



# TOWNSHIP OF ABINGTON

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## TOWNSHIP OF ABINGTON COUNTY OF MONTGOMERY, PENNSYLVANIA

### ORDINANCE NO. 2196

**AN ORDINANCE AMENDING ARTICLE XXVIII OF THE ZONING ORDINANCE OF THE TOWNSHIP OF ABINGTON, COUNTY OF MONTGOMERY, COMMONWEALTH OF PENNSYLVANIA; TO ESTABLISH GENERAL AND SPECIFIC STANDARDS RELATING TO WIRELESS COMMUNICATIONS FACILITIES.**

Be it enacted and ordained by the Township Board of Commissioners of the Township of Abington, County of Montgomery, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

#### **SECTION I. AMENDMENT OF WIRELESS COMMUNICATIONS FACILITIES PROVISIONS.**

Article XXVIII of the Zoning Ordinance of the Township of Abington is hereby repealed in its entirety and replaced with a new Article XXVIII entitled and provided for as follows:

#### **Article XXVIII. Wireless Communications Facilities.**

##### **Section 2800. Intent:**

- A. WHEREAS, the Township finds that it is in the public interest to permit the siting of wireless communications facilities within the municipal boundaries, and
- B. WHEREAS, it is the intent of the Township to permit, subject to the reasonable regulations established herein, the siting of wireless communications facilities within the municipal boundaries; and
- C. WHEREAS, it is the intent of the Township to protect and promote the public health, safety and welfare by regulating the siting of wireless communications facilities; and
- D. WHEREAS, it is the intent of the Township to comply with applicable federal and state laws and regulations governing wireless communications facilities;

##### **NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

- E. The purpose of this ordinance is to establish general guidelines for the siting of wireless communications facilities. The goals of this ordinance are to:
  - 1. Protect residential areas and land uses from potential adverse impacts of wireless communications facilities;
  - 2. Encourage the location of towers in commercial areas;
  - 3. Minimize the total number of new towers throughout the community;
  - 4. Strongly encourage collocation of wireless communications facilities and the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
  - 5. Encourage users of wireless communications facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;



6. Encourage users of wireless communications facilities to configure them in a way that minimizes the adverse visual impact of the wireless communications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
8. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, Township shall give due consideration to the Township's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of wireless communications facilities; and
9. Address recent changes in federal and state law regarding local regulation of wireless communications facilities.

**Section 2801. Definitions:** As used in this ordinance, the following terms shall have the meanings set forth below:

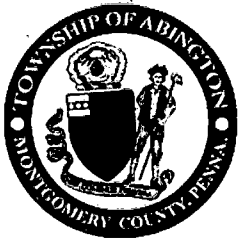
- A. *Accessory Equipment* – Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure, including but not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
- B. *Antenna* – An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.
- C. *Collocate or Collocation* – The mounting of one or more WCFs, including antennas, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.
- D. *Collocated Wireless Communications Facility (Collocated WCF)* – Wireless communications facilities collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower.
- E. *Communications Equipment Building* – An unmanned building or cabinet containing communications equipment required for the operation of wireless communications facilities.
- F. *Eligible Facilities Request* -- Any request for modification of an existing WCF that does not Substantially Change the physical dimensions of such WCF, involving:
  - (1) Collocation of new transmission equipment;
  - (2) Removal of transmission equipment; or
  - (3) Replacement of transmission equipment.



- G. *FAA* – Federal Aviation Administration.
- H. *FCC* – Federal Communications Commission.
- I. *Small Wireless Communications Facility* – The equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications:
  - (1) Each antenna associated with the deployment is no more than three cubic feet in volume; and
  - (2) The volume of all other equipment associated with the wireless communications facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet. Any equipment used solely for the concealment of the small wireless communications facility shall not be included in the calculation of equipment volume.
- J. *Substantially Change or Substantial Change* – A modification substantially changes the physical dimensions of a support structure if it meets the criteria established by 47 CFR §1.6100.
- K. *Technically Feasible* – By virtue of engineering or spectrum usage, the proposed placement for a WCF or its design or site location can be implemented without a material reduction in the functionality of the WCF.
- L. *Tower-Based Wireless Communications Facility (Tower-Based WCF)* – Any structure that is used for the primary purpose of supporting one or more antennas, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, and the accompanying antenna and accessory equipment.
- M. *Wireless Communications Facility (WCF)* – An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.
- N. *Wireless Communications Facility Applicant (WCF Applicant)* – Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Township-owned land or property.
- O. *Wireless Support Structure* – A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

**Section 2802. General and specific requirements for all Wireless Communications Facilities:** The following regulations shall apply to all WCFs:

- A. Standard of care.
  - (1) All WCFs shall meet or exceed all applicable standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate Wireless Communications Facilities, the latest National Electrical Safety Code (NESC), American National Standards Institute (ANSI) Code, and the structural standards of the



American Association of State Highway and Transportation Officials or any other industry standard applicable to the structure. In case of conflict, the most stringent requirements shall prevail. All necessary certifications shall be obtained by the WCF Applicant and provided to the Township.

- (2) If, upon inspection by the Township, the Township concludes that a WCF fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the WCF, the owner shall have thirty (30) days to bring such WCF into compliance with the applicable codes and standards. Failure to bring such WCF into compliance within thirty (30) days shall constitute grounds for the removal of the WCF at the owner's expense.
- B. Engineer inspection. Any information of an engineering nature that is submitted by the WCF Applicant, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
  - C. Eligible Facilities Requests. WCF Applicants proposing a modification to an existing WCF that constitutes an Eligible Facilities Request shall be required only to obtain a building permit from the Township Zoning Officer. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township Zoning Officer in accordance with applicable permit policies and procedures. Such permit application shall clearly state that the proposed modification constitutes an Eligible Facilities Request pursuant to the requirements of 47 CFR §1.6100. The permit application shall clearly detail all dimensional changes being made to the WCF and Wireless Support Structure.
  - D. Wind and ice. All WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
  - E. Aviation safety. All WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
  - F. Public safety communications. WCFs shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
  - G. Radio frequency emissions. A WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The WCF Applicant shall submit proof of compliance with all applicable standards relating to radio frequency emissions as part of any complete WCF application.



- H. Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only as permitted by the Township.
- I. Signs. All WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an Emergency. The only other signage permitted on the WCF shall be those required by the FCC, FAA, or any other federal or state agency.
- J. Substantial Change. Any Substantial Change to a WCF shall require notice to be provided to the Township Zoning Officer, and shall be treated as an application for a new WCF in accordance with the requirements of this Article XXVIII.
- K. Franchises. Owners and/or operators of WCFs shall certify that all franchises required by law for the construction and/or operation of a WCF system in the Township have been obtained. Copies of all required franchises shall be filed with the Township Code Enforcement Department.
- L. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Township fee schedule.
- M. Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of a Collocated WCF or Tower-Based WCF at its sole discretion and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- N. Non-commercial usage exemption. Township residents utilizing satellite dishes, citizen and/or band radios, and antennas for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this Article XXVIII.
- O. Abandonment; Removal. In the event that use of a WCF is to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. A WCF not operated for a period of six (6) months shall be considered abandoned. Discontinued or abandoned WCFs, or portions of WCFs, shall be removed as follows:
- (1) All abandoned or unused WCFs and Accessory Equipment shall be removed within ninety (90) days of the cessation of operations at the site or receipt of notice that the WCF has been deemed abandoned by the Township, unless a time extension is approved by the Township.
  - (2) If the WCF or Accessory Equipment is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or



Accessory Equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF regardless of the owner's or operator's intent to operate the WCF in the future.

- (3) Where there are two or more users of a single WCF, this provision shall not become effective until all users have terminated use of the WCF for a period of six (6) months.

P. Maintenance. The following maintenance requirements shall apply:

- (1) All WCFs shall be fully automated and unattended on a daily basis and shall be visited only for maintenance, repair or replacement.
- (2) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents and in accordance with all applicable Township, state and federal regulation.

Q. Inspection. The Township and/or its third-party inspection company reserves the right to inspect any WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code or state or federal law.

R. Duration of permit. A permit for a WCF shall have a term of five (5) years. Such permit shall be renewed for an additional five (5) year term if the WCF Applicant is in compliance with the criteria set forth in this Article XXVIII and the WCF Applicant has obtained all necessary consent from the owner of the property upon which the WCF is located. The WCF Applicant shall submit proof of such compliance with all requirements of this Article XXVIII prior to the expiration of any five (5) year term.

S. Timing of Approval. The following table details the applicable timeframe of approval for each type of WCF application:

Type of WCF/Application	Notice of Incompleteness	Final Decision
Collocated WCF	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	90 total calendar days from receipt of initial application.
Eligible Facilities Request	30 calendar days from receipt of initial application; 10 calendar days from receipt of supplemental application for subsequent notices.	60 total calendar days from receipt of initial application.
Small WCF (Collocated)	10 business days from receipt of initial or supplemental application.	60 total calendar days from receipt of initial application.



Small WCF (New or replacement Wireless Support Structure)	10 business days from receipt of initial or supplemental application.	90 total calendar days from receipt of initial application.
Tower-Based WCF	30 calendar days from receipt of application for initial notice; 10 calendar days from receipt of supplemental application for subsequent notices.	150 total calendar days from receipt of initial application.

**Section 2803. General and specific requirements for Collocated Wireless Communications Facilities:** The following regulations shall apply to all Collocated WCF:

- A. Location requirements. Collocated WCFs outside the public rights-of-way are permitted by right in the following zoning districts:
  - a. AO: Apartment Office
  - b. BC: Abington Town Center
  - c. BC: Foxcroft
  - d. BC: Huntingdon Valley
  - e. BC: Noble
  - f. BC: Willow Grove Park
  - g. CS: Community Service
  - h. MS-H: Main Street High Intensity Density
  - i. MS-L: Main Street Low Intensity Density
  - j. MS-VC: Village Center
  - k. RC: Recreation Conservation
  - l. SI-G: Suburban Industrial District - Glenside
  - m. SI-W: Suburban Industrial District - Willow Grove
  
- B. Application requirements. All applications for the approval of a Collocated WCF shall be submitted to the Township Zoning Officer, and shall be accompanied by the following required materials:
  1. The name and contact information, including phone number, for both the WCF Applicant and the owner of the proposed Collocated WCF.
  2. A site plan, drawn to scale, showing property boundaries, power location, total height of the Collocated WCF, the entirety of the structure upon which the Collocated WCF will be Collocated, and Accessory Equipment locations.
  3. A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Collocated WCF.



4. If the Collocated WCF is proposed for location on a Wireless Support Structure that currently supports existing WCFs or other attachments, the depiction shall show the location and dimensions of all such attachments.
  5. The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the Collocated WCF.
  6. An aerial photograph of the proposed site showing the area within 500 feet of the Collocated WCF. The aerial photograph shall identify all structures within such radius.
  7. Photo simulations depicting the Collocated WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Collocated WCF.
  8. A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Collocated WCF and Wireless Support Structure are structurally sound and shall not endanger public health and safety.
  9. A report by a qualified engineering expert which shows that the Collocated WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
  10. If the Collocated WCF will be located on a structure owned by a party other than the WCF Applicant, evidence showing that the owner of such structure has granted the WCF Applicant permission to construct the proposed WCF.
  11. Certification of the application's compliance with all requirements of this Article XXVIII.
  12. All application fees required by the Township as detailed in the Township fee schedule.
- C. Prohibited on certain structures. No Collocated WCF shall be located on single-family detached residences, single-family attached residences, twin-homes, duplexes, or any residential accessory structure.
- D. Development regulations. Collocated WCFs shall be located or Collocated on existing structures, such as existing buildings or Tower-Based WCFs, subject to the following conditions:
1. The total height of any Collocated WCF may not exceed eight (8) feet in height above the preexisting height of the structure upon which the Collocated WCF is attached.
  2. In accordance with industry standards, all WCF Applicants must submit documentation to the Township justifying the total height of the Collocated WCF. Such documentation shall be analyzed on an individual basis





3. Accessory Equipment.

- a. The cabinet or Communications Equipment Building that contains Accessory Equipment for a Collocated WCF shall be of no more than 144 square feet of gross floor area or more than eight (8) feet in height. In addition, if the Collocated WCF is located on a building and structure which is less than 65 feet in height, the cabinet or Communications Equipment Building shall be located on the ground and shall not be located on the roof of the structure if the cabinet or structure is over 100 square feet in gross floor area.
  - b. If the Accessory Equipment structure is located on the roof of a building, the area of the Accessory Equipment and other equipment and structures shall not occupy more than 10% of the total roof area.
- E. Design regulations. Collocated WCFs shall employ Stealth Technology and be treated to match the underlying structure in order to minimize aesthetic impact. The application of the Stealth Technology utilized by the WCF Applicant shall be subject to the approval of the Township.
- F. Nonconforming Wireless Support Structures. Collocation of WCF upon existing Tower-Based WCFs is encouraged even if the Tower-Based WCF is nonconforming as to use within a zoning district.
- G. Removal, replacement and modification.
1. The removal and replacement of Collocated WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not substantially change the overall height of the WCF or increase the number of antennas.
  2. Any substantial modification to a WCF shall require notice to be provided to the Township, and possible supplemental permit approval to the original permit or authorization as determined by the Zoning Officer.

**Section 2804. General and specific requirements for Tower-Based Wireless Communications Facilities:**  
The following regulations shall apply to all Tower-Based Wireless Communications Facilities.

T. Location requirements.

1. Tower-Based WCFs outside the public rights-of-way are permitted in the following zoning districts:
  - a. AO: Apartment Office
  - b. BC: Abington Town Center
  - c. BC: Foxcroft



- d. BC: Huntingdon Valley
  - e. BC: Noble
  - f. BC: Willow Grove Park
  - g. MS-H Main Street High Intensity Density
  - h. MS-L Main Street Low Intensity Density
  - i. MS-VC Village Center
- U. Conditional use authorization required. Tower-Based WCF are permitted by conditional use and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system. The Board of Commissioners may impose conditions to the extent the Board of Commissioners concludes such conditions are necessary to minimize any adverse effect of the proposed Tower-Based WCF on adjoining properties. In addition to any information required for conditional use permits pursuant to §1806. Conditional Uses, a conditional use application for a new Tower-Based WCF shall include the following information:
1. A scaled site plan clearly indicating the location, type and height of the proposed Tower-Based WCF, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed Tower-Based WCF and any Accessory Equipment structures, topography, parking, and other information deemed by the Code Enforcement Department to be necessary to assess compliance with this ordinance.
  2. Legal description of the parent tract and leased parcel (if applicable).
  3. The setback distance between the proposed Tower-Based WCF and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
  4. A landscape plan showing specific landscape materials.
  5. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.
  6. A notarized statement by the WCF Applicant as to whether construction of the Tower-Based WCF will accommodate Collocation of additional Antennas for future users.
  7. Identification of the entities providing the backhaul network for the Tower-Based WCF described in the application and other cellular sites owned or operated by the WCF Applicant in the Township.
  8. A description of the suitability of the use of existing tower, other structures, or alternative technology not requiring the construction of a new Wireless Support Structure to provide the services to be provided through the use of the proposed new Tower-Based WCF.



9. Documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
  10. Documentation to the Board that the owner of the property has granted an easement, if necessary, for the proposed WCF and that vehicular access will be provided to the facility, if the Tower-Based WCF is proposed for location on a property that is not owned by the WCF Applicant.
  11. Inventory of the WCF Applicant's existing WCFs that are either within the jurisdiction of the Township or within one mile of the border thereof, including specific information about the location, height and design of each WCF. The Township may share such information with other WCF Applicants that are applying for authorization to construct a new WCF within the jurisdiction of the Township in order to facilitate Collocation, provided, however, that the Township is not in any way representing or warranting that such sites are available or suitable by sharing such information.
  12. The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions of this chapter.
- V. Factors to be considered in granting conditional use permits for Tower-Based WCFs. In addition to any standards for consideration of conditional use permit applications pursuant to §1806. Conditional Uses, the following factors shall be considered in determining whether to issue a conditional use permit, although the Township may waive or reduce the burden on the WCF Applicant of one or more of these criteria if the Township concludes that the goals of this ordinance are better served thereby:
1. Height of the proposed Tower-Based WCF;
  2. Proximity of the proposed Tower-Based WCF to residential structures and residential district boundaries;
  3. Nature of uses on adjacent and nearby properties;
  4. Surrounding topography;
  5. Surrounding tree coverage and foliage;
  6. Design of the Tower-Based WCF, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  7. Proposed ingress and egress;



8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the construction of a new Wireless Support Structure, as discussed in Subsection D below.
- W. Collocation and siting. No new Tower-Based WCF shall be permitted unless the WCF Applicant demonstrates to the reasonable satisfaction of the Board of Commissioners that no existing tower, structure or alternative technology that does not require the construction of a new Wireless Support Structure can accommodate the WCF Applicant's proposed Antenna. A WCF Applicant shall submit information requested by the Board of Commissioners related to the availability of suitable existing tower, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the WCF Applicant's proposed Antenna may consist of any of the following:
1. No existing towers or structures are located within the geographic area which meets the WCF Applicant's engineering requirements;
  2. Existing towers or structures are not of sufficient height to meet the WCF Applicant's engineering requirements, and modification of such existing towers or structures is not Technically Feasible;
  3. Existing towers or structures do not have sufficient structural strength to meet the WCF Applicant's engineering requirements, and modification of such existing towers or structures is not Technically Feasible;
  4. The WCF Applicant's proposed Antenna would cause electromagnetic interference with the Antenna(s) on the existing towers or structures, or the Antenna(s) on the existing towers or structures would cause interference with the WCF Applicant's proposed Antenna;
  5. The fees, costs or contractual provisions required by the owner of the existing tower or structure are unreasonable. Costs exceeding the development of a new Tower-Based WCF are presumed to be unreasonable;
  6. The WCF Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable;
  7. The WCF Applicant demonstrates that an alternative technology that does not require the construction of a new Wireless Support Structure is unsuitable. Costs of alternative technology exceeding the development of a new Tower-Based WCF shall not be presumed to render the technology unsuitable.
- X. Notice. Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within 500 feet of the proposed WCF. The WCF Applicant shall provide proof of the



notification to the Township. Such notice shall be provided a minimum of ten (10) days in advance of any scheduled hearing.

Y. Development regulations.

1. Tower-Based WCF shall not be located in, or within 50 feet of an area in which utilities are primarily located underground.

a. Setbacks. The following setback requirements shall apply to all Tower-Based WCFs; provided, however, that the Board of Commissioners may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

(1) Tower-Based WCFs must be set back a distance equal to at least 75% of the total height of the Tower-Based WCF from any adjoining lot line.

(2) Guy wires and accessory building must satisfy the minimum zoning district setback requirements.

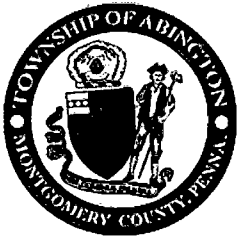
b. Separation. The following separation requirements shall apply to all Tower-Based WCFs; provided, however, that the Board of Commissioners may reduce the standard separation requirements if the goals of this ordinance would be better served thereby:

(1) Separation from off-site uses/designated areas:

(a) Separation shall be measured from the base of the Tower-Based WCF to the lot line of the off-site uses and/or designated areas as specified in Figure 28.1: Separation Distance Required by Use or Zoning..., below, except as otherwise provided in Figure 28.1: Separation Distance Required by Use or Zoning..

**Figure 28.1  
Separation Distance Required by Use or Zoning District**

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units.	200' or 300% height of Tower-based WCF, whichever is greater.
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired.	200' or 300% height of Tower-based WCF, whichever is greater.
Vacant unplatted residentially zoned lands.	100' or 100% height of Tower-Based WCF, whichever is greater.
Existing multi-family residential units greater than duplex units.	100' or 100% height of Tower-Based WCF, whichever is greater.
Nonresidentially zoned lands or nonresidential units.	None; only setbacks apply.



(2) Separation distance between towers.

- (a) Separation distances between Tower-Based WCFs shall be applicable for and measured between the proposed Tower-Based WCF and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the Tower-Based WCF. The separation distances (listed in linear feet) shall be as shown in Figure 28.2: Existing Towers: Types, below:

Figure 28.2  
Existing Towers: Types

	Lattice	Guyed	Monopole 75' in Height or Greater	Monopole Less than 75' in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75' in Height or Greater	1,500	1,500	1,500	750
Monopole Less than 75' in Height	750	750	750	750

Z. Design regulations.

1. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology utilized by the WCF Applicant shall be subject to the approval of the Township.
  2. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennas and comparable Antennas for future users.
  3. Any Tower-Based WCF feet shall be equipped with an ant climbing device, as approved by the manufacturer.
- AA. Security fencing. Tower-Based WCFs shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Board of Commissioners may waive such requirements, as it deems appropriate.
- BB. Landscaping. The following requirements shall govern the landscaping surrounding Tower-Based WCFs; provided, however, that the Board of Commissioners may waive such requirements if the goals of this ordinance would be better served thereby:



1. Tower-Based WCF sites shall be landscaped with a buffer of plant materials that effectively screens the view of the Tower-Based WCF site from property used for residences. The standards buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the site.
2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as Tower-Based WCFs sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

CC. Accessory equipment.

1. Ground-mounted Accessory Equipment associated or connected with a Tower-Based WCF shall not be located within 50 feet of a lot in residential use.
2. Ground-mounted Accessory Equipment associated, or connected, with a Tower-Based WCF shall be placed underground or screened from public view using stealth technologies, as described above.
3. All Accessory Equipment, Communications Equipment Buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

DD. Height. Tower-Based WCFs shall be designed and kept at the minimum functional height. The maximum height of any Tower-Based WCF shall be 150 feet. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF Applicant shall demonstrate that the Tower-Based WCF is the minimum height necessary for the service area.

EE. Accessory Equipment. An Accessory Equipment structure of no more than eight (8) feet in height and 144 square feet of gross floor area may be located on the site for each unrelated company sharing space on the Tower-Based WCF, in accordance with the minimum yard requirements of the zoning district in which it is located.

FF. Historic buildings. No Tower-Based WCF may be located within 100 feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places.

GG. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. The WCF applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.

HH. Nonconforming uses. Nonconforming Tower-Based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section. If over 50% of a Tower-Based



WCF is damaged, the owner of the WCF must demolish and rebuild such WCF. The Collocation of Antennas is permitted on nonconforming structures.

- II. FCC license. Each person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the WCF.
  
- JJ. Financial security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the WCF Applicant shall provide to the Township financial security in amount sufficient to cover the removal of the Tower-Based WCF. The amount required shall be determined at the sole discretion of the Township based upon the unique characteristics of the Tower-Based WCF. Said financial security shall remain in place until construction of the Tower-Based WCF is complete.

**Section 2805. Regulations applicable to all Small Wireless Communications Facilities:** The following regulations shall apply to Small Wireless Communications Facilities:

**A. Location Requirements.**

- 1. Small WCF outside the public rights-of-way that are Collocated on an existing structure are permitted by right in all Township zoning districts, subject to the requirements of this Article XXVIII and generally applicable permitting as required by the Township Code.
  
- 2. Small WCFs outside the public rights-of-way that require the installation of a new or replacement Wireless Support Structure are permitted by right in the following Township zoning districts, subject to the requirements of this Article XXVIII and generally applicable permitting as required by the Township Code:
  - a. AO: Apartment Office
  - b. BC: Abington Town Center
  - c. BC: Foxcroft
  - d. BC: Huntingdon Valley
  - e. BC: Noble
  - f. BC: Willow Grove Park
  - g. MS-H Main Street High Intensity Density
  - h. MS-L Main Street Low Intensity Density
  - i. MS-VC Village Center





## B. Application Procedures.

1. Applications for Small WCFs shall be submitted to the Township Zoning Officer.
2. Applications for Small WCFs shall include the following:
  - a. A cover letter detailing the location of the proposed site, all equipment being proposed as part of the Small WCF, and a certification that the WCF Applicant has included all information required by the Township Code, signed by a representative of the WCF Applicant.
  - b. A before-and-after depiction of the proposed site, such as a construction drawing, showing all equipment being proposed as part of the Small WCF.
    - (1) If the Small WCF is proposed for location on an existing structure or replacement Wireless Support Structure that currently supports existing attachments, the depiction shall show the location and dimensions of all such attachments.
    - (2) If installation of a new or replacement Wireless Support Structure is being proposed, the depiction shall include the color, dimensions, material and type of Wireless Support Structure proposed.
  - c. The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the small WCF.
  - d. An aerial photograph of the proposed site showing the area within 500 feet of the small WCF. The aerial photograph shall identify all structures within such radius.
  - e. Photo simulations depicting the Small WCF from at least three locations near the proposed site. The photo simulations should reflect the proposed design and location of all equipment associated with the Small WCF.
  - f. If the Small WCF will be located on a structure owned by a party other than the applicant, evidence showing that the owner of the structure has granted the applicant permission to attach the proposed Small WCF.
  - g. A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed Small WCF and wireless support structure are structurally sound and shall not endanger public health and safety.
  - h. A report by a qualified engineering expert which shows that the Small WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
  - i. Certification of the application's compliance with all requirements of this Article XXVIII.
  - j. All application fees required by the Township as detailed in the Township fee schedule.



C. Resubmission following denial.

1. If the Township denies an application for a Small WCF, the Township shall provide the WCF Applicant with written documentation of the basis for denial, including the specific provisions of the Township Code on which the denial was based, within five (5) business days of the denial.
2. The WCF Applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within thirty (30) days of the application being resubmitted for review.

D. Consolidated applications. A single WCF Applicant may not submit more than one consolidated or 20 single applications for Collocated Small WCFs in a 30-day period. If the Township receives more than one consolidated application or 20 single applications within a 45-day period, the applicable timeframe under Section 2802S shall be extended by 15 days.

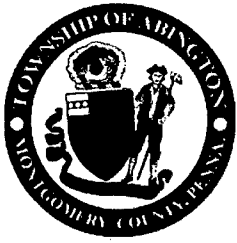
E. Location and development standards.

1. Small WCFs in the public ROW requiring the installation of a new Wireless Support Structure shall not be located in front of any building entrance or exit.
2. All Small WCFs shall comply with the applicable requirements of the Americans with Disabilities Act and all Township Code requirements applicable to streets and sidewalks.
3. Small WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township.
4. As part of the construction, modification or replacement of a Small WCF, the WCF Applicant shall remove any obsolete or abandoned equipment from the Wireless Support Structure.

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

G. Graffiti. Any graffiti on a Small WCF, including the Wireless Support Structure and any Accessory Equipment, shall be removed at the sole expense of the owner within thirty (30) calendar days of notification by the Township.

H. Design standards. All Small WCFs in the Township shall comply with the requirements of the Township *Small Wireless Communications Facility Design Manual*, which shall be adopted, and may be amended from time to time, by Resolution of the Township Board. A copy of such shall be kept on file at the Township Code Enforcement Department.



- I. Time limit for completion of construction. The proposed Collocation, the Modification or Replacement of a Wireless Support Structure or the installation of a new Wireless Support Structure with Small WCF attached for which a permit is granted under this section shall be completed within one year of the permit issuance date unless the Township and the WCF Applicant agree in writing to extend the period.
- J. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Small WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.

## SECTION II. MISCELLANEOUS

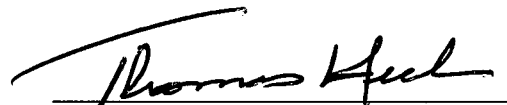
- A. Police powers. The Township, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen, or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.
- B. Severability. If any section, subsection,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

ENACTED AND ORDAINED this 11<sup>th</sup> day of August, 2022.

ATTEST:

ABINGTON TOWNSHIP  
BOARD OF COMMISSIONERS:

  
Richard J. Manfredi,  
Township Manager & Secretary

  
Thomas Hecker, President

