

EXETER TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF EXETER ZONING ORDINANCE, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 390 OF THE EXETER TOWNSHIP CODE, BY ADOPTING A DESIGN MANUAL FOR CERTAIN TELECOMMUNICATIONS FACILITIES

PURSUANT TO THE AUTHORITY CONTAINED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., AND THE PENNSYLVANIA SECOND CLASS TOWNSHIP CODE, AS AMENDED, 53 P.S. § 65101, ET SEQ., THE BOARD OF SUPERVISORS OF EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Section 1. ADOPTION OF DESIGN MANUAL: Article VI of Chapter 390 of the Exeter Township Code of Ordinances, titled “Zoning,” is hereby amended by inserting an attachment to Chapter 390-71.8, a Small Wireless Communications Facility and Non-Tower Wireless Communications Facility Design Manual, as Chapter 390-71.8a, as set forth in the attached Exhibit “A.”

Section 2. REPEALER: All requirements of the Code of the Township of Exeter, as amended, that are inconsistent with or conflict with Exhibit A are hereby specifically repealed.

Section 3. SEVERANCE CLAUSE: Should any section, paragraph, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 4. In all other respects, the provisions of the Code of the Township of Exeter, as amended, shall remain in full force and effect.

ENACTED AND ORDAINED into an Ordinance this ___ day of _____, 2020.

**EXETER TOWNSHIP
BOARD OF SUPERVISORS**

David G. Speece, Jr., Chairperson

Attest:

Secretary

EXHIBIT A

SECTION I. DEFINITIONS

Capitalized terms are defined in the Exeter Township Zoning Ordinance. Additional terms used in this manual are defined as follows:

1. *Decorative Pole* – A pole that is specially designed and placed for aesthetic purpose and on which no appurtenances or attachments, other than a Small Wireless Communications Facility (“Small WCF”), lighting, or municipal attachments have been placed or are permitted to be placed.
2. *Design Manual* – The Small Wireless Communications Facility and Non-Tower Wireless Communications Facility Design Manual of the Township of Exeter.
3. *Front Façade Area* – The area of the public Right-of-Way (“ROW”) directly in front of a structure, identified by drawing a perpendicular line from each corner of the structure to the public ROW.
4. *Prior Approved Design* – A design for a Small WCF that has been reviewed and deemed to be in accordance with this Design Manual and approved for construction by the Township.
5. *Stealth Technology*—camouflaging methods applied to Wireless Communications Facilities (“WCFs”) and Related Equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, structure-mounted antennae painted to match the existing structure, and facilities constructed to resemble trees, shrubs, and light poles.
6. *Underground District* – A zoning district in which all utility installations are required to be installed underground on a non-discriminatory basis.

SECTION II. GENERAL STANDARDS FOR SMALL WCF AND NON-TOWER WCF

1. All Small WCF and Non-Tower WCF shall be installed and maintained in a workmanlike manner in compliance with the National Electric Safety Code and the National Electrical Code, as applicable.
2. All Small WCF shall comply with the Americans with Disabilities Act guidelines adopted by the Township and all applicable requirements relating to streets and sidewalks as established by Chapter 324 of the Township Code.

3. Utility poles, Wireless Support Structures, and Related Equipment shall not obstruct vehicular, pedestrian, or cyclist traffic or sight lines.
4. All Small WCF shall comply with applicable federal and state standards regarding pedestrian access and movement.
5. All Small WCF and Non-Tower WCF shall be designed and constructed and shall utilize Stealth Technology in an effort to minimize aesthetic impact in accordance with the requirements of this Design Manual to the extent technically and reasonably commercially feasible.
6. No Small WCF shall extend beyond the boundaries of the ROWs onto private property without written approval of the owner of the parcel.
7. All Small WCF and Non-Tower WCF 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.

SECTION II. ANTENNA AND RELATED EQUIPMENT STANDARDS FOR SMALL WCF

1. Antenna Standards

- a. Any Antenna associated with a Small WCF shall not exceed three (3) cubic feet in volume.
- b. All pole-top Antennas shall be flush-mounted as closely to the top of the utility pole as technically feasible.
- c. All Antennas shall be of a design, style, and color that reasonably matches or complements the utility pole upon which they are attached.
- d. Any necessary pole-top extension shall be of the minimum height necessary to achieve separation from the existing pole attachments.
- e. Any Antenna mounted on a lateral standoff bracket shall protrude no more than necessary to meet clearances.
- f. If mounted on an existing structure, no Antenna shall impair the function of said structure.
- g. Antenna placement shall not impair light, air, or views from adjacent windows.
- h. A color rendering of the proposed installation shall be submitted with the application.

2. Related Equipment Standards

- a. Related Equipment shall not exceed twenty-eight (28) cubic feet in volume. Stealth Technology shall not be included in the Related Equipment volume calculation.
- b. Related Equipment shall be mounted flush to the side of a utility pole, or as near flush to the side of a utility pole as technically feasible.
- c. Related Equipment shall be mounted to provide a minimum of eight (8) feet vertical clearance from ground level.
- d. Related Equipment shall be of a color that reasonably matches or complements the utility pole upon which such Related Equipment is mounted.
- e. All Related Equipment shall be contained within a single equipment shroud or cabinet.
- f. All Small WCF shall post a sign in a readily visible location identifying the owner's permit number and the name and phone number of a party to contact in the event of an emergency. The only other signage permitted shall be that required by the FCC or any other federal or state agency.
- g. Related Equipment placement shall not impair light, air, or views from adjacent windows.
- h. No Related Equipment shall feature any lighting, including flashing indicator lights, unless required by state or federal law.
- i. A color rendering of the proposed installation shall be submitted with the application.

3. Wiring Standards

- a. Exposed wiring is prohibited.
- b. Transmission, fiber, power cables and any other wiring shall be contained within any utility pole for which such concealment is technically feasible. If wiring cannot be contained within the utility pole, all wiring shall be contained within conduit or U-guard that is flush-mounted to the utility pole.
- c. All wiring shall be installed without excessive slack or extra cable storage on the utility pole.
- d. Any conduit or U-guard shall be of a color that reasonably matches the utility pole to which the Small WCF is attached.
- e. Loops of extra wiring shall not be attached to any utility pole.

SECTION III. POLE STANDARDS

1. Replacement Poles

- a. The maximum height of any proposed replacement utility pole installed for the purpose of supporting one or more Small WCF shall be: 1) no more than ten (10%) percent taller than the tallest existing utility pole in the public ROWs within a two hundred fifty (250) foot radius of the proposed Small WCF; or 2) fifty (50) feet above ground level, whichever is greater.
- b. Any replacement utility pole installed to support one or more Small WCF shall be of comparable materials and design to the existing utility pole.
- c. Any replacement utility pole installed to support one or more Small WCF shall be placed within a five (5) foot radius of the existing utility pole being replaced.
- d. Any replacement utility pole installed to support one or more Small WCF shall be designed to accommodate all uses in place on the existing utility pole prior to replacement. As part of an application for a Small WCF, the applicant shall provide documentation from a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the replacement utility pole, Small WCF, and prior existing uses shall be structurally sound.
- e. Any replacement utility pole installed to support one or more Small WCF shall not deviate from the predominant pattern of existing adjacent structures.

2. New Poles

- a. The maximum height of any new utility pole installed to support one or more Small WCF shall be: 1) no more than ten (10%) percent taller than the tallest existing utility pole in the public ROWs within a two hundred fifty (250) foot radius of the proposed Small WCF; or 2) fifty (50) feet above ground level, whichever is greater.
- b. Any new utility pole installed to support one or more Small WCF shall be installed in accordance with the predominant pattern of existing adjacent structures.
- c. To the extent technically feasible, no new utility pole installed for the purpose of supporting one or more Small WCF:
 - i. In the Front Façade Area of any commercial or residential building;
 - ii. Within ten (10) feet of the edge of any driveway;
 - iii. In the public ROW directly opposite driveway;
 - iv. In violation of the design standards contained herein; or
 - v. Shall create a parking obstruction or hazard (e.g., opening of vehicle doors).
- d. Decorative Poles:
 - i. Decorative Poles shall be required:
 1. For the replacement of any existing Decorative Pole; and

2. In any zoning district where all utilities are required to be placed underground on a non-discriminatory basis.
- ii. For any replacement Decorative Pole, the new Decorative Pole shall match the existing Decorative Pole in shape, design, color, and material.
- iii. All replacement Decorative Poles shall comply with the requirements of this Design Manual.

SECTION IV. ANTENNA AND RELATED EQUIPMENT STANDARDS FOR NON-TOWER WCF

1. Antenna Standards

- a. All Antennas shall be flush-mounted as closely to the Wireless Support Structure as technically feasible.
- b. All Antennas shall be of a design, style, and color that reasonably matches or complements the Wireless Support Structure upon which they are attached.
- c. Any necessary extension or modification of the Wireless Support Structure shall be of the minimum height necessary to remediate interference.
- d. Any Antenna mounted on a lateral standoff bracket shall protrude no more than necessary to meet clearances.
- e. No Antenna shall impair the function of the Wireless Support Structure to which it is attached.
- f. Antenna placement shall not impair light, air, or views from adjacent windows.
- g. A color rendering of the proposed installation shall be submitted with the application.

2. Related Equipment Standards

- a. Related Equipment shall be of a color that reasonably matches or complements the Wireless Support Structure upon which such Related Equipment is mounted.
- b. All Non-Tower WCFs shall post a sign in a readily visible location identifying the owner's permit number and the name and phone number of a party to contact in the event of an emergency. The only other signage permitted shall be that required by the FCC or any other federal or state agency.
- c. Related Equipment placement shall not impair light, air, or views from adjacent windows.
- d. No Related Equipment shall feature any lighting, including flashing indicator lights, unless required by state or federal law.
- e. A color rendering of the proposed installation shall be submitted with the application.

3. **Wiring Standards**

- a. Exposed wiring is prohibited.
- b. Transmission, fiber, power cables and any other wiring shall utilize stealth technology to the degree technologically and reasonably commercially feasible.