-327 and applicable permitting by the Township.

B. Small WCFs located outside the Rights-of-Way shall be a permitted use in all Township zoning districts, except residential zoning districts, subject to the requirements of this Section 27-327 and applicable permitting by the Township.

C. Application Procedures.

(1) Applications for Small WCFs shall be submitted to the Township Zoning Officer.

(2) Applications for Small WCFs shall include the following:

(a) A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Small WCF, and a certification that the WCF

Applicant has included all information required by the Township Code, signed by a representative of the WCF Applicant.

(b) A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Small WCF.

[1] If the Small WCF is proposed for location on an existing or replacement Wireless Support Structure that currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.

[2] If installation of a new or replacement Wireless Support Structure is being proposed, the depiction shall include the color, dimensions, material and type of Wireless Support Structure proposed.

(c) The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the Small WCF.

(d) An aerial photograph of the proposed site showing the area within 500 feet of the Small WCF. The aerial photograph shall identify all structures within such radius.

(e) Photo simulations depicting the Small WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Small WCF.

(f) A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Small WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.

(g) A report by a qualified engineering expert which shows that the Small WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.

(h) A certificate of insurance as required by Section 27-327.5.L.

(i) Certification of the application's compliance with all requirements of this Section 27-327.

(j) All application fees required by the Township as detailed in the Township fee schedule.

(3) Resubmission Upon Denial.

(a) If the Township denies an application for a Small WCF, the Township shall provide the WCF Applicant with written documentation of the basis for denial, including the specific provisions of the Township Code on which the denial was based, within five (5) business days of the denial.

(b) The WCF Applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within thirty (30) days of the application being resubmitted for review.

(4) Consolidated applications. A single WCF Applicant may not submit more than one consolidated or 20 single applications for Collocated Small WCFs in a 30-day period. If the Township receives more than one consolidated application or 20 single applications within a 45-day period, the applicable timeframe under Section 27-327.4.F be extended by 15 days.

D. Location and development standards.

(1) Small WCFs in the public ROW requiring the installation of a new Wireless Support Structure shall not be located in front of any building entrance or exit.

(2) All Small WCFs shall comply with the applicable requirements of the Americans with Disabilities Act and all Township Code requirements applicable to streets and sidewalks.

E. Time, Place and Manner. Once approved, the Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Small WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

F. Obstruction. Small WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township.

G. Graffiti. Any graffiti on a Small WCF, including the Wireless Support Structure and any Accessory Equipment, shall be removed at the sole expense of the owner within ten (10) calendar days of notification by the Township.

- H. Obsolete equipment. As part of the construction, Modification or Replacement of a Small WCF, the WCF Applicant shall remove any obsolete or abandoned equipment from the Wireless Support Structure.
- I. Relocation or Removal of Facilities. Within ninety (90) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (1) The construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
 - (2) The operations of the Township or other governmental entity in the Right-of-Way;
 - (3) Vacation of a street or road or the release of a utility easement; or
 - (4) An emergency that constitutes a clear and immediate danger to the health, welfare, or safety of the public as determined by the Township.
- J. Time limit for completion of construction. The proposed Collocation, the Modification or Replacement of a Wireless Support Structure or the installation of a new Wireless Support Structure with Small WCF attached for which a permit is granted under this section shall be completed within one year of the permit issuance date unless the Township and the WCF Applicant agree in writing to extend the period.
- K. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Small WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission. Prior to paying the annual fee, each Person that owns or operates a Small WCF in the ROW shall provide the Zoning Officer with a certificate of insurance as required above.

8. Specific Requirements for Non-Tower Wireless Communications Facilities.

- A. The following regulations shall apply to all Non-Tower WCFs that do not meet the definition of a Small WCF:
- (1) Application procedures.

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- (a) Applications for Non-Tower WCFs shall be submitted to the Township Zoning Officer.
- (b) All applications for Non-Tower WCFs shall include the following information:
- [i] The name and contact information, including phone number, for both the WCF Applicant and the owner of the proposed Non-Tower WCF.
 - [ii] A site plan, drawn to scale, showing property boundaries, power location, total height of the Non-Tower WCF, the entirety of the structure upon which the Non-Tower WCF will be Collocated, and Accessory Equipment locations.
 - [iii] A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Non-Tower WCF.
 - [iv] If the Non-Tower WCF is proposed for location on a Wireless Support Structure that currently supports existing WCFs or other attachments, the depiction shall show the location and dimensions of all such attachments.
 - [v] The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the Non-Tower WCF.
 - [vi] An aerial photograph of the proposed site showing the area within 500 feet of the Non-Tower WCF. The aerial photograph shall identify all structures within such radius.
 - [vii] Photo simulations depicting the Non-Tower WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Non-Tower WCF.
 - [viii] A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Non-Tower WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.

[ix] A report by a qualified engineering expert which shows that the Non-Tower WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.

[x] A certificate of insurance as required by Section 27-327.5.L.

[xi] Certification of the application's compliance with all requirements of this Section 27-327.

[xii] All application fees required by the Township as detailed in the Township fee schedule.

(2) Development Regulations.

(a) The total height of any Non-Tower WCF shall not exceed thirty-five (35) feet above the preexisting height of the Wireless Support Structure to which the WCF is attached.

(b) In accordance with industry standards, all Non-Tower WCF applicants must submit documentation to the Township showing that the proposed Non-Tower WCF is designed to be the minimum height technically feasible and justifying the total height of the Non-Tower WCF.

(c) Accessory Equipment and buildings.

[i] All Accessory Equipment and buildings associated with a Non-Tower WCF shall comply with all required setbacks for principal structures established for the zoning district in which they are located.

[ii] Ground-mounted Accessory Equipment, buildings, and accessory structures shall not exceed fifteen (15) feet in height.

(d) A security fence of not less than six feet and not more than eight feet 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.

(3) Design.

(a) Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology utilized by the WCF Applicant shall be subject to the approval of the Township.

- (b) Non-Tower WCFs shall, to the extent technically feasible, incorporate architectural features, materials and colors which blend with surrounding buildings, structures, terrain or landscape.
- (c) Non-Tower WCFs and Accessory Equipment must be of a neutral color that is identical to or closely compatible with the Wireless Support Structure so as to make the WCF and Accessory Equipment as visually unobtrusive as possible. Roof-mounted Non-Tower WCFs shall match existing air-conditioning units, stairs, elevator towers or other background as nearly as possible.
- (4) Prohibited on Certain Structures. No Non-Tower WCF shall be located on single-family detached residences, single-family attached residences, semi-detached residences, duplexes, or any residential accessory structure.
- (5) Third Party Wireless Support Structures. Where the Non-Tower WCF is proposed for Collocation on a Wireless Support Structure that is not owned by the WCF Applicant, the WCF Applicant shall present documentation to the Zoning Officer that the owner of the Wireless Support Structure has authorized Collocation of the proposed Non-Tower WCF.

9. Specific Requirements for Tower-Based Wireless Communications Facilities.

A. The following regulations shall apply to all Tower-Based Wireless Communications Facilities that do not meet the definition of a Small WCF:

- (1) Conditional Use. Tower-Based WCFs are permitted outside the public rights-of-way as a conditional use and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system, subject to the requirements of this Section 27-327.

 - (a) Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall send via First Class Mail notice to all owners of every property within five hundred (500) feet of the proposed facility, advising of the subject matter and date of such hearing. Such notice shall be sent at least ten (10) days in advance of any such hearing. The WCF Applicant shall provide proof of the notification to the Board of Supervisors along with the list of return receipts received.
 - (b) Prior to the Board of Supervisors' approval of a conditional use authorizing the construction and installation of a Tower-Based WCF, it shall be incumbent upon the WCF Applicant for such conditional use approval to prove to the reasonable satisfaction of the Board of Supervisors that the WCF Applicant cannot adequately extend or infill its communications

system by the use of equipment installed on existing structures, such as utility poles or their appurtenances and other available structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable, less-intrusive alternative location exists.

- (c) The conditional use application shall include a site plan, drawn to scale, showing property boundaries, power location, total height of the Tower-Based WCF, guy wires and anchors, existing structures, elevation drawings, typical design of proposed structures, parking, fences, landscaping and existing uses on adjacent properties.
- (d) Where the Tower-Based WCF is located on a property that is not owned by the WCF Applicant, the WCF Applicant shall present evidence to the Board of Supervisors that the owner of the property has granted an easement or other property right, if necessary, for the proposed WCF and that vehicular access will be provided to the facility.
- (e) The conditional use application shall include a written certification by a structural engineer licensed in the Commonwealth of Pennsylvania of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.
- (f) An application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing Wireless Support Structure. Board of Supervisors may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the Antenna(s) on an existing Wireless Support Structure. The WCF Applicant shall demonstrate that it contacted the owners of all potentially feasible structures, buildings, and towers within a one (1) mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
- [1] No existing support structure, building or other structure are located within the geographic area which meet the applicant's engineering requirements.
 - [2] Existing support structures, buildings or other structures are not of sufficient height to meet the applicant's engineering requirements.
 - [3] Existing support structures, buildings or other structures do not have the strength to support the applicant's equipment.

[4] The WCF Applicant's equipment would cause electromagnetic interference with equipment on the existing support structure, building or other structure.

[5] Fees, costs or contractual provisions required by the owner in order to share an existing location or to adapt for the applicant are unreasonable. Costs exceeding new construction for a support structure are presumed to be unreasonable.

[6] The WCF Applicant demonstrates that there are other limiting factors that render other locations unsuitable.

(g) The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions of this Section 27-327.

(2) Development Regulations.

(a) Tower-Based WCFs shall not be located in, or within fifty (50) feet of an area in which all utilities are located underground.

(b) Sole use on a lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot is a minimum of 6,000 square feet. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal 100% of the proposed WCF structure's height.

(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 permitted proposed use, in accordance with 27 Attachment 2, "Table of Authorized Principal Uses, Zoning Districts Where Use is Authorized, and Method of Authorization," so long as the existing use on the property is a permitted use in the applicable zoning district.

(3) Design Regulations.

(a) Height.

[1] Any Tower-Based WCF shall be designed at the minimum functional height. All Tower-Based WCF applicants must submit documentation to the Township justifying the total height of the structure. The maximum total height of any Tower-Based WCF which is not located in the public ROW shall not exceed 180 feet,

as measured vertically from the ground level to the highest point on the structure, including antennas and subsequent alterations.

[2] Accessory Equipment buildings, cabinets and accessory structures shall not exceed fifteen (15) feet in height.

[3] Any height extensions to an existing Tower-Based WCF shall require the prior approval of the Township and shall comply with the Township Code of Ordinances.

(b) Visual Appearance and Land Use Compatibility.

[1] Tower-Based WCFs shall employ the most current Stealth Technology available at the time of construction in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.

[2] All Tower-Based WCFs and Accessory Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

[3] The Board of Supervisors shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; prevent a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

(c) Anti-Climbing Device. If deemed necessary by the Board of Supervisors, a Tower-Based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer.

(d) Minimum Setbacks. The foundation and base of any Tower-Based WCF shall be set back from property lines by the largest of the following:

[1] The minimum setback in the underlying zoning district.

[2] One hundred (100) feet from any residential property lines and any residential district boundary.

[3] Fifty (50) feet from any non-residential property lines.

(4) Surrounding Environs.

- (a) The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- (b) The WCF Applicant shall submit a soil report to Board of Supervisors complying with the standards of Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

(5) Fence/Screen.

- (a) A security fence having a minimum height of six feet and a maximum height of eight feet shall completely surround any Tower-Based WCF, as well as guy wires, or any building housing Accessory Equipment.
- (b) Landscaping shall be installed to screen and buffer the Tower-Based WCF and any ground-level features, such as an equipment building, from adjacent properties. The landscape screen shall consist of a mix of evergreen trees planted in a staggered double row. The plantings shall be a minimum height of six feet at planting and shall grow to a minimum of 15 feet at maturity.

(6) Accessory Equipment.

- (a) Accessory Equipment associated, or connected, with a Tower-Based WCF shall be placed underground or screened from public view using Stealth Technology. All ground-mounted Accessory Equipment, utility buildings and accessory structures shall be architecturally designed to be concealed from public view to the maximum extent possible and be compatible with the architecture of surrounding buildings, structures or landscape.
- (b) Either one single-story wireless communications equipment building not exceeding five hundred (500) square feet in area or its equivalent may be permitted for each unrelated company sharing Antenna space on the Tower-Based WCF.

(7) Additional Antennas. As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Board of Supervisors with a written commitment that it will allow other service providers to Collocate Antennas on the Tower-Based WCF where Technically Feasible. To the extent permissible under state and federal law, the owner of a Tower-Based WCF shall not install any additional Antennas without complying with the applicable requirements of this Section 27-327.

- (8) FCC License. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and Emergency telephone number for the operator of the facility.
- (9) Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an Emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- (10) Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.
- (11) Storage. The storage of unused equipment, materials or supplies is prohibited on any Tower-Based WCF site.
- (12) Repair of Non-Conforming Tower-Based WCF. Non-conforming Tower-Based WCFs 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. The Collocation of Antennas is permitted on existing non-conforming Tower-Based WCFs.

SECTION III. AMENDMENT OF CERTAIN USE PROVISIONS

27 Attachment 2, “Table of Authorized Principal Uses, Zoning Districts Where Use Is Authorized, and Method of Authorization” of the Cranberry Township Zoning Ordinance is hereby amended by amending the following:

Principal Uses	R-1	R-2	R-3	RMU	C-1	C-2	C-3	SU-1	SP-1	BPK	I-L	PIC	TLI	MU
Wireless communications facility, non-tower, in the right of way	R ³	R ³	R ³	R ³	R	R	R	R	R	R	R	R	R	R
Wireless communications facility, non-tower, outside the right of way	N ⁴	N ⁴	N ⁴	N ⁴	R	R	R	R	R	R	R	R	R	R
Wireless communications facility, tower-base, in the right of way	R ⁵	R ⁵	R ⁵	R ⁵	R	R	R	R	R	R ⁵	R	R	R	R
Wireless communications	N ⁴	N ⁴	N ⁴	N ⁴	R	R	R	R	R	N ⁴	R	R	R	R

facility, tower-based, outside the right-of-way and 50 feet or less in height														
Wireless communications facility, Tower-Based, outside the right-of-way and greater than 50 feet in height	N ⁶	N ⁶	N ⁶	N ⁶	N ⁶	N ⁶	N ⁶	C	C	N ⁶	C	C	C	C

Principal Uses	R-1	R-2	R-3	RMU	C-1	C-2	C-3	SU-1	SP-1	BPK	I-L	PIC	TLI	MU
<u>WCF, Tower-based, in the right-of-way</u>	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<u>WCF, Tower-based, out of the right-of-way</u>	N	N	N	N	N	N	N	C	C	N	C	C	C	C
<u>WCF, Small, in the right-of-way</u>	R	R	R	R	R	R	R	R	R	R	R	R	R	R
<u>WCF, Small, out of the right-of-way</u>	N	N	N	N	R	R	R	R	R	R	R	R	R	R
<u>WCF, Non-Tower, in the right-of-way</u>	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<u>WCF, Non-Tower, out of the right-of-way</u>	N	N	N	N	R	R	R	R	R	R	R	R	R	R

NOTES:

¹ Indoor recreation and instructional facilities in the C-1 Zoning District shall be limited to a maximum of 10,000 square feet of GFA.

² Restaurants in the C-1 Zoning District shall be limited to a maximum of 3,000 square feet of GFA and shall only be authorized as part of a neighborhood shopping center.

~~³ See § 27-327.5 for further location restrictions.~~

~~⁴ Wireless communications facilities, non-tower or tower-based, outside of the right-of-way and 50 feet or less in height are permitted as uses by right if the property in question contains one or more of the following principal uses: municipal buildings, public recreation, public utility facilities, solar energy facility, or wind energy facility.~~

~~⁵ See § 27-327.7 for further location restrictions.~~

~~⁶ Wireless communications facilities, tower-based, outside of the right-of-way and exceeding 50 feet in height are permitted as conditional uses if the property in question contains one or more of the following principal uses: municipal buildings, public recreation, public utility facilities, solar energy facility, or wind energy facility.~~

SECTION IV. AMENDMENT OF CERTAIN ACCESSORY USE PROVISIONS

27 Attachment 3, “Table of Authorized Accessory Uses, Zoning District Where Authorized, and Method of Authorization” of the Cranberry Township Zoning Ordinance is hereby amended by amending the following:

Accessory Uses	R-1	R-2	R-3	RMU	C-1	C-2	C-3	SU-1	SP-1	BPK	I-L	PIC	TLI	MU
Wireless communications and facilities accessory equipment ¹	R	R	R	R	R	R	R	R	R	R	R	R	R	R

NOTES:

¹ Wireless communications facility accessory equipment is permitted as a use by right if the property in question contains one or more of the following principal uses: public education institution, municipal, ~~buildings~~ properties, public recreation, public utility facilities, religious establishment, solar energy facility, or wind energy facility.

SECTION V. AMENDMENT OF CERTAIN CCD USE PROVISIONS

27 Attachment 2.1, “Table of Authorized Principal Uses, Community Character Development (CCD) Overlay Districts Where Use Is Authorized, and Method of Authorization” of the Cranberry Township Zoning Ordinance is hereby amended as follows:

Principal Uses	CCD-1	CCD-2	CCD-3	CCD Freedom A	CCD Freedom B	CCD Corridor	CCD Corridor – Freedom Road
Nonresidential Type Uses							
<u>WCF, Tower-based, in the right-of-way</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>WCF, Tower-based, out of the right-of-way</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>WCF, Small, in the right-of-way</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>WCF, Small, out of the right-of-way</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>WCF, Non-Tower, in the right-of-way</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>WCF, Non-Tower, out of the right-of-way</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>

SECTION VI. ADDITION of 27 Attachment 11:

27 Attachment 11, “Matrix of Wireless Communication Facility Classifications” of the Cranberry Township Zoning Ordinance is hereby amended by adding the following:

27 Attachment 11:
Matrix of Wireless Communication Facility Classifications

		<u>Antenna Size:</u>		
		<u>Greater than 3 cubic feet</u>	<u>Less than or equal to 3 cubic feet</u>	<u>Less than or equal to 11 inches</u>
<u>Wireless Support Structure (WSS) Type:</u>	<u>Proposed WSS greater than 50 feet high¹</u>	<u>Tower-based WCF</u>	<u>Tower-based WCF</u>	<u>Tower-based WCF</u>
	<u>Proposed WSS less than or equal to 50 feet high¹</u>	<u>Tower-based WCF</u>	<u>Small WCF</u>	<u>Small WCF</u>
	<u>Collocation on an existing WSS or building</u>	<u>Non-Tower WCF</u>	<u>Small WCF</u>	<u>N/A</u>
	<u>Existing cable strand</u>	<u>N/A</u>	<u>N/A</u>	<u>Micro WCF</u>

1. See the defined term “height of WCF” in 27-327.1.

SECTION VII. Severability.

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

SECTION VIII. Repealer.

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

Ordained and enacted this _____ day of _____, 2022, BY THE BOARD OF SUPERVISORS of the Township of Cranberry.

ATTEST:

Board of Supervisors of the
Township of Cranberry

Daniel D. Santoro, Township Manager

Richard M. Hadley,
Chairman

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