



Cumberland County Review Report

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| <i>Name of Amendment:</i> | | | | |
| Wireless Communication Facilities (WCF) | | | | |
| <i>Municipality:</i> | <i>Date Received:</i> | <i>Date Reviewed:</i> | <i>Reviewed By:</i> | <i>Checked By:</i> |
| Lemoyne Borough | 4/22/2022 | 5/10/2022 | SH | SW |
| <i>Type of Amendment:</i> | | | <i>Recommendation:</i> | |
| Zoning Text Amendment | | | Approval With Comments | |
| <i>Explanation of Amendment:</i> | | | | |
| The Borough of Lemoyne has submitted a text amendment that will amend the requirements for a wireless communication facility (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"> Section 550-87.B.1.K, Indemnification (page 5). Indemnification requirements are not typically found in a zoning ordinance. These requirements should apply to all uses and not specifically for a WCF. In addition, do these requirements apply to all WCF? The borough should consider removing these requirements for small WCF and for non-tower WCF. Section 550-87.C.1.H, 550-87.D.1.Y, and 550-87.E.1.M Insurance (page 9, 16, and 23). Insurance requirements are not typically found in a zoning ordinance. Does the borough have insurance requirements for any other uses? What is justification for treating this use differently? Section 550-87.C.1.J, Inspection (page 9). This section is duplicated in 550-87.B.1.O (page 6) which applies to all WCF. We recommend removal of duplicated language. Section 550-87.D.1.B.1, Public Hearing (page 10). This section requires a notification of every property owner within <u>250 feet of the proposed tower-based WCF</u>. The existing zoning ordinance includes a notification requirement for a conditional use of all property owners within <u>200 feet of the property</u> (section 550-105.D.2). The notification requirement should be consistent for all uses. In addition, given the setback requirement of 150% of the tower height (noted in proposed section 550-87.D.1.D.3 and 4.C) the existing notification requirement may be larger than a radius of 250 feet from the tower. If the borough decides to keep the language as proposed, justification should be provided for the larger figure of 250 feet. Section 550-87.D.1.B.4, Aviation Safety (page 11). Documentation regarding aviation safety compliance is already required for all WCF in section 550-87.B.1.E (page 4). We recommend removal of duplicated language. Section 550-87.D.1.D.1, Underground Utilities (page 11). Proposed requirement: Tower-based WCF are not permitted in or within 50 feet of an area in which utilities are primarily | | | | |

underground.

- a. The proposed language should clarify what “primarily” underground means. For example, public water, public sewer and gas lines are all underground utilities. The borough should consider adding the term and definition of “Underground Area” from the proposed design manual.
 - b. The borough should determine whether electric, telephone and fiber optics are all required to be underground throughout the borough. Does this requirement exclude tower-based WCF?
 - c. Does this requirement only apply to tower-based WCF? It appears that similar requirements are not found in the non-tower WCF. The design manual has a similar requirement for a small WCF in an underground area.
7. Section 550-87.D.1.D.2 (page 11). It appears that this is a typo. The same requirement is listed in section 550-87.D.1.A.1.
 8. Section 550-87.D.1.E.3 (page 12). The phrase ‘feet in height’ appears to be a typo. Recommend removing this text for clarification.
 9. Section 550-87.D.1.G, Fence / Screen (page 12-13). This section indicates that fencing for a tower-based WCF should comply with the borough zoning code. Proposed section 550-87.C.1.D.4 (page 8) indicates that a non-tower WCF may have a security fence not to exceed 8 feet in height. The fencing requirements should be consistent.
 10. Section 550-87.D.1.J, Parking (page 13). This section states that the borough council may require two off street parking spaces. The language is vague. What criteria will be used to determine whether parking spaces are required?
 11. Stealth technology requirements for a tower-based WCF and all associated equipment should be condensed to a single section. The proposed text includes stealthing requirements in section 550-87.D.1, subsections E.1, H.2, H.3, and K.
 12. Section 550-87.D.1.U, Timing of Approval (page 15-16). Timing of approval is already addressed in section 550-87.B.1.P (page 6-7) which applies to all WCF. These requirements should be placed in one section.
 13. Section 550-87.D.1.V, Nonconforming Uses (page 16). Nonconforming use requirements are addressed in zoning ordinance section 550-77. We recommend removal of duplicative language.
 14. Section 550-87.D.1.W, Removal (page 16). Requirements to remove abandoned WCF are already written in section 550-87.B.1.M (page 5-6) which applies to all WCF. The duplicative language should be removed.
 15. Section 550-87.D.1.X, FCC License (page 16). Requirements to provide the FCC license are required for all WCF in section 550-87.B.1.A (page 3).
 16. Section 550-87.D.1.Z, Engineer Signature (page 17). The requirement for an engineer signature is already listed in section 550-87.B.1.B (page 4) which applies to all WCF.
 17. Section 550-87.D.1.CC, Full Site Plan (page 17). Site plan requirements are found in the borough subdivision and land development ordinance (SLDO). This section of the proposed language should be replaced by a reference to the ordinance. Information not required in the SLDO (i.e., inventory of suitable support structures) should be adopted as shown.
 18. Section 550-87.D.1.CC.21 (page 19). Written notification is required during the conditional use

process. In addition, this section requires notification to adjoining property owners, not to owners within 250 feet of the WCF. The requirement for notification should be consistent.

19. Section 550-87.D.1.DD (page 19). This language is not necessary. All subdivisions and land developments are required to meet the requirements in the SLDO, or request a waiver / modification.
20. Section 550-87.E.1.A, Location Requirements (page 20). This section regulates small WCF outside of the public rights-of-way. The Pennsylvania Small Wireless Facilities Deployment Act (Act 50), section 3.A indicates that the provisions only apply to activities within a right-of-way.
21. Section 550-87.E.1.B.2.H (page 21). The requirements for insurance are found in section 550-87.E.1.M. The section reference should be verified.
22. Section 550-87.E.1.F, Graffiti (page 22). Graffiti requirements should be addressed in the borough property maintenance code. In addition, graffiti requirements should apply to all land uses, not just small WCF.

The following comments refer to the Borough of Lemoyne Small Wireless Communications Facility Design Manual:

23. Section II.2 (page 4). Requirements to meet these federal, state and industry standards are already noted in the zoning ordinance section 550-87.B.1.A (page 3). The borough should determine whether this requirement is necessary in the design manual.
24. Section II.7 (page 4). The proposed language indicates that the small WCF may extend beyond the boundaries of a right-of-way if approved by the zoning officer. The Pennsylvania Small Wireless Facilities Deployment Act (Act 50), section 3.A indicates that the provisions only apply to activities within a right-of-way. The borough solicitor should verify whether this section applies.
25. Section II.8 (page 4). The requirement to withstand wind and ice is located in the zoning ordinance section 550-87.B.1.D (page 4). The borough should consider removing this requirement from the design manual.
26. Sections in the design manual and the zoning ordinance regulating the placement of a wireless support structure in front of a building should be consistent.
 - a. The proposed zoning ordinance section 550-87.E.1.C.1 (page 24) indicates that small WCFs requiring a new support structure shall not be located in front of a building entrance or exit.
 - b. Design manual section III.1.H (page 5). This section indicates that antenna placement shall not materially impair light, air, or views from adjacent windows.
 - c. Design manual section IV.2.E.ii (page 8). This section indicates that no new wireless support structures shall be installed in the front façade area of any residential building.
27. Section IV.1.E (page 7) requires documentation from a structural engineer that the wireless support structure is sound. This documentation is already required as a general standard in the design manual section II.9 (page 4-5).

"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."