



Cumberland County Review Report

Cumberland County Planning Department
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<i>Name of Amendment:</i>				
Small Wireless Communication Facilities (WCF)				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
Camp Hill Borough	2/16/2022	03/09/2022	SH	SW
<i>Type of Amendment:</i>			<i>Recommendation:</i>	
Zoning Text Amendment			Approval With Comments	
<i>Explanation of Amendment:</i>				
Proposed Ordinance to regulate WCF and a design guideline for small WCF.				
<i>Consistent with Municipal Comprehensive Plan:</i>		<i>Consistent with County Comprehensive Plan:</i>		
Not Applicable		Not Applicable		
<i>Comments and Recommendations:</i>				
<ol style="list-style-type: none"> 1. The requirements for Timing of Approval are listed in several sections of the proposed language. The table in 1107.B.1.B.1.Q – Timing of Approval (page 9-10) summarizes the timing requirements. The following sections could be removed to avoid duplication and potential confusion. <ol style="list-style-type: none"> a. Section 1107.B.1.B.1.C.2-Timing of Approval (page 7) b. Section 1107.B.2.J-Timing of Approval (page 13) c. Section 1107.B.3.O-Timing of Approval (page 19) d. Section 1107.B.4.B.3-Timing of Approval (page 21) 2. Table 306.B.2.B “Commercial Uses” provided on page 5 indicates that collocated WCF are permitted in the Downtown DT zoning district. It appears that the DT zoning district should be added to the list in Section 1107.B.2.A-Location Requirements (page 10). 3. Proposed section 1107.B.1.N-Abandonment (page 8-9). A WCF not operated for a <u>period of 12 months is considered abandoned</u>. Subsection 1 indicates that all abandoned WCFs shall be removed by the WCF owner within <u>90 days of the cessation of operations</u>. It appears that the 90-day removal requirement should be from the date of abandonment. The borough should clarify this language 4. Proposed section 1107.B.2.B.2.L-Review Fees (page 12). The borough fee schedule should be updated to include WCF. 5. Proposed section 1107.B.2.C.4 and 1107.B.3.F.1-Security Fence (page 12 and 17). The borough should consider a minimum fence height requirement. 6. Proposed section 1107.B.2.H, 1107.B.3.N and 1107.B.C.4.M-Insurance (page 13, 19 and 24). Insurance requirements are not typically regulated by zoning ordinances. 				

7. Proposed section 1107.B.3.A.1-Special Exception Notice (page 14). Applicants are required to notify all property owners within 500 feet of the WCF of the application for Special Exception. Zoning ordinance section 1216.D.1.A (Zoning Hearing Board) requires notification of property owners within 200 feet of the subject property. The borough should be prepared to justify the different notification requirements.
8. Proposed section 1107.B.3.F.3-Fence/Screen (page 17). If the WCF site lacks adequate trees and vegetation, the entire perimeter of the fence shall be screened. The language should indicate who will make this determination.
9. Proposed section 1107.B.4-Small WCF (page 19). Pennsylvania Act 50 (Small Wireless Facilities) indicates that a municipality may require an applicant to include construction and engineering drawings and demonstrate compliance with traffic safety, applicable codes, Act 50 and FCC requirements (Act 50 Section 4.C.2.ii). It appears that some of the proposed requirements for a small WCF may require more information than Act 50 allows. The borough and the solicitor should review Act 50 and compare to the following sections:
 - a. Section 1107.B.4.B.2.E-Aerial Photograph (page 20) and Design Manual-Small WCF Design Checklist (page 9). The proposed language requires an aerial photograph of the proposed site showing the area within 500 feet of the small WCF. The photograph shall identify all structures within the 500' radius.
 - b. Section 1107.B.4.B.2.F-Photographs (page 20) and Design Manual-Small WCF Design Checklist (page 9). Photograph simulations depicting the small WCF from at least three locations.
 - c. Section 1107.B.4.B.2.I-Insurance (page 20) and Design Manual-Small WCF Design Checklist (page 10). A certificate of insurance is required in the proposed language. In addition, proof of insurance is required in section 1107.B.4.C.4.M-Insurance (page 24).
10. Section 1107.B.4.C.3-4-Underground Area (page 22). It appears that the underground area language is duplicated in sections 1107.4.B.C.3 and 1107.4.B.C.4.A.
11. Section 1107.B.4.G-Graffiti (page 23). The proposed language only requires graffiti removal on a small WCF. This requirement is not typically found in a zoning ordinance, and it should apply to all land uses. The borough should consider adopting graffiti removal requirements in a property maintenance code.
12. Section 1107.B.4.L-Reimbursement for ROW Use (page 24). Pennsylvania Act 50 has established right-of-way rates and fees (Act 50 Section 3.c). The borough and the solicitor should review this section to verify compliance.
13. The proposed Design Manual includes regulations that are already required in the zoning ordinance. The borough should consider removing duplicative requirements.
14. Design Manual Section II.7-ROW boundaries (page 3). The proposed manual permits WCF to extend beyond the boundaries of the right-of-way if approved by the code enforcement officer. The borough should compare this language with Act 50 which is limited to "activities of a wireless provider within the right-of-way to deploy small wireless facilities."

"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."