

LONDON GROVE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 220 – 2022

AN ORDINANCE OF THE TOWNSHIP OF LONDON GROVE, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE LONDON GROVE TOWNSHIP ZONING ORDINANCE OF 2017, AS AMENDED IN ORDINANCE NO. 213 ADOPTED ON OCTOBER 3, 2018 TO AMEND THE REGULATIONS FOR GROUP HOMES AND TO ALLOW GROUP HOMES AS A BY RIGHT USE IN ALL RESIDENTIAL ZONING DISTRICTS; TO AMEND THE DEFINITION FOR INTERIOR LOT AND TO ESTABLISH REGULATIONS FOR SUCH LOTS IN A NEW SECTION 27-1843; TO PROVIDE FOR NEW AND UPDATED PROVISIONS TO ALLOW FOR AND REGULATE WIRELESS COMMUNICATIONS FACILITIES WITHIN THE TOWNSHIP, AND PROVIDING FOR SEVERABILITY, REPEALER AND EFFECTIVE DATE PROVISIONS AND TO AMEND THE LONDON GROVE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1990, SECTION 22-605.8, TITLED "INTERIOR LOTS".

BE IT ENACTED AND ORDAINED by the Board of Supervisors of London Grove Township that the London Grove Township Zoning Ordinance of 2017, as amended, is hereby further amended as follows:

SECTION 1. The following definitions in Section 27-202 are deleted: "Community living arrangement", "Group home", "Group home, disciplinary" and "Group home, institutional".

SECTION 2. The following definition shall be added to Section 27-202:

"GROUP HOME- The use of any lawful dwelling unit which meets all of the criteria in § 27-1842 of this chapter.

SECTION 3. Section 27-302.A shall be amended to add a new subparagraph (4) as follows:

"(4) Group home subject to the standards in § 27-1842."

SECTION 4. Section 27-302.C(2) shall be deleted.

SECTION 5. Section 27-303.5 shall be deleted and the section number reserved.

SECTION 6. Section 27-402.1 shall be amended to add a new subparagraph (E) as follows:

“(E) Group home subject to the standards in § 27-1842.”

SECTION 7. Section 27-402.3 shall be deleted and the section number reserved.

SECTION 8. Section 27-502.1 shall be amended to add a new subparagraph H as follows:

“H. Group home subject to the standards in § 27-1842.”

SECTION 9. Section 27-602.1.A shall be amended to add a subparagraph (6) as follows:

“(6) Group home subject to the standards in § 27-1842.”

SECTION 10. Section 27-602.1. shall be amended to add a subparagraph E as follows:

“E. Group home subject to the standards in § 27-1842.”

SECTION 11. Section 27-802.1.A shall be amended to add a subparagraph (6) as follows:

“(6) Group home subject to the standards in § 27-1842.”

SECTION 12. Section 27-802.1.B shall be amended to add a subparagraph (3) as follows:

“(3) Group home subject to the standards in § 27-1842.”

SECTION 13. Section 27-903.A(4) shall be amended as follows:

“(4) Group home subject to the standards in § 27-1842.”

SECTION 14. A new Section 27-1842 shall be adopted and provide as follows:

§ 27-1842. Group Homes.

A. Group homes are permitted by right in the AP-Agricultural Preservation Residential District, AR-Agricultural Residential District, RR-Residential Rural District, RM-Residential Medium District, RH-Residential High District and CV Chatham Overly District subject to compliance with the criteria in this § 27-1842.

B. A group home consists of a maximum of four unrelated persons occupying a dwelling unit if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family as defined in this chapter.

C. In any case where an applicant seeking a zoning permit for a group home requests a reasonable accommodation pursuant to the provisions of the Federal Fair Housing Act, a written application shall be filed with the Zoning Officer who is hereby empowered to grant such accommodation subject to the provisions of the Federal Fair Housing Act."

SECTION 15. The definition of "Lot, interior" in Section 27-202 is amended as follows:

"LOT, INTERIOR (also known as a flag lot)- A lot which is surrounded on all sides by one or more lots and adjoins a street only by an access strip (sometimes referred to as the "flag" or "pole") which is designed and intended to provide ingress and egress exclusively to the lot."

SECTION 16. A new Section 27-1843, titled "Interior Lots" shall be adopted and provide as follows:

"§ 27-1843. Interior Lots.

- A. Interior lots, as defined within this chapter, shall be permitted in all zoning districts but are limited to providing access to a lot with an agricultural use or single family dwelling use.
- B. Interior lots shall not be permitted to access an arterial street or expressway.
- C. Only one interior lot shall be permitted behind or to the rear of a typical residential lot having a full lot width at the street and the building set back line.
- D. If more than one interior lot is permitted for a residential subdivision, each individual access strip for the interior lot shall be separated horizontally along the same road frontage by a minimum of 1,000 feet.
- E. The access strip for the interior lot shall be owned in fee simple and shall constitute a part of the lot but its area shall be excluded from the required minimum lot area calculation imposed by the district regulations.
- F. The front lot line for an interior lot shall be measured from the interior end of the access strip and shall not be measured where the access strip intersects with the street.
- G. The access strip for the interior lot shall have a minimum width of 50 feet.

- H. The access strip for the interior lot shall not exceed 400 feet in length measured from the street right of way.
- I. Each driveway constructed within the flag stem shall have a pull off area measuring 40 feet in length by 10 feet in width at intervals of every 200 linear feet to be used for emergency pull off."

SECTION 17. Section 27-1836, titled, "Communication towers" is hereby repealed and replaced in its entirety to read as follows:

"§ 27-1836. Wireless Communications Facilities.

A. Purposes and Findings of Fact.

- (1) The purpose of these provisions is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in the Township. While the Township recognizes the importance of wireless communications facilities in providing high-quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- (2) By enacting these provisions, the Township intends to:
 - (a) Accommodate the need for wireless communications facilities while regulating their location and number so as to ensure the provision for necessary services without adverse impact;
 - (b) Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
 - (c) Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;
 - (d) Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other wireless communications technologies;

- (e) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services co-locate their commercial communications antennas and related facilities on existing towers;
- (f) Ensure the structural integrity of commercial communications antenna support structures through compliance with applicable industry standards and regulations; and
- (g) Promote the health, safety and welfare of the Township's residents.

B. Definitions. The following definitions shall be applicable to this Section governing wireless communications facilities within the Township.

ANTENNA—any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc), microwave antenna, whip antenna or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities defined herein.

CO-LOCATION—the placement or installation of a new wireless communication facility on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of a wireless communication facility if approved by the Township. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound.

DISTRIBUTED ANTENNA SYSTEMS (DAS)—network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

FCC—Federal Communications Commission.

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

MONOPOLE—a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF)—all non-tower wireless communications facilities, including, but not limited to, antennae and related equipment. Non-tower WCF shall not include support structures for antennae and related equipment.

RELATED EQUIPMENT—any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, “Related Equipment” includes generators and base stations.

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

SUBSTANTIALLY CHANGE—(1) any increase in the height of a wireless support structure by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a wireless support structure which has already been extended by more than 10 percent of its originally approved height or by the height of one additional antenna array.

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF)—any structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.

WBCA—Pennsylvania Wireless Broadband Collocation Act (53 P.S. § 11702.1, *et seq.*)

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

WIRELESS COMMUNICATIONS FACILITY (WCF)—the Antennae, nodes, control boxes, towers, poles conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS SUPPORT STRUCTURE—a freestanding structure, such as a tower-based wireless communications facility, electrical transmission tower, water tower or any other support structure that could support the placement or installation of a wireless communication facility if approved by the Township.

C. Small Wireless Facilities Ordinance Applicability.

- (1) In an effort to comply with recent federal and state laws applicable to Small Wireless Facilities which have now been defined by the Federal Communications Commission, the Township has adopted Ordinance No. 216, and related design criteria, to address Small Wireless Facilities. Wireless Communications Facilities that fall under the definition of Small Wireless Facilities are governed and controlled by Ordinance No. 216, its approval process and timing of approvals, and its approved design criteria. The Small Wireless Facilities design criteria may be adopted, and further amended, by ordinance and/or resolution of the Township Supervisors.
- (2) As new technology develops, Ordinance No. 216 and the related design criteria may be changed to address new technologies and to better accommodate more advanced, and possibly smaller facilities. Those new types of technologies and facilities shall be governed and controlled by Ordinance No. 216 as amended to include, and address, those new technologies and facilities.

D. General requirements for all non-tower wireless communication facilities.

- (1) The following regulations shall apply to all non-tower wireless communications facilities located within the Township, including those inside the public rights-of-way:
 - (a) Permitted in all zoning districts, subject to regulations. Non-tower WCFs are permitted in all zoning districts, subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Township. The height of an antenna shall not exceed 15 feet and shall not be located closer than 25 feet to any property line.
 - (b) Standard of care. Non-tower WCFs shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical and safety codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, the National Electrical Code and any applicable sections of the Pennsylvania Uniform Construction Code (UCC). WCFs shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
 - (c) Wind. All non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering

departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E, as amended) and any applicable sections of the UCC.

- (d) Aviation safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (e) Public safety communications. Non-tower WCFs shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (f) Radio frequency emissions. A non-tower 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.
- (g) Permits required. Any applicant proposing the construction of a non-tower WCF, or the modification of an existing non-tower WCF, shall first obtain the required building and electrical permits from the Township.
- (h) Historic buildings or structures. Non-tower WCFs shall not be located on a building or structure that is designated as historic. However, non-tower WCFs may be located on historic buildings or structures that are owned by municipal, county or state governments if permission is granted by that entity and which are properly designed to be unnoticeable and not negatively impact the historic nature of the building or structure.
- (i) Timing of approval. Within 30 calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's ninety-day review period. Time extensions may be mutually agreed upon by the parties.
- (j) Insurance. Each person that owns or operates a non-tower WCF shall provide the Township with a certificate of insurance evidencing general

liability coverage in the minimum amount of \$500,000 per occurrence and property damage coverage in the minimum amount of \$500,000 per occurrence covering the non-tower WCF.

- (k) Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the non-tower WCF. Each person that owns or operates a non-tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a non-tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- (l) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

- [1] The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
- [2] Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

- (m) Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

- [1] All abandoned or unused WCFs and accessory facilities shall be removed within two months of the cessation of operations at the site unless a time extension is approved by the Township.
- [2] If the WCF or accessory facility is not removed within two months of the cessation of operations at a site, or within any longer period

approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

(2) The following regulations shall apply to all non-tower wireless communications facilities, such as antennas, which do not substantially change the physical dimensions of the wireless support structure to which they are attached:

(a) Permits required. Applicants proposing the modification of an existing wireless support structure shall obtain the required building and electrical permits from the Township. In order to be considered for such permits, the applicant must submit a permit application to the Township.

(b) Non-tower WCF that do not substantially change the physical dimension of the wireless support structure are eligible for a sixty-day time frame for review. The applicant shall assert such eligibility in writing to the Township and provide documentation reasonably related to determining whether the application is eligible for the shortened review time frame. If warranted, such application shall be reviewed within the sixty-day time frame.

(c) Fees. The Township may assess appropriate and reasonable application fees and rights-of-way annual access fees (if applicable) as may be determined, and amended, by ordinance and/or resolution.

D. Non-tower wireless communications facilities outside the rights-of-way.

(1) The following additional regulations shall apply to non-tower wireless communications facilities located outside the rights-of-way that do substantially change the wireless support structure to which they are attached:

(a) Development regulations. Non-tower WCFs may be co-located on existing structures, such as existing buildings or tower-based WCFs, subject to the following conditions:

[1] In accordance with industry standards, all non-tower WCF applicants must submit documentation to the Township justifying the total height and dimensions of the non-tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.

[2] If the WCF applicant proposes to locate the related equipment in a separate building, the building shall comply with any applicable

setback requirements of this chapter.

- [3] A security fence of not less than six feet and not more than eight feet may be required to surround any separate communications equipment building subject to the approval of the Zoning Officer.

(b) Design regulations.

- [1] Non-tower WCFs shall employ stealth technology subject to the approval of the Township.
- [2] Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.
- [3] Non-commercial usage exemption. Township residents utilizing satellite dishes and antennas for the purpose of maintaining television, phone, and/or Internet connections at their respective residences shall be exempt from the design regulations enumerated in this section.

(c) Removal and replacement.

- [1] The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the number of antennas.

- (d) Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code or state or federal law.

E. Non-tower wireless communications facilities in the rights-of-way.

- (1) The following additional regulations shall apply to all non-tower wireless communications facilities located in the rights-of-way:

- (a) Co-location. Non-tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or other wireless support structures.

(b) Design Requirements.

- [1] WCF installations located above the surface grade in the public ROW including, but not limited to, those on joint utility poles,

shall consist of equipment components that are no more than three feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

[2] Antennas and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

[3] Stealth technology shall be specifically utilized in locations within areas designated as historic or within close proximity to historic buildings or structures in order to maintain the historic streetscape. In certain instances, the Township may authorize the use of replacement poles and/or the alteration of streetlights to accommodate WCFs using stealth technology.

(c) Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

(d) Equipment location. Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

[1] In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.

[2] Ground-mounted equipment that cannot be located underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

[3] Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

[4] Any graffiti on any accessory equipment shall be removed at the sole expense of the owner within 10 business days.

[5] Any proposed underground vault related to non-tower WCFs shall be reviewed and approved by the Township.

(e) Relocation or removal of facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

[1] Construction, repair, maintenance or installation of any public improvement is necessary and needed within the ROW;

[2] Operations of the Township or other governmental entity are required within the right-of-way;

[3] Vacation of a street or road or the release of a utility easement is necessary; or

[4] An emergency as determined by the Township.

F. General requirements for all tower-based wireless communications facilities.

(1) The following regulations shall apply to all tower-based wireless communications facilities in the Township:

(a) Standard of care. Tower-based WCFs shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

(b) Conditional use authorization required. Tower-based WCFs are permitted in the (C) Commercial District by conditional use, and only at a height necessary to satisfy their function in the WCF applicant's

wireless communications system.

Tower-based WCF's are permitted by right on property in the (I) Industrial District and (ISU) Industrial, Special Use District and on all property owned or leased by the Township and the London Grove Municipal Authority subject to the standards in this Ordinance.

- [1] Prior to the Township's approval of a conditional use authorizing the construction and installation of tower-based WCF in the Commercial District, or the issuance of a zoning permit for a tower-based WCF on property in the Industrial or Industrial, Special Use District or property owned or leased by the Township or the London Grove Municipal Authority it shall be incumbent upon the WCF applicant to prove to the reasonable satisfaction of the Township that the applicant cannot adequately extend or infill its communications system by the use of antennas and/or non-tower WCFs.
 - [2] The conditional use application for WCF's in the Commercial Industrial District or for zoning permit applications for WCF on property in the Industrial District and Industrial, Special Use District or property owned or leased by the Township or the London Grove Municipal Authority shall also be accompanied by documentation demonstrating that the proposed tower-based WCF complies with all state and federal laws and regulations concerning aviation safety.
 - [3] As a condition of approval, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas where technically and economically feasible. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Township.
 - [4] Where the tower-based WCF is located on a property with another principal use, the applicant shall present documentation to the Township that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.
- (c) Engineer inspection, seal and signature. Prior to the Township's issuance of a permit authorizing construction and erection of a tower-based WCF, a structural engineer registered in the Commonwealth of Pennsylvania shall issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication

Industry Association. All plans and drawings for a tower-based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

- (d) Visual appearance. Tower-based WCFs shall employ stealth technology. All WCF buildings and other related equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Township may require that WCF buildings that house electrical transmitter equipment be placed underground, unless determined to be detrimental to the functioning and physical integrity of such equipment.
- (e) Permit required for modifications. To the extent permissible under applicable state and federal law, any applicant proposing the modification of an existing tower-based WCF, which increases the overall height of such WCF, shall be required to obtain building and electrical permits from the Township.
- (f) Wind. Tower-based WCFs shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA- 222-E, as amended).
- (g) Height. Tower-based WCFs shall be designed at the minimum functional height. The maximum total height of any tower-based WCF shall not exceed 150 feet, as measured vertically from the ground level, including any base pad, to the highest point on the structure, including antennas and subsequent alterations. Should the WCF applicant prove that another provider of wireless communications services has agreed to co-locate antennas on the WCF applicant's tower-based WCF and requires a greater tower height to provide satisfactory service for wireless communications than is required by the WCF applicant, the total height of such tower-based WCF may be increased to 200 feet.
- (h) Related equipment building. Any building or other structure housing related equipment shall comply with the required yard and height requirement of the applicable zoning district for an accessory structure.
- (i) Public safety communications. Tower-based WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(i) Maintenance.

- [1] Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
- [2] Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the aesthetic enjoyment, safety and security of the Township's residents.

- (k) Radio frequency emissions. Tower-based 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.
- (l) Signs. Tower-based WCFs shall post a sign in a readily visible location, approved by the Township, identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- (m) Lighting. Tower-based WCFs shall not be artificially lighted, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- (n) Noise. Tower-based 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.
- (o) Aviation safety. Tower-based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (p) Timing of approval. Within 30 calendar days of the date that a conditional use application or zoning permit application for a tower-based WCF is filed, the Township shall notify the WCF applicant in writing of any information that may be required to complete such application. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application and the Township shall advise the WCF applicant in writing of its decision. If

additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day review period.

- (q) Nonconforming uses. Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must comply with the terms and conditions of this section which are necessary to protect public health and safety. Co-location on existing nonconforming tower-based WCFs is permitted.
- (r) Removal. In the event that use of a tower-based 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. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - [1] All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Township.
 - [2] If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal (including legal and consultant costs) assessed against the owner of the WCF or against the owner of the property upon which the WCF is located.
 - [3] Any unused portions of tower-based WCFs, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.
- (s) Fees. The Township may assess appropriate and reasonable application fees and rights-of-way annual access fees (if applicable) as may be determined, and amended, by ordinance and/or resolution.
- (t) Insurance. Each person that owns or operates a tower-based WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each tower-based WCF.
- (u) Indemnification. Each person that owns or operates a tower-based WCF shall, at its sole cost and expense, indemnify, defend and hold

harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based WCF. Each person that owns or operates a tower-based WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of tower-based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

G. Tower-based WCF outside the rights-of-way.

(1) The following additional regulations shall apply to tower-based wireless communications facilities located outside the rights-of-way:

(a) Development regulations.

[1] Sole use on a lot. A tower-based WCF may be permitted as a sole use on a lot. The minimum distance between the base of a tower-based WCF and any adjoining property line or street right-of-way line shall equal 110% of the proposed WCF structure height, unless it is demonstrated to the reasonable satisfaction of the Township and its engineer that in the event of failure the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

[2] Combined with another use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:

[a] The existing use on the property shall be a permitted use in the applicable district and need not be affiliated with the WCF.

[b] Minimum setbacks. The minimum distance between the base of a tower-based WCF and any adjoining property line or street right-of-way line shall equal 110% of the proposed tower-based WCF's height, unless it is demonstrated to the

reasonable satisfaction of the Township and its engineer that in the event of failure the WCF is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

(b) Design regulations. Any tower-based WCF over 50 feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

(c) Surrounding environs.

[1] The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within 50 feet of the WCF structure shall be preserved to the maximum extent possible.

[2] The WCF applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, to document and verify the design specifications of the foundation of the tower-based WCF, and anchors for guy wires, if used.

(d) Fence/screen.

[1] A security fence having a minimum height of six feet and a maximum height of eight feet may be required to surround any tower-based WCF greater than 50 feet in height subject to the approval of the Zoning Officer.

[2] Landscaping. Landscaping shall be required to screen as much of a newly constructed tower-based WCF as possible. The Township Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Township Supervisors, they achieve the same degree of screening.

(e) Related equipment.

[1] Ground-mounted equipment associated to, or connected with, a tower-based WCF shall be located underground, or screened from public view using stealth technologies, as described above.

[2] All utility buildings and related equipment 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.

- (f) Parking. For each tower-based WCF greater than 50 feet in height, there shall be one off-street parking space, unless the WCF applicant provides evidence of sufficient adjacent parking areas that can be utilized if needed.
- (g) Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this section and any other applicable provisions found within the Township Code or state or federal law.

H. Tower-based WCF in the rights-of-way.

- (1) The following regulations shall apply to tower-based wireless communications facilities located in the rights-of-way:

- (a) Development regulations.

- [1] Only Tower-based WCFs that are 50 feet or shorter in height are permitted within rights-of-way in designated areas within the Township by conditional use.

- [2] Tower-based WCFs 50 feet or shorter in height shall be permitted along the following corridors and roadways by conditional use, regardless of the underlying zoning district:

- [a] Route 1;

- [b] Route 41;

- [c] Route 841;

- and

- [d] West Baltimore Pike.

- (b) Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all tower-based WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

- (c) Equipment location. Tower-based WCFs and accessory equipment

shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

- [1] In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb or within 18 inches of the edge of paved roadway if no curbing is in place.
- [2] Ground-mounted equipment that cannot be located underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.
- [3] Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
- [4] Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 10 business days.
- [5] Any underground vaults related to tower-based WCFs shall be reviewed and approved by the Township.

(d) Design regulations.

- [1] The WCF applicant shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact and shall be subject to the approval of the Township.
- [2] To the extent feasible, Tower-based WCFs in the ROW shall be located on the same side of the road as existing above-ground utilities. Tower-based WCFs in the ROW shall not be placed directly in front of entrances of residential homes, and to the extent feasible shall not be located in residential neighborhoods where all utilities are placed underground.
- [3] The WCF applicant may be required to construct wireless support structures that implement the most current and technologically advanced designs in order to complement and enhance the Township's landscape.
- [4] Tower-based WCFs in the public ROW shall not exceed 50 feet in height.

(e) Relocation or removal of facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of tower-based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- [1] Construction, repair, maintenance or installation of any public improvement is deemed necessary in the right-of-way;
- [2] Operations of the Township or other governmental entity are deemed necessary in the right-of-way;
- [3] Vacation of a street or road or the release of a utility easement is necessary; or
- [4] An emergency as determined by the Township.

(f) Fees. The Township may assess appropriate and reasonable application fees and rights-of-way annual access fees (if applicable) as may be determined, and amended, by ordinance and/or resolution.

I. 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 18. Section 22-605.8 of the London Grove Township Subdivision and Land Development Ordinance of 1990, as amended, shall be amended as follows:

"§ 22-605.8. Interior Lots. The creation of such lots shall be minimized and limited to those circumstances dictated by the configuration of the site; however, the applicant shall not be permitted to use interior lots to avoid constructing or extending streets."

SECTION 19. 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 20. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.


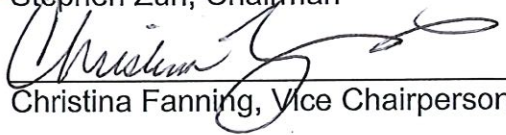
SECTION 21. EFFECTIVE DATE. This Ordinance shall be effective in five days as provided by law.

ENACTED AND ORDAINED this 28th day of April, 2022.

ATTEST:


Dawn Maciejczyk, Secretary

**BOARD OF SUPERVISORS OF
LONDON GROVE TOWNSHIP**

BY: 
Stephen Zurl, Chairman

Christina Fanning, Vice Chairperson

John Lee Irwin, Member

Kevin Runey, Member



David Connors, Member