

EXETER TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF EXETER ZONING ORDINANCE, AS AMENDED, CODIFIED IN CHAPTER 390 OF THE EXETER TOWNSHIP CODE, BY REVISING CERTAIN TELECOMMUNICATIONS-RELATED USES IN THE ZONING DISTRICTS.

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.

Chapter 390, Articles IV and V of the Exeter Township Zoning Ordinance, are hereby amended by modifying certain telecommunications-related uses in the various zoning districts as follows:

- A. Non-Tower Wireless Communications Facilities are uses permitted as of right in all zoning districts, provided the Collocation, modification, or replacement does not result in a Substantial Change, as those terms are defined in Chapter 390-71.8, and subject to the restrictions and conditions of Chapter 390 Section 71.8.
 - (1) Such use by right shall be added to each zoning district herein with the language “Non-Tower Wireless Communications Facilities, provided the Collocation, modification, or replacement does not result in a Substantial Change, and per Chapter 390 Section 71.8 regulations:”
 - (a) Rural Conservation (RC) District, Chapter 390 Section 11 B (19).
 - (b) Agricultural Preservation (AP) District, Chapter 390, Section 12 B (18).
 - (c) Rural (R) District, Chapter 390, Section 13 B (13).
 - (d) Suburban Residential (SR0) District, Chapter 390, Section 14 B (11).
 - (e) Suburban Residential (SR1) District, Chapter 390, Section 15 B (11).
 - (f) Suburban Residential (SR2) District, Chapter 390, Section 16 B (12).
 - (g) Suburban Residential (SR3) District, Chapter 390, Section 17 B (14).
 - (h) Urban Residential (UR) District, Chapter 390, Section 18 B (14).
 - (i) Neighborhood Commercial (NC) District, Chapter 390, Section 21 B (12).

- (j) Restricted Office Commercial (ROC) District, Chapter 390, Section 26 B (5).
- (2) The existing language permitting “Telecommunications equipment” or “Telecommunication Towers” in each zoning district as described herein shall be deleted and replaced with the language “Non-Tower Wireless Communications Facilities, per Chapter 390 Section 71.8 regulations” as follows:
- (a) Highway Commercial (HC) District, Chapter 390, Section 22 B (24).
 - (b) Township Commons (TC) District, Chapter 390, Section 23 B (20).
 - (c) Light Industrial (LI) District, Chapter 390, Section 24 B (12).
 - (d) Flex Industrial (FI) District, Chapter 390, Section 24A B (17).
 - (e) General Industrial (GI) District, Chapter 390, Section 25 B (8).
- B. Non-Tower Wireless Communications Facilities are permitted as a conditional use in all zoning districts when the Collocation, modification, or replacement results in a Substantial Change, as those terms are defined in Chapter 390-71.8, and subject to the restrictions and conditions of Chapter 390 Section 71.8.
- (1) Such conditional use shall be added to each zoning district herein with the language “Non-Tower Wireless Communications Facilities when the Collocation, modification, or replacement results in a Substantial Change and per Chapter 390 Section 71.8 regulations:”
- (a) Rural Conservation (RC) District, Chapter 390 Section 11 D (6).
 - (b) Agricultural Preservation (AP) District, Chapter 390, Section 12 D (7).
 - (c) Rural (R) District, Chapter 390, Section 13 D (6).
 - (d) Suburban Residential (SR0) District, Chapter 390, Section 14 D (3).
 - (e) Suburban Residential (SR1) District, Chapter 390, Section 15 D (2).
 - (f) Suburban Residential (SR2) District, Chapter 390, Section 16 D (4).
 - (g) Suburban Residential (SR3) District, Chapter 390, Section 17 D (3).
 - (h) Urban Residential (UR) District, Chapter 390, Section 18 D (3).
 - (i) Neighborhood Commercial (NC) District, Chapter 390, Section 21 D (3).
 - (j) Light Industrial (LI) District, Chapter 390, Section 24 D (5).
 - (k) Flex Industrial (FI) District, Chapter 390, Section 24A C (5.)

- (l) General Industrial (GI) District, Chapter 390, Section 25 C (11).
 - (m) Restricted Office Commercial (ROC) District, Chapter 390, Section 26 D (3).
- (2) Highway Commercial (HC) District, Chapter 390, Section 22 F shall be added with the following language:
- (a) Uses permitted by condition. The following uses are permitted when a conditional use is granted by the Township Supervisors in accordance with § 390-90:
 - (1) Non-Tower Wireless Communications Facilities when the Collocation, modification, or replacement results in a Substantial Change and per Chapter 390 Section 71.8 regulations.
- (3) Township Commons (TC) District, Chapter 390, Section 23 H shall be added with the following language:
- (a) Uses permitted by condition. The following uses are permitted when a conditional use is granted by the Township Supervisors in accordance with § 390-90:
 - (1) Non-Tower Wireless Communications Facilities when the Collocation, modification, or replacement results in a Substantial Change and per Chapter 390 Section 71.8 regulations.
- C. Tower-Based Wireless Communications Facilities are permitted as a conditional use in the Light Industrial (LI) District, Flex Industrial (FI) District, and General Industrial (GI) District.
- (1) Such conditional use shall be added to the following zoning districts with the language “Tower-Based Wireless Communications Facilities, per Chapter 390 Section 71.8 regulations”:
- (a) Light Industrial (LI) District, Chapter 390, Section 24 D (6).
 - (b) Flex Industrial (FI) District, Chapter 390, Section 24A C (6)
 - (c) General Industrial (GI) District, Chapter 390, Section 25 C (12).
- D. Small Wireless Communications Facilities are uses permitted as of right in all zoning districts, provided the Collocation, modification, or replacement does not result in a Substantial Change, as those terms are defined in Chapter 390-71.8, and subject to the restrictions and conditions of Chapter 390 Section 71.8.
- (1) Such use by right shall be added to each zoning district with the language “Small Wireless Communications Facilities, per Chapter Section 71.8 regulations” as follows:
- (a) Rural Conservation (RC) District, Chapter 390 Section 11 B (20).
 - (b) Agricultural Preservation (AP) District, Chapter 390, Section 12 B (19).

- (c) Rural (R) District, Chapter 390, Section 13 B (14).
- (d) Suburban Residential (SR0) District, Chapter 390, Section 14 B (12).
- (e) Suburban Residential (SR1) District, Chapter 390, Section 15 B (12).
- (f) Suburban Residential (SR2) District, Chapter 390, Section 16 B (13).
- (g) Suburban Residential (SR3) District, Chapter 390, Section 17 B (15).
- (h) Urban Residential (UR) District, Chapter 390, Section 18 B (15).
- (i) Neighborhood Commercial (NC) District, Chapter 390, Section 21 B (13).
- (j) Highway Commercial (HC) District, Chapter 390, Section 22 B (45).
- (k) Township Commons (TC) District, Chapter 390, Section 23 B (36).
- (l) Flex Industrial (FI) District, Chapter 24A, Section 24A B (19).
- (m) Light Industrial (LI) District, Chapter 390, Section 24 B (13).
- (n) General Industrial (GI) District, Chapter 390, Section 25 B (10).
- (o) Restricted Office Commercial (ROC) District, Chapter 390, Section 26 B (6).

SECTION 2. 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 3. 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