



## BOARD OF SUPERVISORS WORKSHOP AGENDA

**May 12, 2020**  
4:00 p.m.

**LOCATION:** This meeting will be held **virtually**. Any member of the public interested in participating in the meeting should email the Township at [tscheivert@upperuwchlan-pa.gov](mailto:tscheivert@upperuwchlan-pa.gov) for a link and a password to join in the meeting. In an effort to minimize public exposure to COVID-19 and maintain social distancing, the meeting will be conducted via webinar. No attendance in-person will be allowed. If you require special accommodation, please call the Township office at 610-458-9400.

- |  | Packet Page # |
|--|---------------|
| I. Call to Order   |               |
| A. Salute to the Flag  |               |
| B. Moment of Silence   |               |
| C. Inquire if any Attendee plans to audio or video record the Workshop             |               |
| D. An Executive Session was held May 4, 2020 regarding legal and personnel matters |               |
| II. 2020 Road Materials Bid – Award Contract(s)                                    | 2             |
| III. Resolution re: Property Tax Relief – Discussion                               | 4             |
| IV. Ordinance Amendments – Discussion  |               |
| Discuss ordinance amendments for potential adoption in June, relating              |               |
| To the following: outdoor advertising signs, definitions - mixed use               |               |
| dwelling and cultural facility, residential uses in C-1 and C-3 zoning             |               |
| districts and relating to adaptive reuse of historic structures, as well as        |               |
| historical commission review of adaptive reuse applications, lighting standards.   | 5             |
| V. Disposition of Township Property – office desks, park maintenance equipment     | 75            |
| VI. Open Session   |               |
| VII. Adjournment   |               |



## MEMORANDUM

To: Tony Scheivert, Township Manager  
From: Michael G. Heckman, Director of Public Works  
Date: April 17, 2020  
Re: Bid Awards - 2020 Furnishing Road Materials

On April 17, 2020 the bids were opened for 2020 Furnishing of Road Materials contracts for bituminous concrete and coarse aggregate.

### **Bituminous Concrete**

There were three suppliers who submitted bids for “Bituminous Concrete” materials. The low bidder for supplying the Warm Mix materials is Glasgow Inc.

**Therefore, it is my recommendation that Glasgow Inc. should be awarded the contract for furnishing the bituminous concrete Warm Mix materials, with a bid amount of \$34,950 at plant, and \$40,657.50 if delivered, as listed on the bid sheet, if all material is bought.**

### **Coarse Aggregate**

There were two bidders for “Coarse Aggregate”. Of those who submitted bids, New Enterprise Stone and Lime Inc. was the low bidder; however, after fuel and employee time is factored in for pickup at the plant, Glasgow, Inc. would be the low bidder.

**Therefore, it is my recommendation that the contract for furnishing coarse aggregate should be awarded to Glasgow, Inc. with a bid amount of \$6,510 at plant, and \$9,187.50 if delivered, as listed on the bid sheet, if all stone is bought.**

Should you have any questions regarding these recommendations or wish to discuss any part of this memo in more detail, please feel free to ask.



2020 Road Materials Bid Results  
Opening Friday, April 17, 2020 at 1:00 p.m.

MATERIAL UNIT QTY

**Bituminous Concrete**

			Vendor: Bond - Yes New Enterprise & Lime Co.			
			Unit Price Plant	Unit Price Delivered	Total Plant	Total Delivered
SUPERPAVE BASE (Warm) 25 mm mix	Tons	100	NO BID	NO BID	NO BID	NO BID
SUPERPAVE BINDER (Warm) 19 mm mix	Tons	300	NO BID	NO BID	NO BID	NO BID
SUPERPAVE WEARING (Warm) 9.5 mm mix	Tons	300	NO BID	NO BID	NO BID	NO BID
COLD PATCH STOCK PILE	Tons	5	NO BID	NO BID	NO BID	NO BID
GRAND TOTAL	x	x				

Vendor: Bond - Yes Highway Materials			
Unit Price Plant	Unit Price Delivered	Total Plant	Total Delivered
\$45.35	\$95/hr	\$4,535.00	
\$47.95	\$95/hr	\$14,385.00	
\$54.45	\$95/hr	\$16,335.00	
NO BID	NO BID	NO BID	NO BID
		<b>\$35,255.00</b>	

Vendor: Bond - Yes Allan Myers			
Unit Price Plant	Unit Price Delivered	Total Plant	Total Delivered
\$50.85	\$56.83	\$5,085.00	\$5,683.00
\$52.50	\$58.48	\$15,750.00	\$17,544.00
\$57.55	\$63.53	\$17,265.00	\$19,059.00
\$130.00	\$135.98	\$650.00	\$679.90
		<b>\$38,750.00</b>	<b>\$42,965.90</b>

Vendor: Bond - Yes Glasgow			
Unit Price Plant	Unit Price Delivered	Total Plant	Total Delivered
\$43.50	\$51.60	\$4,350.00	\$5,160.00
\$48.00	\$56.10	\$14,400.00	\$16,830.00
\$52.00	\$60.10	\$15,600.00	\$18,030.00
\$120.00	\$127.50	\$600.00	\$637.50
		<b>\$34,950.00</b>	<b>\$40,657.50</b>

			Crushed Aggregate			
			Unit Price Plant	Unit Price Delivered	Total Plant	Total Delivered
PennDOT #2-B	Tons	200	\$12.75	\$20.50	\$2,550.00	\$4,100.00
PennDOT #2-A	Tons	100	\$9.00	\$16.75	\$900.00	\$1,675.00
Anti-Skid	Tons	150	\$16.50	\$24.25	\$2,475.00	\$3,637.50
GRAND TOTAL	x	x			<b>\$5,925.00</b>	<b>\$9,412.50</b>

Unit Price Plant	Unit Price Delivered	Total Plant	Total Delivered
NO BID	NO BID	NO BID	NO BID
NO BID	NO BID	NO BID	NO BID
NO BID	NO BID	NO BID	NO BID

Unit Price Plant	Unit Price Delivered	Total Plant	Total Delivered
NO BID	NO BID	NO BID	NO BID
NO BID	NO BID	NO BID	NO BID
NO BID	NO BID	NO BID	NO BID

Unit Price Plant	Unit Price Delivered	Total Plant	Total Delivered
\$13.50	\$19.45	\$2,700.00	\$3,890.00
\$11.85	\$17.80	\$1,185.00	\$1,780.00
\$17.50	\$23.45	\$2,625.00	\$3,517.50
		<b>\$6,510.00</b>	<b>\$9,187.50</b>



**UPPER UWCHLAN TOWNSHIP**  
**Chester County, Pennsylvania**

**RESOLUTION # \_\_\_\_\_**

**RESOLUTION TO IMPLEMENT ACT 15 OF 2020**  
**PROPERTY TAX RELIEF PROVISIONS**

A RESOLUTION of the Board of Supervisors of Upper Uwchlan Township to implement provisions of Act 15 of 2020 relating to property tax relief.

WHEREAS, Act 15 of 2020 permits taxing districts, including townships, that impose taxes on the assessed value of real property to provide relief to taxpayers; and

WHEREAS, Upper Uwchlan Township has determined that it is in the best interests of the Township, its residents and taxpayers for the Township to provide relief to those paying taxes on the assessed value of real property located within the Township;

NOW, THEREFORE, BE IT RESOLVED, that Upper Uwchlan Township hereby waives any fees or penalties associated with the late payment of the tax imposed on the assessed value of real estate, provided that the tax is paid in its entirety by December 31, 2020.

BE IT FURTHER RESOLVED, that the Township Manager of Upper Uwchlan Township deliver a copy of this resolution to the Township's tax collector by no later than May 20, 2020.

ADOPTED by Upper Uwchlan Township this 18th day of the month of May 2020.

**UPPER UWCHLAN TOWNSHIP**  
**BOARD OF SUPERVISORS**

\_\_\_\_\_  
Sandra M. D'Amico, Chair

\_\_\_\_\_  
Jamie W. Goncharoff, Vice-Chair

\_\_\_\_\_  
Jennifer F. Baxter, Member

ATTEST:

\_\_\_\_\_  
Gwen A. Jonik, Township Secretary

UPPER UWCHLAN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED, "ZONING" TO AMEND THE DEFINITION OF "SIGN, OUTDOOR ADVERTISING BILLBOARD" AND TO ADD A DEFINITION OF "MIXED USE DWELLING" AND "CULTURAL FACILITY" IN SECTION 200-7; AMENDING SECTION 200-33. USE REGULATIONS FOR THE C-1 VILLAGE DISTRICT TO DELETE SINGLE-FAMILY DETACHED DWELLING, SINGLE-FAMILY SEMIDETACHED DWELLING, TWO-FAMILY DWELLING AND GROUP HOME AS PERMITTED USES, TO DELETE MULTIPLE-FAMILY DWELLINGS AS USES PERMITTED BY CONDITIONAL USE AND TO ADD MIXED USE DWELLING AS A USE PERMITTED BY CONDITIONAL USE; SECTION 200-34 AREA AND BULK REGULATIONS FOR THE C-1 VILLAGE DISTRICT TO ADD AREA AND BULK STANDARDS FOR MIXED USE DWELLINGS; SECTION 200-39 USE REGULATIONS FOR THE C-3 HIGHWAY COMMERCIAL DISTRICT TO DELETE SINGLE-FAMILY DETACHED, SINGLE-FAMILY SEMI-DETACHED, TWO-FAMILY DWELLING AND RESIDENTIAL DWELLING UNIT(S) INCLUDING MULTIPLE-FAMILY DWELLINGS LOCATED WITHIN THE SAME BUILDING AS AND ON A FLOOR OR FLOORS ABOVE ANY PERMITTED PRINCIPAL USE AS USES PERMITTED BY SPECIAL EXCEPTION AND TO ADD MIXED USE DWELLING AS A USE PERMITTED BY CONDITIONAL USE; SECTION 200-40 AREA AND BULK REGULATIONS FOR THE C-3 HIGHWAY COMMERCIAL DISTRICT TO ADD AREA AND BULK REQUIREMENTS FOR A MIXED USE DWELLING; SECTION 200-72.1 TO DELETE RESIDENTIAL USES AS A PERMITTED ADAPTIVE REUSE OF HISTORIC BUILDINGS AND STRUCTURES IN THE C-1 VILLAGE DISTRICT AND THE C-3 HIGHWAY COMMERCIAL DISTRICT; AMENDING SECTION 200-72.1 TO ADD A REVIEW ROLE FOR THE UPPER UWCHLAN TOWNSHIP HISTORICAL COMMISSION FOR PROPOSED ADAPTIVE REUSE APPLICATIONS; SECTIONS 200-94.F, 200-94.S, 200-98.I(4) AND 200-98.I(5) TO AMEND CERTAIN REGULATIONS PERTAINING TO LIGHTING OF SIGNS AND AMENDING CHAPTER 162 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED, "SUBDIVISION AND LAND DEVELOPMENT" SECTION 162-58, TITLED "LIGHTING" TO AMEND CERTAIN LIGHTING STANDARDS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township as follows:

**SECTION 1.** The Upper Uwchlan Township Zoning Ordinance, which is codified in Chapter 200 of the Upper Uwchlan Township Code, shall be amended as follows:

**A. Article II. Definitions. §200-7. Definitions and word usage.**

The definition of “SIGN, OUTDOOR ADVERTISING BILLBOARD” shall be amended as follows:

**“SIGN, OUTDOOR ADVERTISING BILLBOARD-** A large sign intended to display one or more advertisements, whose area shall not exceed 700 square feet and whose height from grade to top of sign face is no greater than 30 feet. Such signs shall meet all provisions in § 200– 98.I.”

**B. Article II. Definitions. §200-7. Definitions and word usage.**

The following definitions shall be added:

**“MIXED USE DWELLING** - Dwelling unit(s) above or behind a non-residential use within the same building, physically separated from any other dwelling unit. Each unit has independent access to the outside, however, in some cases access may be accomplished by a common hallway in accordance with building codes and fire regulations. The outside access shall be separate from the access for the associated non-residential use.”

**“CULTURAL FACILITY-** a building which has as its primary purpose the advancement and preservation of art, music, theater, dance or any other arts or cultural discipline.”

**C. Article VIII. C-1 Village District. § 200-33. Use regulations.**

For paragraph A. Uses by right.

Delete (5) “Single-family detached dwelling, single-family semidetached dwelling, two-family dwelling and group home”.

For paragraph B. Conditional uses.

Delete (6) “Multiple-family dwellings” and replace with new (6) “Mixed use dwelling”.

**D. Article VIII. C-1 Village District. § 200-34. Area and bulk regulations.**

Add a new section I. as follows:

- "I. Mixed use dwellings. Buildings containing principal non-residential uses may also contain one (1) or more residential dwelling units which shall adhere to the following regulations in addition to compliance with the regulations in § 200-34.A through H:
- A. The ground floor, or at a minimum the front portion thereof, shall be used for the principal non-residential use and the dwelling unit(s) shall be arranged to form an integral part of the remainder of the building. Specifically, residential and non-residential uses shall each comprise no less than thirty (30) percent of, nor greater than seventy (70) percent of the building's uses.
  - B. All dwelling units shall have a floor area of not less than six hundred (600) square feet.
  - C. The entrance to a dwelling unit may be shared with another dwelling unit or units but shall be independent of the entrance for the non-residential use or uses.
  - D. The parking required for each dwelling unit shall be provided in accordance with Article V.

**E. Article X. C-3 Highway Commercial District. § 200-39. Use regulations.**

For paragraph B. Conditional uses:

Add a new section (12) as follows:

(12) "Mixed use dwelling".

For paragraph C. Special exceptions:

Delete (3) "Single-family detached, single-family semidetached, or two-family dwelling"; and

Delete (4) "Residential dwelling unit(s) including multiple-family dwellings located within the same building as and on a floor or floors above any permitted principal use(s).

F. **Article X. C-3 Highway Commercial District. § 200-40. Area and bulk regulations.**

Add a new section H. as follows:

“H. Mixed use dwellings. Buildings containing principal non-residential uses may also contain one (1) or more residential dwelling units which shall adhere to the following regulations in addition to compliance with the regulations in § 200-40.A through G:

- (1) The ground floor, or at a minimum the front portion thereof, shall be used for the principal non-residential use and the dwelling unit(s) shall be arranged to form an integral part of the remainder of the building. Specifically, residential and non-residential uses shall each comprise no less than thirty (30) percent of, nor greater than seventy (70) percent of the building's uses.
- (2) All dwelling units shall have a floor area of not less than six hundred (600) square feet.
- (3) The entrance to a dwelling unit may be shared with another dwelling unit or units but shall be independent of the entrance for the non-residential use or uses.
- (4) The parking required for each dwelling unit shall be provided in accordance with Article V.

G. **Article XIV. Supplemental Land Use Regulations. Section 200-72.1. Adaptive Reuse for Historic Preservation.**

Replace § 200-72.1 Adaptive reuse for historic preservation with the following new section:

**“§ 200-72.1. Adaptive reuse for historic preservation.**

Any identified historic structure located on a tract listed in the Historic Resources Inventory of Upper Uwchlan Township, as may be amended from time to time, may be adaptively reused for purposes of viable ongoing preservation of the historic property, subject to the following regulations:

A. Adaptive reuse permitted by right.

- (1) In the C-1, C-2, C-3, LI and PI Zoning Districts. Adaptive reuse opportunities by right, where not already permitted in the underlying base zoning district, may include but are not limited to the following:



- 9
- (a) Home occupation; professional or business office; cultural studio; day-care center; bed-and-breakfast; and other uses of a similar nature and similar community impact.
    - (2) In the R-1, R-2, R-3 and R-4 Zoning Districts. Adaptive re-use opportunities by right, where not already permitted in the underlying base zoning district, may include home occupation and no-impact home-based businesses subject to the specific requirements set forth in § 200-62.B.(4).
  - B. Adaptive reuse permitted subject to conditional use approval upon review and recommendation of the Upper Uwchlan Township Historical Commission. Where approved by the Board of Supervisors as a conditional use in accordance with §§ 200-116 and 200-117 and the standards set forth herein:
    - (1) In the R-1, R-2, R-3 and R4 Zoning Districts:
      - (a) Professional or business office; cultural studio; day-care center ; bed-and-breakfast; and other uses of a similar nature and similar community impact.
      - (b) Multiple-family dwellings subject to the specific requirements set forth in Subsection D.
    - (2) In any Zoning District, adaptive reuse of any structure as an additional principal use otherwise permitted pursuant to the base zoning provisions or the additional uses permitted under this section, on the same lot as any other permitted principal use.
  - C. Modifications to area and bulk regulations otherwise in effect. The area and bulk regulations of the district within which the property is located shall apply to both principal and accessory structures, except that otherwise applicable area and bulk regulations may be modified upon review by the Historical Commission and where approved by the Board of Supervisors as a conditional use subject to the following:
    - (1) Applicable lot area, lot dimension, or yard requirements for plans affecting adaptive reuse of existing structures and permitted additions or additional structures on historic properties may be modified a maximum of 50%, unless greater modification may be permitted for an existing nonconforming structure.
    - (2) In all cases, such modifications may be permitted to reduce otherwise applicable requirements to the minimum degree necessary to accommodate proposed plan(s) for adaptive reuse.

D. Specific requirements for adaptive reuse for multiple-family dwellings.

- (1) Each proposed multiple-family dwelling unit shall have a minimum floor area of 600 square feet unless a reduction in floor area to not less than 400 square feet is approved by conditional use approval.
- (2) Individual dwelling units may be sold as separately owned units, e.g., "condos" or may be held in common ownership as rental units.
- (3) Where any elements of the parcel subject to subdivision and land development are to be held in common, including open space and stormwater management facilities, an association shall be formed to manage any such elements, and the declaration of such association shall be subject to review and approval of the Township Solicitor as part of the land development application.
- (4) Existing structural footprints shall not be extended or enlarged, except to add detached and attached accessory garages, storage areas, outdoor patios and covered terraces. Alterations to existing buildings may also be made to provide for new points of entry to facilitate direct access to individual dwelling units. All such alterations shall be subject to conformance with stormwater management regulation or any other regulation applicable at the time of the proposed alteration(s) and shall be compatible with the historical architectural context of the existing historic structures. Alteration(s) of existing facades as viewed from any public street shall be subject to conditional use approval upon the review and recommendation of the Upper Uwchlan Township Historical Commission.
- (5) A landscaped buffer area, providing for a diffused visual screen, of a minimum of 10 feet in width shall be provided along any lot line which abuts a single-family detached dwelling. Existing woodlands and hedgerows shall be considered sufficient to meet buffer requirements. The landscaped buffer area may be occupied by reserve sewage disposal areas, utility crossings, access drives, excluding parking areas, or other facilities required for the adaptive reuse of the historical property, excepting buildings.
- (6) Fire Lanes as required by § 200-76 are not required if, as determined by the Township Engineer, adequate fire access exists and is compliant with applicable building and/or fire codes.

H. **Article XVI. Signs. § 200-94. Regulations applicable to all signs.**

Subparagraph F shall be amended as follows:

“No commercial building in any residential district including multiple-family dwellings and apartments shall have signage that is internally illuminated, or externally illuminated by such means as neon, strip, floodlighting or spot lighting.”

I. **Article XVI. Signs. § 200-94. Regulations applicable to all signs.**

Subparagraph S shall be amended as follows:

“No sign shall have flashing lights, nor shall artificial light or any reflecting device interfere with or compete for attention with a traffic signal or create a visual nuisance. All illuminated signs as allowed by this article shall be consistent with the lighting requirements of § 162–58 of Chapter 162, Subdivision and Land Development, and all other applicable ordinances.”

J. **Article XVI. Signs. § 200-98. Signs in commercial, limited industrial and planned industrial/office districts.**

Subparagraph I(4) shall be amended to add the following sentence at the end of the existing language:

“Internally illuminated signs shall have sources that do not exceed 3000K with sign face in all white mode.”

K. **Article XVI. Signs. § 200-98. Signs in commercial, limited industrial and planned industrial/office districts.**

Subparagraph I(5) shall be amended to add the following sentence at the end of the existing language:

“Internally illuminated signs shall have the ability to be dimmed in the event the Township determines they do not comply with the standards in this Article.”

**SECTION 2.** The Upper Uwchlan Township Subdivision and Land Development Ordinance, which is codified in Chapter 162 of the Upper Uwchlan Township Code, shall be amended as follows:

A. **Article VI. Development Design Standards. § 162-58. Lighting shall be amended as follows:**

**“§162-58. Lighting.**

A. Purposes.

- (1) To require and set minimum standards for outdoor lighting to provide lighting in outdoor public places where public health, safety and welfare are potential concerns.
- (2) To protect drivers and pedestrians from the glare of nonvehicular light sources that shine into their eyes and thereby impair safe traverse.
- (3) To protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.
- (4) To provide for outdoor lighting in a manner consistent with Township objectives to protect and retain desired character.

B. Applicability.

- (1) Unless otherwise approved by the Township, outdoor lighting shall be required for all uses where necessary to provide for public safety and personal security during hours of darkness where there is public assembly and traverse, including but not limited to the following uses: multifamily residential, commercial, industrial, public-recreational and institutional.
- (2) The glare-control requirements contained herein shall apply to lighting in all above-mentioned uses as well as, but not limited to, signs, architectural lighting, landscape lighting, and residential lighting.

C. Criteria.

- (1) Illumination levels. Lighting, where required or permitted by this chapter, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook, as amended from time to time, including but not limited to the following examples:

<b>Use/Task</b>	<b>Maintained Footcandles</b>
Streets:	
Local commercial	0.9 Avg.
Residential	0.4 Avg.
Parking: multifamily residential	
Low vehicular/pedestrian activity	0.2 Min.
Medium vehicular/pedestrian activity	0.6 Min.
Parking: industrial/commercial/	

<b>Use/Task</b>	<b>Maintained Footcandles</b>
institutional/municipal	
High activity, e.g., regional shopping, fast food, major event venues	0.9 Min.
Medium activity, e.g., community shopping, office parks, hospitals, commuter lots, cultural/civic/recreational events	0.6 Min.
Low activity, e.g., neighborhood shopping, industrial employment, schools, churches	0.2 Min.
Sidewalks	0.5 Avg.
Building entrances: commercial/industrial/ institutional	5.0 Avg.
Spectator sport safe pedestrian exit [Subsection G(1)(e)]	1.0 Min.

NOTES:

- 1) Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.
- 2) Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio; e.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 (0.9 by 4).

(2) Lighting fixture design.

- (a) Fixtures shall be of a type and design appropriate to the specific lighting application.
- (b) For lighting horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall meet "full-cutoff" criteria (no light output emitted above 90° and no more than 10% of lumen output emitted in the 80 to 90 zone, at all lateral angles around the fixture).
- (c) The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres and other fixtures not meeting IESNA "full-cutoff" criteria shall be permitted only with the approval of the Township, based upon applicability in retaining the desired character of the Township and achievement of acceptable glare control.
- (d) Where requested by the Township, all fixtures shall be equipped with or be modified to incorporate light directing and/or shielding devices such as shields, visors, starts, or hoods to redirect offending light distribution and/or reduce direct or reflected glare.
- (e) For residential applications, omnidirectional fixtures (e.g., post top, wall bracket, wall pack, globe and sphere) shall have a cumulative lamp output per fixture not to exceed 40 watts incandescent or 6 watts LED.
- (f) Unshielded fixtures, such as NEMA-heads, "barn lights" or "dusk-to-dawn lights," shall not be permitted where their light output and/or glare intrudes into other uses, unless fitted with a reflector or shielding to render them full-cutoff.
- (g) Theme lighting, as a supplement to regular site lighting, is encouraged in the Township villages and in new residential or commercial developments, subject to Township approval. Theme lights shall have good shielding and lamp-hiding qualities to be of low

brightness or lamped with the lowest possible wattage bulb so as not to produce distracting and potentially hazardous glare at night.

- (h) LED light sources shall have a correlated color temperature (CCT) that does not exceed 3000K in commercial and industrial districts and does not exceed 2700K in residential districts and for residential uses.

(3) Control of glare.

- (a) All outdoor lighting, whether or not required by this chapter, on private, residential, commercial, industrial, recreational or institutional property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property. All outdoor lighting shall comply with Subsection C(3)(i) of this section.
- (b) All outdoor lighting fixtures shall be shielded in such a manner that the edge of the shield shall be level with or below the light source, so that direct light emitted above the horizontal is eliminated. Modification of this standard may be permitted for Theme Lighting or for outdoor residential lighting fixtures not exceeding 1,000 lumens, measured at the source(s) of light, where the Township is satisfied that the objectives of Subsection C(3) are not otherwise compromised. Where applicable, approval of such modification shall be subject to the provisions of § 200-79B of Chapter 200, Zoning.
- (c) Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, skyward or onto a public roadway.
- (d) Unless otherwise allowed or limited by the Township (e.g., for safety or security or all-night operations), lighting for commercial, industrial, public recreational and institutional applications shall be controlled by automatic switching devices (such as time clocks or combination motion detectors and photocells) to extinguish outdoor lighting fixtures during the hours of 11:00 p.m. and dawn, or to only have lighting on when motion is detected, in order to mitigate glare and sky-lighting consequences. Time clocks shall have astronomic dials that track daylight hours shifts, and capacitor or battery backup to preserve clock settings in the event of a power outage.
- (e) Lighting proposed for use after 11:00 p.m., or after the normal hours of operation, for commercial, industrial, or institutional applications

shall be reduced by extinguishing 75% of luminaires, or dimming their light output by 75% from then until dawn unless supporting a specific purpose and approved by the Township.

- (f) All illumination for buildings and/or surrounding landscapes for decorative, advertising or aesthetic purposes between 11:00 p.m. and sunrise shall be by permit, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after closing.
- (g) Light output for flagpole lighting may not cumulatively exceed 10,000 lumens, measured at the source(s) of light.
- (h) Vegetative screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as full-cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- (i) The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 vertical footcandle, measured line-of-sight at the property line.
- (j) All illumination for signs shall comply with the provisions in the Zoning Ordinance.
- (k) Except as specifically approved by the Township, fixtures meeting IESNA "full-cutoff" criteria shall not be mounted in excess of 20 feet above finished grade, and fixtures not meeting IESNA "full-cutoff" criteria shall not be mounted in excess of 16 feet above grade.
- (l) Directional fixtures for such applications as facade, fountain feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, and shall be extinguished between the hours of 11:00 p. m. and dawn unless allowed by the Township.
- (m) Canopy lighting, e.g., for service stations, fuel dispensing facilities and bank drive-ups, shall be accomplished using flat-lens full-cutoff downlighting fixtures, shielded in such a manner that the edge of the fixture shield shall be level with or below the light source envelope.
- (n) The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited, except as otherwise required under Federal Aviation Administration regulations.



- (o) Wall-mounted luminaires shall not be used to provide area lighting unless it can be demonstrated to the satisfaction of the Township that pole-mounted lighting would not be possible.

(4) Installation.

- (a) For new and replacement installations, electrical feeds for fixtures mounted on poles shall be run underground, not overhead.
- (b) Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces shall be placed a minimum of five feet outside paved area, or on concrete pedestals at least 30 inches high above the pavement, or suitably protected from potential vehicular impact by other approved means.
- (c) Lighting fixtures shall not be mounted in excess of 20 feet above the finished grade of the surface being illuminated by that fixture, regardless of any difference in elevation of the grade where the pole supporting the lighting fixture is located. Where parking consists of 100 or more contiguous spaces the Township may consider permitting a luminaire mounting height not exceeding 25 feet above finished grade.

- (5) Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as always to meet the performance requirements of this chapter and be in acceptable aesthetic condition.

D. Plan submission.

- (1) Lighting plans shall be submitted to the Township for review and approval with any preliminary and/or final subdivision land development plan submission and with any conditional use, special exception, or variance application where applicable, and shall include:
  - (a) A site plan showing: all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), and vegetation that might interfere with lighting; adjacent use(s) that might be adversely impacted by lighting, and a layout of all proposed fixtures by location and type. Included shall be not only area lighting but also architectural lighting, theme lighting, landscape lighting, building lighting, etc.
  - (b) Ten (10) feet by ten (10) feet maintained illuminance grid (point-by-point) plot, taken out to 0.0 footcandles, which demonstrates compliance with the intensity, uniformity, and light-trespass requirements as set forth in this chapter. The maintenance (light-

loss) factor used in calculating the illuminance levels shall be documented on the lighting plan.

- (c) Description of the proposed lighting equipment, including fixture and pole catalog cuts, a Statistical Area Summary listing minimum, average and maximum plotted values by area, maximum to minimum uniformity ratios, photometrics of luminaires, plots of predicted illuminance values, including any off-site light trespass, glare reduction devices, lamps, LED correlated color temperatures, light depreciation values used in the plotted illuminances, on/off control devices, luminaire mounting heights, pole foundation details and the names of the .ies files used to generate the plotted illuminance values.
- (2) The Building Code Officer may require submission of lighting plans for review and approval by the Township, as stipulated above, with any building permit application for other than single-family residential use.
- (3) When requested by the Township, applicant shall also submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and retain the character the Township is attempting to achieve.
- (4) The following note shall be placed on the lighting plan: "Post approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval prior to installation."

E. Post installation inspection. The following note shall be placed on any required lighting plan: "The Township reserves the right to conduct post installation nighttime inspections to verify compliance with the commitments made on the approved lighting plan, and, if appropriate, to require remedial action at no expense to the Township."

F. Residential development fixture placement. Where required by this chapter, street lighting fixtures shall be installed in residential developments and placed at the discretion of the Township.

- (1) At the intersection of public roads with entrance roads to the proposed development.
- (2) Intersections involving proposed public or nonpublic major-thoroughfare roads within the proposed development.

G. General standards for recreational lighting.

- (1) The use of outdoor recreational facilities during hours of darkness is permitted or denied strictly at the discretion of the Township. Where the use

of such facilities is specifically allowed by the Township, the lighting shall comply with the following requirements:

- (a) No outdoor recreational lighting fixtures shall be mounted within 500 feet of any residence, except for the minimum lighting needed to promote safety. Fixture output shall not be directed toward any residence nor, to the extent possible, shall light-emitting fixture elements (lamps and reflectors) be visible from any residence.
  - (b) Lighting shall be accomplished only through the use of "full-cutoff" fixtures or as otherwise approved by the Township based upon acceptable glare and light trespass control.
  - (c) The light trespass requirements contained in Subsection C(3)(i) of this chapter shall apply.
  - (d) When requested by the Township, applicant shall submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate on- and off-site glare and light trespass.
  - (e) Recreational users shall schedule events so that they end by 9:30 p.m. All lighting shall be extinguished by 9:30 p.m. except that lighting required to permit safe exit from the facility.
  - (f) Commercial, outdoor recreation uses (e.g., golf driving ranges, trap shooting facilities) shall be illuminated consistent with Subsection G(2) of this section; such illumination shall be extinguished by 9:30 p.m.
- (2) Mounting heights. Mounting heights for outdoor recreational lighting shall be generally in accordance with league regulations. However, in all cases mounting heights shall not exceed the following maximums:

<b>Sport</b>	<b>Maximum Mounting Height (feet)</b>
Basketball	20
Field sports	70
Miniature golf	20
Tennis	30
Track	20

#### H. Temporary lighting.

- (1) Temporary lighting shall comply with the provisions of this chapter.

- (2) Temporary lighting that does not comply with the provisions of this chapter shall be allowed by permit only.”

**SECTION 3. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 4. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 5. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

**UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Gwen A. Jonik, Township Secretary

\_\_\_\_\_  
Sandra M. D'Amico, Chair

\_\_\_\_\_  
Jamie W. Goncharoff, Vice-Chair

\_\_\_\_\_  
Jennifer F. Baxter, Member



# UPPER UWCHLAN TOWNSHIP

21

TO: Board of Supervisors  
Tony Scheivert, Township Manager  
Shanna Lodge, Assistant Township Manager

FROM: Gwen Jonik, Township Secretary

RE: Upcoming ordinance amendments

DATE: May 8, 2020

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The following ordinance amendments will be reviewed and discussed by the Planning Commission at their May 14, 2020 meeting.

The amendments to the Animal Control ordinance are due, in part, to our MS4 Permit and requirements for proper management of animal wastes on property owned by the Township.

Kimberly Venzie, Esq., Buckley, Brion, McGuire & Morris, has provided a detailed memo regarding the Wireless Communication Facility (WCF) and Small Wireless Facility (SWF) ordinance amendments.

**UPPER UWCHLAN TOWNSHIP**  
**CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE UPPER UWCHLAN  
TOWNSHIP CODE OF ORDINANCES TO REPLACE CHAPTER  
50. ANIMALS WITH NEW AND UPDATED PROVISIONS  
RELATED TO THE CONTROL AND MANAGEMENT OF ANIMALS  
WITHIN THE TOWNSHIP.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township as follows:

**SECTION 1.** Chapter 50. Animals of the Upper Uwchlan Township Code is hereby repealed in its entirety and replaced to now read as follows:

**Chapter 50. Animals**

Article I. Animal Disturbances and Animal Control.

§50-1. Noise Disturbances.

It shall be illegal within the Township for any person or persons to own, possess, harbor, or control any animal or bird which makes any noise continuously and/or incessantly for a period of 15 minutes or makes such noise intermittently for 1/2 hour or more, to the disturbance of any person of reasonable sensibilities any time of the day or night regardless whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; providing, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which is justifiably provoking the animal or bird.

§50-2. Animals at large; leash requirements.

A. It shall be unlawful for the owner or person having custody of any animal or the parent or guardian of any minor owning or having custody of any animal to allow the animal to go beyond the boundaries of their premises or to run at large over the streets or public grounds or upon the property of anyone other than the owner or person having custody of such animal. It shall also be unlawful for the owner or person having custody

of such animal to permit such animal to pose a danger to pedestrians using adjacent sidewalks and streets.

B. It shall be the duty of the owner, custodian or keeper of any dog traveling on the streets or public grounds to have the animal on a leash at all times.

#### §50-3. Contract authorized.

The Board of Supervisors shall have authority, at its discretion, from time to time, to enter into a contract with an individual or person to act as Animal Control Officer - or as an Animal Protective Services Officer - for the Township. The Animal Control Officer shall be an independent contractor and shall not be the agent, servant or employee of the Township. He/she shall serve for the period of time set out in the contract that is valid at any specific time and shall receive for his services from the Township the amount of money provided in such contract. The Animal Control Officer may be a designated agency or an individual.

#### §50-4. Authority.

The Animal Control Officer is authorized by the Township to preserve the peace and to arrest or to enforce the law under the terms of the Pennsylvania Dog Law of 1965, as amended. The Animal Control Officer and any of his employees shall perform any of the work in the Township referred to in this Chapter and as provided by contract. If deemed warranted by the Board of Supervisors, the Animal Control Officer may be sworn in for the limited services referred to in this Chapter and pursuant to the contract, and shall have limited powers of a police officer.

#### §50-5. Extent of animal control work.

The animal control coverage shall be at the discretion of the Chief of Police and shall include the control of animals responsible for bites and the containing and removal of stray dogs. Nothing in this Chapter shall be construed so as to limit any police officer of the Township in enforcing any of the provisions of this Chapter or the Dog Law.

#### §50-6. Recoupment of Fees paid by the Township.

If a seized animal is claimed by its owner or keeper, or their agent, such person shall pay all reasonable expenses incurred by reason of its detention which shall include the repayment to the Township of all the costs incurred by the Township due the seizure and keeping of the owner's animal. The Township shall send a bill to the owner documenting any and all expenses which were incurred due the seizure and detention of that owner's animal. The owner shall reimburse the Township for those expenses within fifteen (15) days of receipt of written notice of the amount owed to the Township. Additionally, if a resident of the Township is actively trapping stray and feral cats and transporting them to

an approved shelter, those costs shall be passed through to the resident and shall not be the financial burden of the Township.

## Article II. Animal Waste Disposal

### §50-7. Animal defecation on public and private property.

No person having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Township, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.

### §50-8 Persons to provide container for disposal of animal feces.

Any person having possession, custody or control of any animal in the Township, on property other than the private property of the owner of such animal, shall have in his or her possession and conspicuously display a container, bag or other receptacle for the purpose of immediately removing any feces from such surface.

### §50-9. Disposal of animal feces.

Any person having possession, custody or control of any animal which commits a nuisance, i.e., defecation, in any area other than the private property of the owner of such animal shall be required to immediately remove the feces from such surface and either:

- A. Carry same away for disposal in a toilet; or
- B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

### §50-10. Dogs accompanying blind or handicapped persons exempted.

The above provisions shall not apply to a guide dog accompanying any blind person, or to any dog used to assist any other physically handicapped person.



Article III. Violations and Penalties.

Any person who shall be convicted of violating or failing to comply with the provisions of this Chapter, in summary proceedings, shall be punishable by a fine of not more than \$600, together with the costs to be collected as fines and penalties are, by law, collected or to a period of imprisonment not exceeding 90 days, or both such fine and imprisonment. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

**SECTION 2. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 4. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

**UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Gwen A. Jonik, Township Secretary

\_\_\_\_\_  
Sandra M. D'Amico, Chair

\_\_\_\_\_  
Jamie W. Goncharoff, Vice-Chair

\_\_\_\_\_  
Jennifer F. Baxter, Member



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## **MEMORANDUM**

To: Tony Scheivert, Upper Uwchlan Township Manager

CC: Al Gaspari & Gwen Jonik

From: Kimberly P. Venzie

Date: April 28, 2020

Subject: Wireless Communications Facilities (WCF) Ordinance Provisions, Background of State and Federal Law, Updates to the Law, and Amendments Needed related to Small Wireless Facilities (SWF)

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Attachments to this Memorandum are as follows:

1. **Ordinance to update WCF provisions of the Zoning Ordinance.**
2. **Small Wireless Facilities Ordinance (which will be a standalone ordinance).**
2. **Small Wireless Facility Design Guidelines to be adopted by Resolution (also referred to in the SWF Ordinance).**

Several years ago, the Township amended its Zoning Ordinance in order to update certain wireless communications facilities ordinance provisions to comply with state and federal law. However, telecommunications law, and the technology associated with it, is constantly evolving. Below I have summarized legislative history in this area of law to bring you up-to-speed, and outlined the next steps that the Township needs to take in order to accommodate and manage the expected influx of 5G through the installation of small wireless facilities in the Township. This memorandum can also be used to update the Planning Commission and the Board of Supervisors on this area of the law and action needed by the Township.

### **A. FEDERAL AND STATE LAW**

Federal and state law regulating traditional cell towers, such as those that are hundred (100') feet or higher in height, have remained relatively unchanged in recent years. However, the laws and regulations that govern mini-cell towers have been in a constant state of flux over the last few years. This is in large part due to the federal government's support of the rapid deployment of distributed antennae systems (DAS) and small cell networks. DAS are the wireless communications facilities that are often referred to as mini-cell towers. DAS use small antenna to relay cellular and data signals from mini-

cell tower to mini-cell tower. DAS are often placed within public rights-of-way on existing utility poles, streetlamp posts or upon newly constructed poles. Certain types of DAS qualify as Small Wireless Facilities (“SWF”), which will be discussed in more detail later in this Memorandum. There are currently a number of federal laws and regulations that govern a municipality’s authority to regulate WCF. Congress has passed certain statutes that are intended to facilitate the deployment of WCF, and the Federal Communications Commission (the “FCC”) issues rulings that interpret these statutes and provide even more detailed guidance and directives that municipalities are required to follow in their local regulation of WCF. The Telecommunications Act of 1996 (the “Telecommunications Act”) has been referred to as a deregulation of the telecommunications industry. The Telecommunications Act provides that no state or local regulation may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunication service. The Telecommunications Act also provides that applications need to be processed in a reasonable period of time. In 2009, the FCC issued a ruling (the “Shot Clock Ruling”) which provides for specific time limits for the review of zoning requests for certain wireless towers. The time period for an initial collocation request is 90 days and 150 days for new towers.

In 2012, Congress adopted Section 6409 of the Middle Class Tax Relief and Job Creation Act (the “Spectrum Act”) providing that local governments must approve any request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of the tower or base station. In 2014, the FCC issued the Wireless Infrastructure Order which implemented the Spectrum Act. This Order clarifies that the shot clocks for specific time of review and approval are also applicable to DAS and small cell deployments. This Order imposed time limits for the review of DAS facilities, 60 days for site modification and 90 days for a new installation. If a municipality does not meet these time limits, the applications are deemed granted unless both parties mutually agree to an extension of time.

Most recently, in September of 2018, the FCC issued a ruling (often referred to as the “Small Cell Wireless Order” or herein as the “FCC 2018 Ruling”) establishing federal regulations governing small cell wireless facilities and shorter shot clocks governing the amount of time within which local governments must review applications. The FCC provides a definition for small wireless facilities (“SWF”) and provides a 60-day review period for collocation and 90-day review period for new builds. Municipalities may charge fees that are no greater than a reasonable approximation of the objectively reasonable costs for processing such applications and managing deployments in the public rights-of-way. The FCC 2018 Ruling sets forth specific fees/costs that would be considered acceptable. Municipalities are permitted to impose aesthetics controls provided they are reasonable, no more burdensome than those applied to other types of infrastructure deployments within rights-of-way and published in advance. This FCC ruling also holds that the providers cannot be required to enter into agreements that mandate providers to pay municipalities a percentage of their gross revenues or any type of fees that are not directly associated with costs incurred by the municipality.

With regard to state law, in 2012, Pennsylvania adopted the Wireless Broadband Collocation Act (the “Broadband Act”) that expands upon federal law and streamlines the approval process for modifications and collocations of WCF. Under the Broadband Act, applications for replacement, collocation or modification of WCF or wireless support structures cannot be subject to the issuance of new zoning or land use approvals or reviews beyond the initial zoning or land use approval issued for the previously approved wireless support structure or wireless telecommunications facility. The Broadband Act also imposes a 90-day time frame for the review of applications for modifications or collocations of a WCF or the application is deemed approved. There is additional pending legislation in Pennsylvania to further encourage SWF deployment; however, that legislation has not been passed as of today’s date.

Local municipalities that attempt to regulate WCF, including SWF, may do so provided those ordinances comply with, and do not conflict with, the above cited state and federal laws.

## **B. PUBLIC UTILITY STATUS AND ITS IMPACT UPON REGULATION**

Prior to 2017, the Pennsylvania Public Utility Commission (“PUC”) considered DAS providers to be public utilities which allowed these companies to assert that they were exempt from zoning requirements and had the power to condemn. A Certificate of Public Convenience pre-empts local control over the siting of mini-cell towers. In 2017, the PUC then determined that DAS providers and operators did not meet the definition of public utility and therefore were not entitled to obtain Certificates of Public Convenience. However, this PUC decision was appealed and the Pennsylvania Commonwealth Court held that DAS providers fall within the definition of a public utility. *Crown Castle NG East, LLC v. Pa. PUC*, 188 A.3d 617 (Pa. Cmwlth 2018). This decision is currently on appeal before the Pennsylvania Supreme Court. Nevertheless, as a result of the Pennsylvania Commonwealth Court decision, DAS network operators are again considered to be public utilities, and upon receipt of Certificate of Public Convenience from the PUC, network operators (also referred to as “providers”) are entitled to access public rights-of-way for installations. We will monitor the pending appeal in the Pennsylvania Supreme Court and notify you once a decision is rendered.

## **C. THE IMPACT OF THE RECENT 2018 FCC RULING**

The FCC 2018 Ruling is intended to remove state and local regulatory barriers that inhibit the deployment of infrastructure necessary for 5G, and other advanced wireless services. Amendments were made to Township’s Zoning Ordinance to bring ordinance provisions into compliance with prior enacted laws. However, additional ordinance and design regulations are needed so that the Township can maintain some allowable control over SWF in the Township. It is clear from the FCC 2018 Ruling that the FCC expects municipalities to facilitate the deployment of wireless infrastructure. The FCC, relying on its interpretation of existing federal law, reminds local government that it cannot adopt a regulation or ordinance that prohibits or has the effect of

prohibiting the ability of any entity to provide any interstate or intrastate telecommunication service.

In particular, the FCC 2018 Ruling removes barriers to the deployment of WCF described as “Small Wireless Facilities”. These are the facilities that will support the next generation of wireless services, known as 5G. The FCC Order defines “**Small Wireless Facilities**” (SWF) as **facilities mounted on structures 50 feet or less in height or on structures no more than 10 percent taller than adjacent structures with an antenna no more than three cubic feet and total wireless equipment no more than 28 cubic feet.** The FCC 2018 Ruling also adds a time clock for review and decisions on applications for WCF that qualify as SWF. SWF must be approved in either 60 days for co-locations on an existing structure or 90 days for a siting on a new structure. Permit fees for SWF need to be reasonable, fair and commensurate with actual costs incurred by the municipality. The FCC has determined that the following fee amounts are presumptively reasonable:

- (1) \$500 as a non-recurring fee (this would be an up-front application fee that includes up to five SWF, and \$100 more for each additional SWF) and \$1,000 as a non-recurring fee for a new pole intended to support one or more SWF; and
- (2) \$270 per SWF per year as a recurring fee which would include a ROW access fee or attachment to a municipally owned structure.

In addition to other determinations, the FCC 2018 Ruling provides that municipalities can set forth aesthetic requirements as long as they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance.

#### **D. OBJECTIVES, POLICY DECISIONS & MEETING**

Below I have listed the documents attached to this Memorandum and what they are intended to accomplish:

- An Ordinance to amend the WCF provisions of your Zoning Ordinance to cross-reference the new SWF ordinance, provide some additional regulations with regard to allowable locations for WCF (that are not SWF) within rights-of-way in the Township, permit fee language and to state the intent to be consistent with state and federal law (to avoid having to continually amend those sections).
- The Small Wireless Facilities Ordinance is a standalone ordinance to regulate SWF within ROWs. This technology is being rapidly deployed and the Township can regulate by design more so than by zoning restrictions. So, SWF can be addressed in an ordinance separate from the Township’s Zoning Ordinance.

- The Small Wireless Facility Design Guidelines should be adopted by resolution and set forth all the design regulations for SWF in ROWs. These guidelines can be even more tailored to the Township's preferences. Input is needed as to what designs are deemed acceptable to the Township, particularly with respect to Figures 3 and 4 attached to the design regulations.

As you will notice, the Small Wireless Facilities Ordinance (and related Design Guidelines) allow SWFs in all public Rights-of-Way, and does not limit them to certain zoning districts or streets; however, the ordinance does attempt to control the appearance of these SWF through very specific design requirements which include some placement controls – such as new poles not being placed directly in front of a residential home. This type of design criteria has been provided by our office as a starting point and can certainly be changed. Wireless Communications Facilities that do not qualify as Small Wireless Facilities would be required to comply with Section 200-91 of the Zoning Ordinance which provides for more stringent controls including a conditional use process for new facilities.

I would be happy to participate in future Planning Commission or Board of Supervisors meetings to field any questions. And of course, please let me know your input and any questions that you might have on this topic.

**UPPER UWCHLAN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2019 –**

**AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE, ENTITLED “ZONING” AT SECTION 200-91. WIRELESS COMMUNICATIONS FACILITIES TO PROVIDE FOR ADDITIONAL PROVISIONS REGARDING WHERE TOWER-BASED WCF MAY BE LOCATED WITHIN PUBLIC RIGHTS-OF-WAY, PROVISIONS TO CLARIFY THAT SMALL WIRELESS FACILITIES ARE GOVERNED BY A SEPARATE ORDINANCE AND DESIGN GUIDELINES, CLARIFY ALLOWABLE PERMIT FEES, AND UPDATE PROVISIONS TO COMPLY WITH FEDERAL LAW WITH RESPECT TO WIRELESS COMMUNICATIONS FACILITIES IN UPPER UWCHLAN TOWNSHIP.**

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Upper Uwchlan Township that Chapter 200 of the Upper Uwchlan Township Code, titled, “Zoning”, shall be amended as follows:

**SECTION 1.** Section 200-91.(A)(2) is hereby removed and shall now read as follows:

“(2) Small Wireless Facilities. Tower-based WCF that qualify as Small Wireless Facilities as has been defined by the Federal Communications Commission are governed by a separate ordinance, and related design criteria, as adopted by the Township to address Small Wireless Facilities. Wireless Communications Facilities that fall under the definition of Small Wireless Facilities are governed and controlled by this separate Small Wireless Facilities ordinance and approved design criteria. Small Wireless Facilities are not subject to the provisions of this Section 200-91.”

**SECTION 2.** Section 200-91.A.(5) shall be amended so that the title and first sentence of such section shall be removed and replaced to read as follows:

“(5) Height and Design. All tower-based WCFs shall be monopoles and designed at the minimum functional height and shall not exceed a maximum total height of 150 feet (unless located within public rights-of-way which are required to be 50 feet or less in height), which height shall include all subsequent additions or alterations.”

**SECTION 3.** Section 200-91.A.(17) shall be amended and revised to read as follows:

“(17) Permit fees. The Township may assess appropriate, fair and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of a tower-based WCF as set forth in fee schedules established by the Township.”

**SECTION 4.** Section 200-91.C.(1) shall be amended and revised to read as follows:

“(1) Permitted Locations and Additional Design Standards

(a) Only tower-based WCF that are 50 feet or shorter in height are permitted, by conditional use, within the public rights-of-ways along corridors and roadways in the LI Limited Industrial District.

(b) Only tower-based WCF that are 50 feet or shorter in height are permitted, by conditional use, within the public rights-of-ways and along the following corridors and roadways, regardless of the underlying zoning district, provided they are not located within an area that is entirely served by underground utilities (excluding underground sewer and water lines):

[1] Route 100

[2] Graphite Mine Road

[3] Fellowship Road

[4] Little Conestoga Road

[5] Milford Road

[6] Font Road

[7] Park Road

(c) Any such tower-based WCF shall not be located within any public rights-of-way that directly front or abut the front yard of a residential dwelling or the front yard of a residentially zoned property.”



**SECTION 5.** Section 200-91.D. shall be amended so that the title and introductory paragraph reads as follows:

“D. General requirements for all nontower wireless communications facilities.

Nontower wireless communications facilities that qualify as Small Wireless Facilities as has been defined by the Federal Communications Commission are governed by a separate ordinance, and related design criteria, as adopted by the Township to address Small Wireless Facilities. Small Wireless Facilities are not subject to the provisions of this section or any portion of Section 200-91. The following regulations shall apply to all nontower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached.”

**SECTION 6.** Section 200-91.D.(9) shall be amended and revised to read as follows:

“(9) Permit fees. The Township may assess appropriate, fair and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of a nontower WCF as set forth in fee schedules established by the Township.”

**SECTION 7.** Section 200-91.E.(12) shall be amended and revised to read as follows:

“(12) Permit fees. The Township may assess appropriate, fair and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of a nontower WCF as set forth in fee schedules established by the Township.”

**SECTION 8.** Section 200-91. is amended to include a new subsection J as follows:

“J. Consistency with state and federal laws and regulations. The provisions contained herein regulating Wireless Communications Facilities are intended to comply with federal and state laws and regulations in effect as of the date of adoption of this section. To the extent that any of the provisions in this section conflict with any federal or state statute or regulations, the federal or state statutes or regulations shall control unless the applicable federal or state statutes or regulations allow for more stringent provisions in local ordinances. In which case, the more stringent provisions of local ordinances shall remain in effect and shall control in such instances.”

**SECTION 9. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality,

illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors of West Goshen Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 10. Repealer.** All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 11. Effective Date.** This Ordinance shall be effective five (5) days following enactment as by law provided.

**ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

**UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Gwen A. Jonik, Township Secretary

\_\_\_\_\_  
Sandra M. D'Amico, Chair

\_\_\_\_\_  
Jamie W. Goncharoff, Vice-Chair

\_\_\_\_\_  
Jennifer F. Baxter, Member

**UPPER UWCHLAN TOWNSHIP**  
**CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_ – 2020**

**AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE UPPER UWCHLAN TOWNSHIP CODE OF ORDINANCES, AS AMENDED, TO PROVIDE A NEW CHAPTER ENTITLED “CHAPTER 143 – SMALL WIRELESS FACILITIES” TO ALLOW FOR, AND REGULATE SMALL CELL WIRELESS FACILITIES, WITHIN THE PUBLIC RIGHTS-OF-WAY IN THE TOWNSHIP.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Upper Uwchlan Township that the Upper Uwchlan Township Code of Ordinances, as amended, is hereby further amended as follows:

**SECTION 1.** A new Chapter 143 entitled “Small Wireless Facilities” is hereby enacted as part of the Code of Upper Uwchlan Township and shall read as follows:

**CHAPTER 143**  
**SMALL WIRELESS FACILITIES**

**§143-1. PURPOSE AND INTENT.**

The purpose of this Chapter is to establish procedures and standards, consistent with all applicable federal and state, laws, for the consideration, permitting, siting, construction, installation, collocation, modification, operation, regulation and removal of Small Wireless Facilities (“SWF”) in the public right-of-way of streets and roads.

(A) The intent of this section is to:

- (1) Establish basic criteria for applications to install and/or collocate SWF in the public right-of-way;
- (2) Ensure that SWF are appropriately designed, constructed, modified, maintained, and removed when no longer in use in conformance with all applicable health and safety regulations;
- (3) Preserve the character of the Township by minimizing the potentially adverse visual impact of SWF through careful design, siting, landscaping

and camouflaging techniques to blend these facilities into their environment to the maximum extent practicable;

- (4) Establish an application process and structure for payment of fees and charges to be uniformly applied to all applicants, operators and owners of SWF for such facilities;
- (5) Comply with, and not conflict with or preempt, all applicable state and federal laws, as may be amended or superseded, and all FCC rules and regulations to interpret and implement applicable federal statutes.

#### **§143-2. APPLICABILITY**

- (A) Subject to the provisions of this Chapter and granting of the required permits, an applicant may locate and/or collocate a SWF and construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon, and under a public right-of-way.
- (B) An applicant and/or operator shall comply with this Chapter and any rules, regulations, and design guidelines adopted by the Township that are consistent with this Chapter for the installation and/or collocation of a SWF and construction, maintenance, modification, operation, or replacement of wireless support structures in, along, across, upon, and under the public rights-of-way, unless otherwise prohibited by state or federal law.
- (C) All SWF shall be constructed and maintained so as not to impede or impair public safety or the legal use of the public right-of-way by the Township, the traveling public, or other public utilities.
- (D) Nothing in this chapter precludes the Township from applying its generally applicable health, safety, and welfare regulations when acting on an application for a permit for a SWF in the public right-of-way.

#### **§143-3. DEFINITIONS**

***COLLOCATION or COLLOCATE.*** The mounting or installing of an antenna facility on a pre-existing structure, and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

***DECORATIVE POLE OR STRUCTURE.*** A pole, arch, or structure placed in the public right-of-way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed or are permitted to be placed in accordance with nondiscriminatory Township practices except for any of the following:

- (1) Electric lighting;
- (2) Specially designed information or directional signage;

- (3) Temporary holiday or special event attachments;
- (4) Small Wireless Facilities.

**DESIGN GUIDELINES.** Means those detailed design guidelines, specifications and examples promulgated by resolution that address, on a nondiscriminatory basis, the design and installation of facilities in the public rights-of-way, insofar as they do not conflict with any federal or state law, rule and regulation, including this Chapter.

**TOWN CENTER/HISTORIC DISTRICT.** An area that is zoned or otherwise designated as the Town Center and/or Historic District, or is otherwise subject to historic preservation regulations, under municipal, state or federal law and for which the Township maintains and enforces in an uniform and nondiscriminatory basis with regard to all users of the public right-of-way pursuant to this Chapter.

**LOCATE.** Means to install, mount, maintain, modify, operate, or replace SWF.

**OWNER.** A provider, operator or owner of SWF (who may also be the applicant).

**PUBLIC RIGHT-OF-WAY.** The surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public way, public alley, public sidewalk, and any other land dedicated or otherwise designated for the same now or hereafter held by the Township or other governmental entity.

**SMALL WIRELESS FACILITY “SWF”.** A type of Wireless Communication Facility (WCF) as specifically defined by the Federal Communications Commission in Part 1 of Title 47 of the Code of Federal Regulations as follows, or as hereinafter amended:

- (A) “Small Wireless Facility” means a facility that meets each of the following conditions:
  - a. 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 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
  - b. Each antenna (excluding associated antenna equipment) are cumulatively no more than three cubic feet in volume; and
  - c. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
  - d. The facility does not require antenna structure registration under 47 CFR Part 17.
  - e. The facility is not located on Tribal lands, as defined under 36 CFR § 800.16(x); and

- f. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

**TOWNSHIP-OWNED POLE.** Means (i) a Utility Pole owned or operated by the Township, including a Utility Pole that provides lighting or traffic control functions, or other law enforcement functions, including light poles, traffic signals, and structures for signage, and (ii) a pole or similar structure owned or operated by the Township such as a Decorative Pole.

**TRANSMISSION POLE.** A pole or similar structure that is used in whole or in part to carry electric transmission (as opposed to distribution) lines.

**UTILITY POLE.** A pole or similar structure that is designed for, or used, for carrying electric distribution lines or for carrying cables or wires for electric, cable, or telecommunications service or for lighting, traffic control, or directional signage.

**WIRELESS SUPPORT STRUCTURE.** A freestanding structure, including a monopole, Decorative Pole, Township-Owned Pole, Transmission Pole, and Utility Pole, or other existing or proposed structure designed to support or capable of supporting SWF.

#### §143-4. APPLICATION PROCESS

- (A) *Application Required.* An applicant must apply to the Township to locate a new SWF and/or collocate any portion of a SWF on an existing Wireless Support Structure or to construct, maintain, modify, operate, or replace Wireless Support Structures in, along, across, upon, and under the Public Right-of-Way. Anyone seeking to perform any of these actions shall first duly file a permit application with the Township, in accordance with the requirements of this Chapter and additional requirements as set forth in the Small Wireless Facilities Design Guidelines as adopted by resolution and which may be modified from time to time by further resolution.
- (B) *Permit Required.* No person shall occupy or use the public right-of-way without first obtaining, under this Chapter, the required permit from the Township. Before placing SWF in the public right-of-way, an owner must apply for and receive a permit. This provision shall not be construed to waive any application fees, or any other construction or work permit necessary for work in the Township. While notice to the Township is required, a permit from the Township shall not be required for routine maintenance or same-size and type replacement of Small Wireless Facilities that do not interfere with pedestrian or vehicular traffic.
- (C) *Required Application Materials.* Unless otherwise required by state or federal law, all applicants shall submit to the Township all materials and information associated with each application as outlined below for the application to be considered complete:

- (1) The Applicant's name, address, telephone number and e-mail address;
- (2) Facility owner's name, address, telephone number and email address, if different from Applicant;
- (3) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the application, and if warranted written authorization for those consultants to speak on behalf of the applicant.
- (4) A description of the Small Wireless Facilities being proposed in order for the Township to verify that the proposed facilities are Small Wireless Facilities as specifically defined by the FCC;
- (5) A mapping showing the exact location of the proposed Small Wireless Facilities in the case of multi-site applications and photo simulations/depictions of the type and style of the proposed Small Wireless Facilities (which should be in compliance with the Township's Small Wireless Facility Design Guidelines).
- (6) A description of the proposed scope of work for the location or Collocation of the SWF. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters, including but not limited to sub-surface utilities, likely to be affected or impacted by the work proposed;
- (7) Verification that the SWF shall comply with this Chapter, including all applicable Small Wireless Facilities Design Guidelines;
- (8) Verification of payment of the application fees, annual municipal consent or administrative fee for use of Public Rights-of-Way and acknowledgment of its continuing annual obligation;
- (9) Evidence the Applicant has received any necessary certificate of public convenience and necessity or other required authority from the Federal Communications Commission, or a statement that it is not required;
- (10) A copy of an approved Pennsylvania Department of Transportation permit and all documents required by PennDOT as part of the encroachment permit application, if the proposed location is within a PennDOT Right-of-Way; and,
- (11) The applicant must provide a statement that the applicant has a lease, attachment agreement or other authorization from the owner of the Wireless Support Structure proposed for Collocation.

## §143-5. FEES AND COSTS

- (A) *Rights-of-Way Access Fees:* Each individual Applicant will be subject to an annual Rights-of-Way access fee if locating within a Township owned Public Right-of-Way. Such fees shall not be in excess of those amounts deemed reasonable by the Federal Communications Commission.
- (B) *Application processing costs.* Unless otherwise provided by law, all applications for permits pursuant to this Chapter shall be accompanied by an application processing cost as follows: 1) application costs for Small Wireless Facilities addressed in a consolidated application shall be \$500 which may include up to five Small Wireless Facilities, and an additional \$100 for each Small Wireless Facility beyond five, up to and including 30 total Small Wireless Facilities per one application, and 2) application costs of \$1,000 for a new pole (not a collocation) intended to support one or more Small Wireless Facilities. Such costs may be altered by resolution but only in compliance with state and/or federal limits upon such costs.
- (C) *Compensation.* In addition to the applicable fee as specified above, every permit shall include as a condition the Applicant's agreement to pay a Right-of-Way access fee of \$200 per Small Wireless Facility per year, and/or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the Township. Additionally, if the Small Wireless Facilities is proposed to be located upon a Township-Owned Pole with a Right-of-Way, and the Township consents to such Collocation, an additional annual fee of \$70 per Small Wireless Facility shall be payable to the Township for such placement. Such fees may be altered by resolution but only in compliance with state and/or federal limits upon such costs.
- (D) Small Wireless Facilities collocated on Township-owned utility poles or structures outside the Township rights-of-way are not subject to the rate limitations in this Chapter. Additionally, if the rate limitation imposed by the Federal Communications Commission is altered in the future, the Township may alter its fees by resolution to be consistent with the Federal Communications Commission's determinations or as might be otherwise altered by the state or federal government.
- (E) *Cease Payment.* Upon thirty (30) days written notice to the Township, an Owner is authorized to remove its Small Wireless Facility from a Township-Owned Pole and cease paying the annual fee to the Township as of the next due date for payment following the removal, provided; however, the Owner shall pay its pro-rata share of the remaining term and expenses, if any.
- (F) *Make-ready.* For Township-Owned Poles, the applicant shall reimburse the Township for expenses for any reasonable make-ready work, if any are required. The Township shall provide a good faith estimate for any make-ready work



necessary to enable the pole to support the requested SWF, including pole replacement if necessary, within thirty (30) days after receipt of a completed request.

#### **§143-6. APPLICATION REVIEW TIMEFRAMES**

##### **(A) Permit Application Review.**

- (1) Collocation of SWF. Absent a written agreement to the contrary between the Township and the Applicant, the Township shall grant or deny an application to collocate, or to replace or modify any portion of a SWF on, or associated with, an existing wireless support structure not later than sixty (60) days after the date of filing by an entity of a completed application.
- (2) Installation of New SWF. Absent a written agreement to the contrary between the Township and the Applicant, the Township shall grant or deny an application for a SWF within the Public Right-of-Way not later than ninety (90) days after the date of filing by an entity of a completed application.
- (3) Removal of SWF. The Township shall act on requests to remove Wireless Support Structures associated with SWF from the Public Right-of-Way typical to the review timeframes for the Public Right-of-Way permit required for this activity.
- (4) Completeness. Within ten (10) business days of receiving an application, the Township will determine and notify the Applicant whether the application is complete; or if an Application is incomplete, the Township must specifically identify the missing information.
- (5) *Application Denials.*
  - (a) The Township shall not unreasonably withhold or deny an application for a permit to place a SWF within the Public Right-of-Way.
  - (b) If an application is denied, the Township will provide in writing its reasons for denying the request, including, if applicable, specific references to any applicable law supporting the denial.
  - (c) Notwithstanding an initial denial, the Applicant may cure the deficiencies identified by the Township and resubmit the Application within thirty (30) days of the denial, and the Township will approve or deny the revised Application within thirty (30) days of receipt of it, unless additional deficiencies are discovered.

**§143-7. CONSOLIDATED APPLICATION FOR MULTIPLE SWF**

- (A) Applicants seeking to construct, modify, collocate, or replace more than one SWF, may file, at the applicant's discretion, a consolidated application for up to 30 requests in a single application and receive a single permit for the construction, modification, collocation, or replacement of the SWF subject to the following:
  - (1) This single application may be filed for multiple SWF only if they are of substantially the same type.
  - (2) The Township must separately address SWF for which incomplete information has been received or which are denied, and it must grant a permit for any and all sites in a single application that it does not deny subject to the requirements of this Chapter.

**§143-8. MAXIMUM HEIGHT, PROXIMITY OF SWF AND ALTERNATE LOCATIONS**

- (A) **Maximum Height.** The maximum height of a new pole for the installation of a SWF is limited to a maximum height of fifty (50) feet, subject to any restrictions imposed by the Small Wireless Facility Design Guidelines. Applicant may collocate on existing Wireless Support Structures provided the Small Wireless Facility's height still qualifies as a Small Wireless Facility as defined by this Chapter and as by the Federal Communications Commission.
- (B) **Alternate Locations.** If an applicant is seeking to install a new Wireless Support Structure as part of its application, the Township may propose that the Small Wireless Facility be located on an existing utility pole or existing Wireless Support Structure within one hundred (100) feet of the proposed location. The Applicant shall accept the proposed alternate location so long as it has the right to use the location on reasonable terms and conditions, unless the alternate location imposes technical limits, acts as an effective prohibition under federal law, or additional unreasonable costs will be incurred as determined by the Applicant. If the Applicant refuses an alternate location based on the foregoing, the Applicant shall provide legally competent evidence in the form of a written certification describing the property rights, technical limits or cost reasons that prevent the alternate location from being utilized.
- (C) The Township may reserve space on Township-Owned Poles for future public safety uses or for Township electric utility uses. Such reservation may preclude collocation of Small Wireless Facilities if the Township reasonably determines that the Township's poles cannot accommodate both uses, or if the collocation cannot be accommodated due to physical limitations of the Township-Owned Poles.

- (D) In certain circumstances, collocation may not be feasible, and a new pole needs to be installed by the Applicant. In such cases, a Small Wireless Facility located on a new pole shall be separated by 150 feet from any other Small Wireless Facility located upon a pole with that singular purpose (meaning it is not a collocation but another stand-alone SWF pole).

#### **§143-9. GENERAL DESIGN REQUIREMENTS**

- (A) The Township has, or shall, adopt Small Wireless Facility Design Guidelines with objective, technically feasible criteria applied in a non-discriminatory manner that reasonably match the aesthetics and character of the immediate area.
- (B) The Small Wireless Facility Design Guidelines may include examples of SWF preferences including visual depictions (if readily available and identified by the Township).
- (C) The provisions in this Chapter shall not limit or prohibit the Township's discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from, Small Wireless Facility Design Guidelines so long as the information, materials, or requirements do not conflict with state or federal law.
- (D) All Small Wireless Facilities and associated equipment located within the Public Right-of-Way shall be located such that it meets ADA requirements and does not hinder, obstruct or impede usual pedestrian and vehicular travel.
- (E) The Township shall have authority to update or supplement the Small Wireless Facility Design Guidelines to address relevant changes in law, technology, or administrative processes.
- (F) Wireless Support Structure Design Standards
  - (1) General Guidance
    - (a) SWF equipment must be indistinguishable from the support pole or structure to the greatest degree possible using matching colors, textures, and materials. The antennas and related equipment shall be in a color that will provide the most camouflage and blend in with the existing environment.
    - (b) All wires, antennas, and other small wireless facility equipment shall be enclosed and not visible.
    - (c) Screening and equipment enclosures shall blend with or enhance the surrounding context in terms of scale, form, texture, materials, and

color. Equipment shall be concealed as much as possible by blending into the natural and/or physical environment.

- (d) Casing to enclose all wires, antennas, and other small wireless facility equipment may be mounted on top of existing and new poles in a cylinder shape to look like an extension of the pole.
- (e) Brand logos and other signage are prohibited on all SWF except contact information to be used by workers on or near the SWF and as otherwise required by federal or state law. Signage will be no larger than required to be legible from street level.

#### **§143-10. TOWN CENTER/ HISTORIC DISTRICTS OR HISTORIC PRESERVATION PROTECTED AREAS**

- (A) This Chapter may not be construed to limit the Township's authority to enforce historic preservation zoning regulations consistent with the local, state or federal law including the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.
- (B) As a condition for approval of new Small Wireless Facilities or new Wireless Support Structure in a Town Center/Historic District, the Applicant shall comply, to the greatest extent possible, with the design and aesthetic standards of the Town Center/Historic District, or historic preservation standards in place, to minimize the negative impact to the aesthetics in these districts or areas.
- (C) New Districts. Nothing in this Chapter shall prohibit or otherwise limit the Township from establishing subsequent new town center or historic districts, provided however, that facilities and structures for which a permit was approved or deemed approved pursuant to this Chapter prior to the establishment of the new district remain subject to the provisions of this Chapter, including routine maintenance and replacement of those facilities and structures. If a wireless services provider or a wireless infrastructure provider replaces such facilities in a manner that does not comply with this Chapter, or if a wireless services provider or a wireless infrastructure provider relocates such facilities, such replacement or relocation is subject to the then-existing provisions and requirements of the newly established district.

#### **§143-11. GENERAL CONDITIONS AND REQUIREMENTS OF PERMIT APPROVAL**

- (A) *Permit Effect and Duration.* The Township's approval term for collocation or a new pole shall be for a period of nine (9) months. If construction, installation or collocation is not begun within such nine (9) month period, a new application must be submitted for review including any required fee. A permit from the Township authorizes an Applicant to undertake only certain activities in accordance with the

Chapter and does not create a property right or grant any authority whatsoever to the Applicant to impinge upon the rights of others.

- (B) *Compliance with all applicable laws and Township Code.* Owner/Permittee shall always maintain compliance with all applicable federal, state and local laws, regulations, ordinances, or other rules. If state or federal standards and regulations are amended, the owners of any portion of SWF governed by this Chapter shall bring any facilities and/or structures into compliance with the revised standards and regulations within the time mandated by such amendment or, if no time is mandated, as soon as practicable under the circumstances, but no longer than ninety (90) days. The Township is not required to provide notice of any amendments in order to trigger this responsibility. Failure to bring SWF into compliance with any revised standards and regulations shall constitute grounds for removal at the owner's expense.
- (C) *Inspections; emergencies.* The Township or its designee may inspect any portion of SWF in the right-of-way upon reasonable notice to the Owner. The Owner shall cooperate with all inspections. The Township reserves the right to support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. If circumstances permit, the Township shall notify the Owner and provide the opportunity to move such facilities, poles, or support structures prior to the Township doing so, and the Township shall notify the Owner after doing so.
- (D) *Relocation or adjustment as requested by Township.* If requested by the Township, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety, and welfare of the public, an Owner shall relocate or adjust its facilities within the Public Right-of-Way at no cost to the Township, as long as such request similarly binds all users in or on such public way. Such relocation or adjustment shall be completed in accordance with law.
- (E) *Contact information for responsible parties.* Within 10 days of any changes to any of the contact information provided in the application, the Applicant shall provide notice of the change to the Township.
- (F) *Indemnification.* Any entity who owns or operates SWF in the Public Right-of-Way shall indemnify, protect, defend, and hold the Township and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the entity who owns or operates the SWF and wireless service in the right- of-way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the operator, or their

respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining facilities in the right-of-way.

- (G) *Good condition required.* SWF 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 menace or endanger the health, safety or welfare of any person or property. All SWF shall be subject to generally applicable property maintenance requirements and to visual inspection by code enforcement officers.
- (H) *Relocation for public improvement projects.* To the extent that the Township requires it to do so in the reasonable exercise of its police powers, Owner shall remove and relocate the permitted SWF at Owner's sole expense to accommodate construction of a public improvement project by the Township.

#### **§143-12. REMOVAL OF SWF IF USE DISCONTINUED OR ABANDONED.**

- (A) If a SWF is discontinued for a period of 120 days or is abandoned without notice from the owner, it shall be considered abandoned and the Township may remove it at the owner's expense if the Township provides written notice of its intent to remove under this section and, within thirty (30) days after receipt of such written notice, the Owner of the SWF does not reply to the Township in writing that the SWF continues to be in operation. Costs for such removal shall be collectible as allowed by law.
- (B) The Township reserves the right to inspect and to request information from the Owner, which the Owner shall provide following such request, as to the continued use of the operator's SWF(s) within the right-of-way.

#### **§143-13. SAFETY REQUIREMENTS**

- (A) Prevention of failures and accidents. Any person who owns or operates a portion of a SWF sited in the Public Right-of-Way shall always employ ordinary and reasonable care and install and maintain it using industry standard technology for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.
- (B) Compliance with fire safety and FCC regulations. All SWF, including, but not limited to wires, cables, fixtures, and other equipment, shall be installed and maintained in compliance with the requirements of any applicable provisions of the National Electric Code and building codes, and in such manner that will not interfere with the use of other property or any existing public/private utilities or public safety systems.
- (C) Each attachment of wireless facilities should bear a marker or insignia legible at street level, identifying the Owner of the SWF and contact information.

#### **§143-14. EXCEPTIONS TO APPLICABILITY**

- (A) Nothing in this Chapter authorizes the collocation of small wireless facilities on:
- (1) Property owned by a private party without the written consent of the property owner;
  - (2) Property owned or controlled by a unit of local government that is not located within Public Rights-of-Way without the written consent of the unit of local government (local governments are, however, required to authorize the collocation of small wireless facilities on utility poles owned or controlled by the local government or located within rights-of-way to the same extent the local government permits access to utility poles for other commercial projects or uses);
  - (3) A privately-owned utility pole or wireless support structure, without the consent of the property owner; or
  - (4) Property owned, leased or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes, without the consent of the affected district.

#### **§143-15. APPEALS AND CONSISTENCY WITH STATE AND FEDERAL LAWS.**

The appeals process shall be as provided and set forth by state and federal laws including any rulings issued by the Federal Communications Commission. The provisions contained herein regulating Small Wireless Facilities are intended to comply with federal and state laws and regulations in effect as of the date of adoption of this section. To the extent that any of the provisions in this section conflict with any federal or state statute or regulations, the federal or state statutes or regulations shall control unless the applicable federal or state statutes or regulations allow for more stringent provisions in local ordinances. In which case, the more stringent provisions of local ordinances shall remain in effect and shall control in such instances.

#### **§143-16. SEVERABILITY**

The provisions of this Chapter are severable. If any provision or subsection, or the application of any provision or subsection to any person or circumstances is held invalid, the remaining provisions, subsection, and applications of such Chapter to other persons or circumstances shall not be made invalid as well. It is declared to be the intent of this section that the remaining provisions would have been adopted had such invalid provisions not been included in this chapter when originally adopted by Council.



## **§143-17. PENALTIES**

Any person, firm or corporations who violates or permits a violation of this Chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this Chapter that is violated shall also constitute a separate offense. Nothing herein shall prevent the Township from taking any other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

**SECTION 2. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 3. GENERAL CODE.** General Code is hereby authorized to make any necessary formatting and numbering changes needed in order for this Ordinance to be made consistent with the formatting and numbering standards applicable to the Upper Uwchlan Township's Code of Ordinances as published by General Code.

**SECTION 4. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective upon enactment as provided by law.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

**UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Gwen A. Jonik, Township Secretary

\_\_\_\_\_  
Sandra M. D'Amico, Chair



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Jamie W. Goncharoff, Vice-Chair

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Jennifer F. Baxter, Member

**UPPER UWCHLAN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION NO. \_\_\_\_\_ of 2020**

**WHEREAS**, a Federal Communications Commission (FCC) decision on small cell wireless facilities has been made regarding aesthetics of these facilities; and

**WHEREAS**, the Township has previously adopted ordinances to regulate wireless communications facilities but desires to further clarify those regulations, and provide for more specific design requirements for such facilities, and more particularly for Small Wireless Facilities (SWF); and

**WHEREAS**, the Township has determined that in cases where adopted ordinances conflict with the Design Guidelines adopted pursuant to this aesthetics policy, then the Design Guidelines shall be controlling and supersede with respect to the elements of design; and

**WHEREAS**, this Township recommends adoption of an aesthetics policy setting forth Design Guidelines for Small Wireless Facilities.

**NOW, THEREFORE, BE IT RESOLVED** to officially adopt the Small Wireless Facility Design Guidelines attached hereto which may be further amended by resolution.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

**BOARD OF SUPERVISORS  
UPPER UWCHLAN TOWNSHIP**

\_\_\_\_\_  
Gwen A. Jonik, Township Secretary

\_\_\_\_\_  
Sandra M. D'Amico, Chair

# **UPPER UWCHLAN TOWNSHIP**

## **SMALL WIRELESS FACILITY DESIGN GUIDELINES**

### **I. PURPOSE AND COMPLIANCE**

The municipality finds that in order to protect the public health, safety and welfare of its residents and to reasonably manage and protect the public rights-of-way (the "ROW") and its uses in the municipality, it is in the best interest of the municipality and its residents and businesses to establish Small Wireless Facility Design Guidelines (the "Guidelines") to provide the aesthetic requirements and other specifications and reasonable conditions that small wireless facilities and wireless support structures installed within the public ROW must meet prior to and following installation.

The objective of these Guidelines is to strike a balance between preserving and protecting the character of the municipality through careful design, siting, and camouflaging techniques to blend these facilities into their surrounding environment and provide other reasonable conditions upon such placement and use of the ROW, while enhancing the ability of small wireless facilities carriers to deploy small wireless facilities and wireless support structures in the municipality effectively and efficiently so that residents, businesses, and visitors benefit from ubiquitous and robust wireless service availability.

These Guidelines apply to requests to locate small wireless facilities ("SWF") in the ROW and ongoing use of the ROW for such purposes. These Guidelines are administered through the permitting process conducted by the codes department or zoning officer of the municipality.

Placement or modification of a SWF and/or wireless support structures shall comply with these Guidelines at the time the permit for installation or modification is approved and as amended from time to time. Wireless service providers and permittees are also required to comply with municipal ordinances, codes and other applicable law and regulations.

### **II. DEFINITIONS**

The definitions contained in the municipality's Zoning Ordinance, and any Small Wireless Facilities Ordinance, as applicable to wireless communications facilities are incorporated into this policy by reference as though fully set forth herein.

### III. APPLICATION REQUIREMENTS

As part of the permitting process, the following must be provided:

#### A. PROOF OF AGENT DESIGNATION (IF APPLICABLE)

If the applicant is serving as an agent of a SWF owner/operator, the applicant must provide written documentation of the agent designation signed by the owner/operator.

#### B. MAP

The applicant must include an aerial map showing the location of the proposed or existing support structure to which the SWF is proposed to be attached, or from which a SWF is proposed to be removed.

#### C. PHOTO SIMULATIONS

For all applications to locate SWF in the ROW, the applicant shall provide photo simulations from at least two reasonable line-of-site locations near the proposed project site. The photo simulations must be taken from the viewpoints of the greatest pedestrian or vehicular traffic.

#### D. CONSOLIDATED APPLICATIONS

An applicant seeking to construct, modify, collocate or replace more than one SWF or more than one wireless support structure within the municipality may file a consolidated application for multiple small wireless facility requests or wireless support structure requests provided the requests grouped on a consolidated application only address substantially the same type of SWF or substantially the same type of wireless support structures.

#### E. SITE AND OTHER PLANS AND STRUCTURAL CALCULATIONS

The applicant must include fully dimensioned site plans, elevation drawings and structural calculations that depict any known existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements, and the legal boundaries of the existing right-of-way and any associated access and utility easements. Fully dimensioned site plans shall indicate the spacing from existing

curb, driveways, sidewalks, light poles and any other poles or appurtenances.

#### **F. FULL DESCRIPTION OF NUMBER AND DIMENSIONS OF FACILITIES AND/OR STRUCTURES TO BE INSTALLED**

The applicant must include a full description of the number and dimensions of all SWF proposed to be installed and the wireless support structure, either new or existing, to be utilized for each SWF. For all equipment proposed to be installed, the applicant must include: (1) the manufacturer's name and model number; (2) physical dimensions, including without limitation, height, width, depth and weight with mounts and other necessary hardware; and (3) the ambient noise level generated from the equipment, if any.

#### **G. OWNER'S AUTHORIZATION AND SUBMISSION OF FEES**

For any application to attach a SWF to a wireless support structure that is not owned by the municipality, the applicant must submit evidence sufficient to show that either: (1) applicant owns the proposed support structure; or (2) applicant has obtained the owner's written authorization to file the application. The applicant shall also submit the appropriate application fees to the Township and agree to pay any Right-of-Way access fees applicable to the project.

### **IV. AESTHETIC REQUIREMENTS FOR SMALL WIRELESS FACILITIES**

#### **A. ANTENNAS**

1. Each small wireless antenna shall be located entirely within a shroud or canister type enclosure.
2. The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
3. All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side mounted antenna being at a location on the

wireless support structure noted in the application and approved by the municipality, but at least 10 feet above ground level at its lowest point.

4. Tree "topping" or the improper pruning of trees is prohibited.

## B. CABLES AND WIRES

All cables, wires and connectors related to the SWF must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the SWF hanging off or otherwise exposed on the wireless support structure.

## C. COLORS

All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

## D. EQUIPMENT ENCLOSURES/CONCEALMENT

1. Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the municipality. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
2. Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the municipality.
3. Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

## **E. SIGNAGE/LOGOS/LIGHTS/DECALS/COOLING FANS**

1. Signage: The SWF permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches. If no cabinet exists, the signage shall be placed at the base of the pole.
2. Lights: New small wireless facilities and wireless support structures shall not be illuminated, except in accordance with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a streetlight pole.
3. Logos/Decals: The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the municipality. SWF and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The SWF operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.
4. Cooling Fans: In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

## **V. LOCATION REQUIREMENTS**

### **A. COLLOCATION PREFERENCE**

It is the municipality's strong preference that whenever an applicant proposes to place a new small wireless facility that the applicant collocate the same on existing wireless support structures.

### **B. LEAST PREFERABLE LOCATIONS**

Residential Districts, Historic Districts and locations in close proximity to historic buildings or structures are the least preferred areas for new small wireless facilities and collocation is much preferred.

### C. RESIDENTIAL DISTRICTS WHERE ALL UTILITIES ARE LOCATED UNDERGROUND

In residential district where all utilities are located underground, the municipality would like to avoid placement of wireless support structures in such neighborhoods. However, in instances where SWF and wireless support facilities are deemed to be necessary by the applicant, such new wireless support structures shall be designed to blend with the neighborhood in the form of decorative poles or streetlights, and specifically constructed to comply with the design specifications designated for those types of neighborhoods. The use of new streetlamps or decorative poles is mandatory in order to blend with the residential neighborhood.

### D. CONSIDERATION OF ALTERNATE LOCATIONS

The municipality reserves the right to propose an alternate location for a SWF and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits, or unreasonable additional costs or act as an effective prohibition.

### E. GUIDELINES ON PLACEMENT

The municipality desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a SWF facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent municipal-owned poles, and of the surrounding area adjacent to their location. In the absence of adjacent municipal-owned poles, the wireless support structure shall match the materials and finish of the adjacent utility poles.

The following additional guidelines on placement shall apply:

1. Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure. This distance separation shall not be applicable to collocations on existing wireless



support structures or collocations on the same wireless support structure.

2. A combination wireless support structure and streetlight pole should only be located where an existing pole can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
3. Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a ROW.
4. Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a ROW by a utility provider.
5. Small wireless facilities and wireless support structures shall be located in a manner that does not violate or conflict with the municipality's code, applicable law and regulations, or these Guidelines.
6. Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
7. Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
8. Small wireless facilities and wireless support structures shall be located in alignment with existing trees, utility poles, and streetlights.
9. Small wireless facilities and wireless support structures shall be located equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
10. Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
11. Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
12. Small wireless facilities and wireless support structures shall be located not within sight triangles at street intersections.
13. New wireless support structures shall not be located directly in front of any existing residential, commercial or industrial structure but rather shall be placed in between such structures to minimize visual impacts.
14. To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equidistance from any two existing structures. In areas of the municipality where multiple structures abut each other and/or where no side lot

setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.

## **VI. DEPICTIONS, PHOTOGRAPHS AND SPECIFICATIONS OF VARIOUS LOCATIONS AND DESIGNS DEEMED ACCEPTABLE BY THE MUNICIPALITY**

The following are attached hereto, and incorporated herein, as part of the Small Wireless Facility Design Guidelines to provide specific guidance as to locations that are acceptable as well as designs that are deemed acceptable by the Municipality:

Figure 1 – Example of Acceptable Location Between Residential Homes

Figure 2 – Example of Acceptable Location Between Commercial Buildings

Figure 3 – Examples of acceptable Colocations Designs  
( Such as being collocated on existing Street Lights, on existing Utility Poles, on existing decorative poles/poles for flags, on directional Street Pole Signs or Traffic Lights)

Figure 4 – Examples of acceptable new Wireless Support Structures Designs  
(Such as Replacement/New Street Lights, New Decorative Poles or Street Lights in Residential Neighborhood, New Decorative Poles or Street Lights in Town/Historic District, New Poles on major roads)

## **VII. LIMITATIONS**

While the municipality fully intends to apply the Guidelines established in this policy uniformly to all small wireless facility applications, there may be circumstances where not every specific guideline may be met. In this case, municipal staff will use its reasonable discretion in approving small wireless facilities permit applications that deviate from the strict application of this policy.

## **VIII. EFFECTIVE DATE OF POLICY**

This Policy will be effective as of the date of the adoption of the enabling Resolution.

***(FIGURES ATTACHED AS REFERENCED ABOVE)***

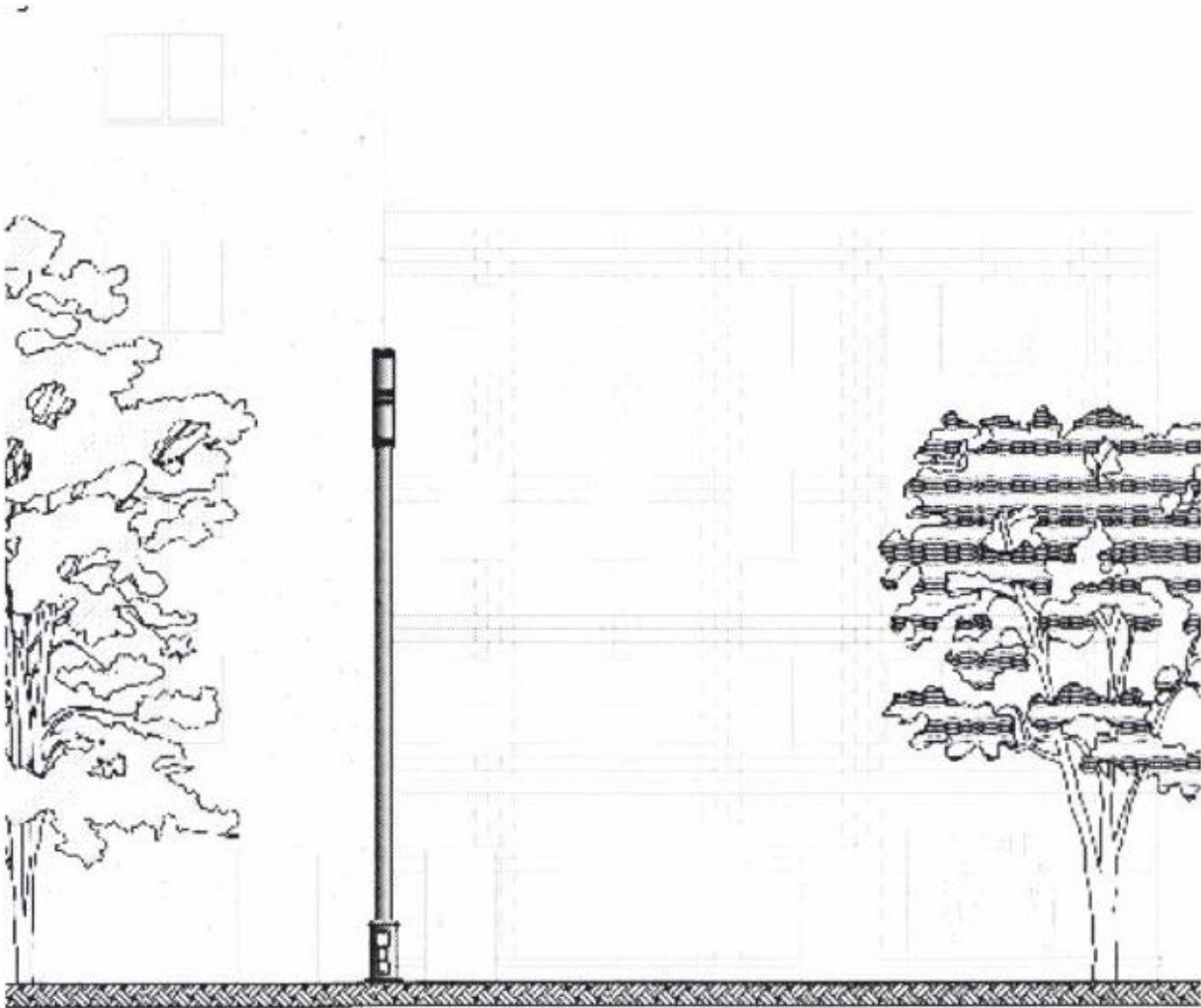
**Figure 1**

**Example of Acceptable Locations Between Residential Homes**



**Figure 2**

**Example of Acceptable Locations Between  
Commercial Buildings**



## Figure 3

### Examples of Acceptable Colocation Designs

## On Utility Pole





## On Existing Utility/Light Pole



## On Pendant Pole





## On Existing Traffic Light



## **Extension of Existing Street Light (subject to further design discussion)**



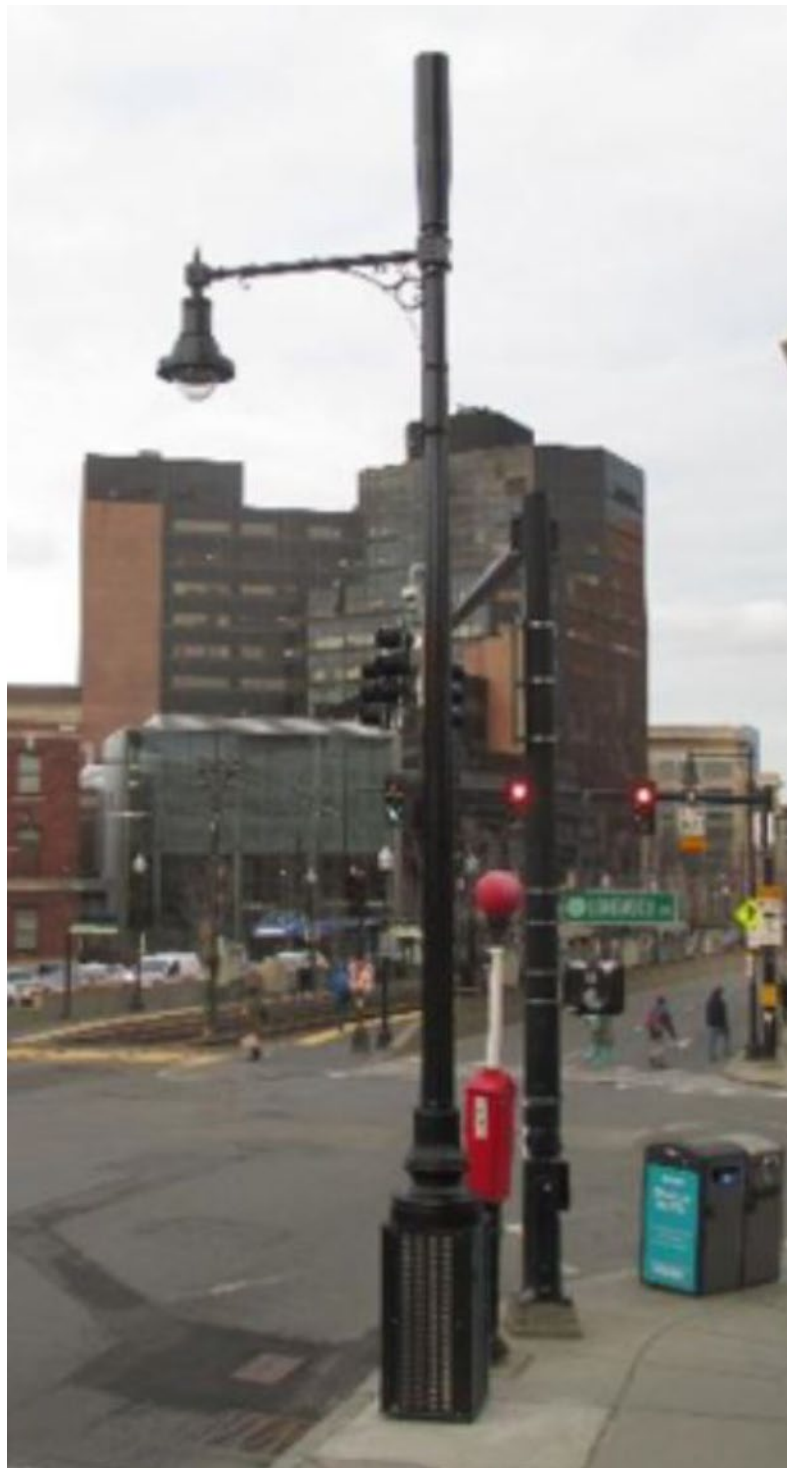
## Figure 4

### Examples of Acceptable New Wireless Support Structures

## New Pole on Major Roadway



## New Pole with Street light





## Decorative Pole in Town Center/Business District

70



## Decorative Light in Town or Residential

71



12.6.2018 23:44

## New Pole on Major Road

72





## New Pole with Street lights in Corporate area or larger venue



**New Pole in Residential Districts  
(subject to further design discussion)**





# UPPER UWCHLAN TOWNSHIP

75

TO: Board of Supervisors  
Tony Scheivert, Township Manager  
Shanna Lodge, Assistant Township Manager

FROM: Gwen Jonik, Township Secretary

RE: Disposition of Property – Office Desks

DATE: May 7, 2020

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The Board may recall approving the sale of the office desks and associated small filing cabinets, via Municibid. That was March 16, the day Pennsylvania's stay-at-home guidelines went into effect. I communicated through mid-April to the high bidder that the Township office was closed to the public and I'd advise them when we would be re-opened.

Initially, they said they had no time restraints. At that time, no one knew we'd be closed for this amount of time. No communication was received from them in the meantime. I emailed them earlier this week to schedule their pick up of the items late May. They told me they hadn't been able to wait all this time and purchased new furniture. They don't need/want ours.

Shall we offer the furniture again for donation or re-post for auction via Municibid?



# UPPER UWCHLAN TOWNSHIP

76

TO: Board of Supervisors  
Tony Scheivert, Township Manager  
Shanna Lodge, Assistant Township Manager

FROM: Gwen Jonik, Township Secretary

RE: Disposition of Township Property

DATE: May 8, 2020

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The Public Works/Parks department has several pieces of equipment that no longer function or are no longer of use. The items have been placed for sale on Municibid, an electronic auction. Public notice of the auction was published in the May 8, 2020 Daily Local News. The auction will close late Monday morning, May 18, 2020. I will provide an updated memo with the bid details that afternoon and the Board will be requested to accept the high bids at your May 18, 2020 business meeting.

The items are as follows:

A Mill Creek Turf 75TD spreader/top dresser, used to apply top dressing when the fields at Fellowship Fields were constructed. We've had no need of this piece of equipment since those fields were completed.

An Underhill Tracker traveling sprinkler, purchased around the same time for Fellowship Fields. After installing an irrigation system, this item has not been used.

Windscreens for Hickory Park tennis courts. Used one season. During a heavy wind, they caused the fencing to get bent to the point of needing repair. Not in use.

Nelson 400 sprinklers. They've been in storage at Hickory Park for as long as Kyle can remember and he doesn't recall ever using them. They are not functioning.