



UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. _____

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 WIRELESS COMMUNICATIONS FACILITIES 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 Upper Uwchlan 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