



# Township of Concord

DELAWARE COUNTY

COUNCIL: Dominic A. Pileggi, John J. Gillespie, John L. Crossan,  
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## ORDINANCE NO. 400

AN ORDINANCE OF CONCORD TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 210 OF THE CONCORD TOWNSHIP CODE ENTITLED "ZONING" BY ENACTING A NEW SECTION OF ARTICLE XXVI OF CHAPTER 210 OF THE CODE OF CONCORD IN ORDER TO ALLOW FOR AND REGULATE NON-TOWER BASED SMALL WIRELESS COMMUNICATIONS FACILITIES IN CONFORMITY WITH STATE AND FEDERAL LAWS.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Council of Concord Township that Chapter 210 of the Concord Township Code, entitled "Zoning" shall be amended as follows:

**SECTION 1. Short Title.** The title of this Section shall be "Non-Tower Based Small Wireless Communications Facilities".

**SECTION 2.** The Code of Concord Township, Chapter 210 shall be amended to read as follows:

### **Article XXVI** **Non-Tower Based Small Wireless** **Communications Facilities**

#### **Section 210-300. PURPOSE**

- (1) The purpose of this section is to regulate the placement, design, construction, modification, maintenance and removal of non-tower-based wireless communication facilities and systems, and to establish uniform standards for the siting, design, camouflaging, permitting, maintenance, and use of such facilities in Concord Township in order to protect the health, safety, and property of Township residents. While the Township recognizes the importance of wireless communications facilities in providing high-quality communications services to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse physical and visual effects of such facilities through the application of the standards set forth in the following provisions.
- (2) By enacting this section, the Township intends to:
  - (a) Promote the health, safety, welfare of Township residents and businesses with respect to wireless communications facilities; provide for the managed development of non-

tower-based wireless communications facilities in a manner that enhances the benefits of such facilities in accordance with federal and state laws and regulations while preserving the beauty of Concord Township;

- (b) Establish procedures for the design, siting, camouflaging, construction, installation, inspection, maintenance and removal of non-tower-based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;
- (c) Address new wireless technologies, including, but not limited to, distributed antenna systems (DAS), data collection units (DCU), cable wi-fi and other wireless communications facilities;
- (d) Encourage the location of non-tower-based communications facilities on existing structures;
- (e) Protect Township residents from potential adverse visual, esthetic, economic and physical impacts of wireless communications facilities to preserve, to the greatest extent permitted under law, the visual character of established communities, including those that have invested in underground utilities, and preservation of natural viewsheds, and historically significant buildings and landscapes; and
- (f) Update the Township's wireless facilities regulations to incorporate recent changes in federal and state laws and regulations.

**Section 210-301 Definitions.**

**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) or any other wireless antenna. An antenna shall not include "tower based wireless communications facilities" defined below.

**CANTEENA**

A waveguide antenna that is directional in nature, used to better detect or broaden a wireless network's range, and is generally in the shape of a can/cylinder.

**COLOCATION**

The mounting of one or more WCFs, including antennae, on an existing tower-based WCF, or on any structure that already supports at least one non-tower WFC.

**DECORATIVE POLE OR STRUCTURE**

A pole, arch, or structure placed in the public right-of-way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed or are permitted to be placed in accordance with nondiscriminatory Township practices except for any of the following:

- (1) Electric lighting;

- (2) Specially designed information or directional signage;
- (3) Temporary holiday or special event attachments; and
- (4) Small Wireless Facilities.

#### **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.

#### **GROUND MOUNTED EQUIPMENT BOX**

A facility or cabinet used to house and protect electronic or tother associated equipment necessary for processing wireless communication signals, which is located on the ground.

#### **HISTORIC DISTRICT/HISTORIC STRUCTURES**

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered Historic District;
- (3) Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of Historic Places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior.
- (5) Designated as a Historic Structure on the Concord Township Historic Resources Map.

#### **MONOPOLE**

A specify type of tower which is monolithic in design, and typically constructed of steel. Monopoles do not have horizontal telecommunication wire attachments, and may have concealment characteristics.

#### **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 WCFs shall not include support structures for antennae or any related equipment that is mounted to the ground or at ground level.

#### **PERSONS**

An individual, partnership, public or private association or corporation, firm, partnership, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

### **RELATED EQUIPMENT**

Any piece of equipment related to, incident 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.

### **RIGHT-OF-WAY or ROW**

A strip of land granted or reserved for public or private use.

### **SMALL WIRELESS FACILITY "SWF"**

A type of Wireless Communication Facility (WCF) as specifically defined by the Federal Communications Commission in Part 1 of Title 47 of the Code of Federal Regulations as follows, or as hereinafter amended:

(A) "Small Wireless Facility" means a facility that meets each of the following conditions:

- a. The structure on which antenna facilities are mounted –
  - i. Is 50 feet or less in height, or
  - ii. Is no more than 10 percent taller than other adjacent structures,
- b. Each antenna (excluding associated antenna equipment) are cumulatively no more than three cubic feet in volume;
- c. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume;
- d. The facility does not require antenna structure registration under 47 CFR Part 17; and
- e. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR §1.1307(b).

### **NON-TOWER BASED SMALL WIRELESS COMMUNICATIONS FACILITY DESIGN STANDARDS**

The detailed Design Standards, specifications and examples promulgated by resolution that address, on a nondiscriminatory basis, the design and installation of facilities in the public rights-of-way, insofar as they do not conflict with any federal or state law, rule and regulation, including this Chapter.

### **STEALTH TECHNOLOGY**

Camouflaging methods applied to 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, and light poles.

### **SUBSTANTIALLY CHANGE**

(1) Any increase in the height of a wireless support structure by more than 10%, 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 antennae; or

- (2) Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

**THIRD PARTY POLE**

A utility pole owned or operated by an external entity.

**TOWNSHIP-OWNED POLE**

Means (i) a Utility Pole owned or operated by the Township, including a Utility Pole that provides lighting or traffic control functions, or other law enforcement functions, including light poles, traffic signals, and structures for signage, and (ii) a pole or similar structure owned or operated by the Township such as a Decorative Pole.

**TRANSMISSION POLE**

A pole or similar structure that is used in whole or in part to carry electric transmission (as opposed to distribution) lines.

**UTILITY POLE**

A pole or a similar structure that is designed for, or used, for carrying electric distribution lines or for carrying cables or wires for electric, cable, or telecommunications service or for lighting, traffic control, or directional signage.

**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, PCA, 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 COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT)**

Any person who applies for a wireless communication facility building permit, zoning approval and/or permission to use a right-of-way (ROW) or other Township-owned land or property.

**WIRELESS FACILITY PROVIDER or SERVICE PROVIDER**

A person who provides wireless services.

**Section 210-302. PURPOSE AND COMPLIANCE**

- A. In compliance with the provisions of this Chapter and following the issuance of all required permits and approvals, an Applicant may locate and/or collocate and construct, maintain, modify, operate, or replace support structures in, along, across, upon, and under a public right-of-way.
- B. An Applicant and/or provider shall comply with this Chapter and all rules, regulations, and design standards adopted by the Township that are consistent with this Chapter for the installation and/or collocation of a SWF and construction, maintenance, modification, operation, or replacement of wireless support structures in, along, across, upon, and under the public rights-of-way, unless otherwise prohibited by state or federal law.
- C. All SWF shall be constructed and maintained so as not to impeded or impair public safety or the legal use of the public right-of-way by the Township, the traveling public, or other public utilities.
- D. Nothing in this Chapter precludes the Township from applying its generally applicable health, safety, and welfare regulations when acting on an application for a permit for a SWF in the public right-of-way.

### **Section 210-303. APPLICATION PROCESS**

- A. *Application Required.* An Applicant must apply to the Township to locate a new SWF and/or collocate any portion of a SWF on an existing wireless support structure or to construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon or under the public right-of-way. Anyone seeking to perform any of these actions shall first duly file a permit application with the Township, in accordance with the requirements of this Chapter and any additional requirements as set forth in the Small Wireless Facilities Design Standards as adopted by Township resolution and which may be modified from time to time by further resolution of the Township Council.
- B. *Permit Required.* No person shall occupy or use the public right-of-way without first obtaining, under this Chapter, the required permit from the Township. Before placing SWF in the public right-of-way, an owner must apply for and receive a permit. This provision shall not be construed to waive or affect any other application fees, or other construction or work permits necessary for work in the Township. While notice to the Township is required, a permit from the Township shall not be required for routine maintenance or same-size and type replacement of previously approved Small Wireless Facilities that do not interfere with pedestrian or vehicular traffic.
- C. *Required Application Materials.* Unless otherwise required by state or federal law, all Applicants shall submit to the Township all materials and information associated with each application as outlined below before the application will be deemed administratively complete:
  - (1) The Applicant's name, address, telephone number and email address;

- (2) Facility owner's name, address, telephone number and email address; if different from Applicant;
- (3) The names, addresses, telephone numbers, and email addresses of all consultants, if any, on behalf of the Applicant with respect to the filing of the application, and if warranted, written authorization for those consultants to speak on behalf of the Applicant;
- (4) A description of the Small Wireless Facilities being proposed in order for the Township to verify that the proposed facilities are Small Wireless Facilities as specifically defined by the FCC;
- (5) A map showing the exact location of the propose Small Wireless Facilities in the case of multi-site applications and photo simulations/depictions of the type and style of the proposed Small Wireless Facilities (which shall be in compliance with the Township's Small Wireless Facilities Design Standards);
- (6) A description of the proposed scope of work for the location or collocation of the SWF. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters, including but not limited to sub-surface utilities, likely to be affected or impacted by the work proposed;
- (7) Verification that the SWF will comply with this Chapter, including all applicable Small Wireless Facilities Design Standards;
- (8) Verification of payment of the application fees, annual municipal consent or administrative fee for use of public rights-of-way and acknowledgement of the Applicant's continuing annual obligation;
- (9) Evidence the Applicant has received any necessary certificate of public convenience and necessity or other required authority from the Federal Communications Commission, or a statement such authority is unnecessary under Federal law;
- (10) A copy of an approved Pennsylvania Department of Transportation permit and all documents required by PennDOT as part of the encroachment permit application, if the proposed location is within a PennDOT Right-of-Way; and
- (11) Evidence that the Applicant has a lease, attachment agreement or other authorization from the owner of the Wireless Support Structure proposed for collocation.

**Section 210-304. APPLICABILITY**

- A. Subject to the provisions of this Chapter and granting of the required permits, an Applicant may locate and/or collocate a SWF and construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon and under a public right-of-way.
- B. Prohibited on certain structures. Non-tower WCFs shall not be located on single-family detached residences, multi-family dwellings less than 10 units, single-family attached residences or any residential accessory structures.

- C. Prohibited in residential communities when all utilities are underground.

### **Section 210-305. FEES AND COSTS**

- A. *Right-of-Way Access Fees:* Each individual Applicant will be subject to an annual right-of-way access fee if locating within a Township owned public right-of-way. Such fees shall not be in excess of those amounts deemed reasonable by the FCC.
- B. *Application Processing Costs:* Unless otherwise provided by law, all applications for permits pursuant to this Chapter shall be accompanied by an application processing fee as follows:
  - (1) application costs for SWF addressed in a consolidated application shall be \$500 which may include up to five (5) Small Wireless Facilities, and an additional \$100 for each SWF beyond five (5), up to and including 30 total Small Wireless Facilities per one (1) application, and
  - (2) application costs of \$1,000 for a new pole (not a collocation) intended to support one or more Small Wireless Facilities. Such costs may be altered by Township resolution, subject to state and/or federal limits upon such costs.
- C. *Compensation.* In addition to the applicable fee as specified above, every permit shall include as a condition the Applicant's agreement to pay a Right-of-Way Access Fee of \$200 per SWF per year payable on February 5<sup>th</sup> of each year, and/or other taxes and fees as may now or hereafter be lawfully imposed on other businesses within the Township. Additionally, if the SWF is proposed to be located upon a Township-owned pole located within a Township Right-of-Way, and the Township consents to such Collocation, an additional annual fee of \$70 per SWF shall be payable to the Township for such placement. Such fees may be altered by resolution, subject to state and/or federal limits upon such costs.
- D. Small Wireless Facilities collocated on the Township-owned utility poles or structures outside the Township right-of-way are not subject to the fee limitations in this Chapter. Additionally, if the rate limitation imposed by the FCC is altered in the future, the Township may alter its fees by resolution to be consistent with the FCC's determinations or to be consistent with any other regulations of the state or federal government.
- E. *Cease Payment.* Upon thirty (30) days written notice to the Township, an Owner is authorized to remove its SWF from a Township-owned pole and cease paying the annual fee to the Township as of the next due date for payment following removal, provided, however, the Owner shall pay its pro-rata share of the remaining term and expenses, if any.
- F. *Make-Ready.* For Township-owned poles, the Applicant shall reimburse the Township for expenses for any reasonable make-ready work, if any are required. The Township shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested SWF, including pole replacement if necessary, within thirty (30) days after receipt of an administratively complete request.



## Section 210-306. APPLICATION REVIEW TIMEFRAMES

### A. Permit Application Review.

- (1) **Collocation of SWF.** Absent a written agreement to the contrary between the Township and the Applicant, the Township shall grant or deny an application to collocate, or to replace or modify any portion of a SWF on, or associated with, an existing wireless support structure not later than sixty (60) days after the date of filing by the Applicant an administratively complete application.
- (2) **Installation of New SWF.** Absent a written agreement to the contrary between the Township and the Applicant, the Township shall grant or deny an application for a SWF within the public right-of-way not later than ninety (90) days after the filing by the Applicant of an administratively complete application.
- (3) **Removal of SWF.** The Township shall act on requests to remove wireless support structures associated with SWF from the public right-of-way typical to the review timeframes for the public right-of-way permit required for this activity.
- (4) **Completeness.** Within ten (10) business days of receiving an application, the Township will determine and notify the Applicant whether the application is complete; or if an application is incomplete, the Township must specifically identify the missing information.
- (5) **Application Denials.**
  - (a) The Township shall not unreasonably withhold or deny an application for a permit to place a SWF within the public right-of-way.
  - (b) If an application is denied, the Township will provide in writing its reasons for denying this request, including, if applicable, specific references to any applicable law or regulation supporting the denial.
  - (c) Notwithstanding an initial denial, an Applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of the denial, and the Township will approve or deny the revised application within thirty (30) days of receipt of the revised application, if administratively complete.

## Section 210-308. CONSOLIDATED APPLICATION FOR MULTIPLE SWF

- ### A. Applicants seeking to construct, modify, collocate, or replace more than one SWF, may file, at the Applicant's discretion, a consolidated application for up to thirty (30) requests in a single application and receive a single permit for the construction, modification, collocation, or replacement of the SWF subject to the following:
- (1) This single application may be filed for multiple SWF only if they are substantially the same type.

- (2) The Township must separately address SWF for which incomplete information has been received or which are denied, and it must grant a permit for any and all sites in a single application that are not denied subject to the requirements of this Chapter.

**Section 210-309. ALTERNATIVE LOCATIONS AND MAXIMUM HEIGHT, PROXIMITY OF SWF**

A. **Locations.** All SWF shall be located on existing utility poles or existing wireless support structures. If an Applicant is seeking to install a new Wireless Support Structure as part of its application, the Township may propose that the SWF be located on an existing utility pole or existing Wireless Support Structure within one hundred (100) feet of the proposed location. The Applicant shall accept the proposed alternate location so long as it has the right to use the location on reasonable terms and conditions, unless the alternative location imposes technical limits, acts as an effective prohibition under federal law, or additional unreasonable costs will be incurred as determined by the Applicant. If the Applicant refuses an alternate location based on the foregoing, the Applicant shall provide legally competent evidence in the form of a written certification describing the property rights, technical limits or associated costs that prevent the alternate location from being utilized.

B. **Maximum Height.**

- (1) Non-tower WCFs which are mounted to a building or similar structure shall not exceed a height of 10 feet above the roof or parapet, whichever is higher, provided that the maximum height shall not exceed fifty (50) feet.
- (2) The total height of any support structure and mounted WCF shall not, under any circumstance, exceed the maximum height permitted in the underlying zoning district.
- (3) All non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
- (4) Antennae, and their respective accompanying support structures, shall be no greater in diameter than is reasonably necessary for their proper functioning.

C. The Township may reserve space on Township-owned poles for future public safety uses or for Township electric utility uses. Such reservation may preclude collocation of SWF if the Township reasonably determines that the Township's poles cannot accommodate both uses, or if the collocation cannot be accommodated due to physical limitations of the Township-owned poles.

D. In certain circumstances, collocation may not be feasible, and a new pole may need to be installed by the Applicant. In such cases, a SWF located on a new pole shall be separated by one hundred and fifty (150) feet from any other SWF located upon a pole with that singular purpose (meaning it is not a collocation but another stand-alone SWF pole).

**Section 210-309A. DESIGN STANDARDS**

A. The Design Standards of Attachment 6 – Appendix A of this Chapter shall apply, including:

- (1) Background and Purpose.
- (2) General Requirements.
- (3) General Standards.
- (4) Attachment: Third Party Utility Poles; Traffic Signal Poles; Street Lightings; Buildings.
- (5) Installation of Monopoles.
- (6) Location and Placement.
- (7) Acceptable and Unacceptable Examples.
- (8) Technical Specifications.

### **Section 210-310. HISTORIC DISTRICTS AND STRUCTURES**

- A. This Chapter may not be construed to limit the Township's authority to enforce historic preservation zoning regulations consistent with Township, county, state or federal law including the National Historic Preservation Act of 1966 (54 U.S.C. Sections 300101 et seq.) and the regulations adopted to implement those laws.
- B. As a condition for approval of a new SWF or new Wireless Support Structures in a Historic District or adjacent to a historic structure or protected viewshed, (existing or as established in the future), the Applicant shall comply, with the design and aesthetic standards of the Historic District, or historic preservation standards in place, to minimize the negative impact to the aesthetics in these districts or areas where the SWF are within 300 feet of the exterior walls of a Township designated historic resource. The Township Historic Commission shall be notified of the application.
- C. New Districts. Nothing in this Chapter shall prohibit or otherwise limit the Township from establishing subsequent new town center or historic districts, provided however, that facilities and structures for which a permit was approved or deemed approved pursuant to this Chapter prior to the establishment of the new district remain subject to the provisions of this Chapter, including routine maintenance and replacement of those facilities and structures. If a wireless services provider or a wireless infrastructure provider relocates such facilities, such replacement or relocation is subject to the then-existing provisions and requirements of the newly established district.

### **Section 210-311. GENERAL CONDITIONS AND REQUIREMENTS OF PERMIT APPROVAL**

- A. *Permit Effect and Duration.* The Township approval for collocation or a new pole shall be effective for a period of nine (9) months from that date of issuance. If construction, installation or collocation is not begun within such nine (9) month period, a new application must be submitted for review including all required fees. A permit from the Township authorizes an Applicant to undertake only certain activities in accordance with the Chapter and does not create a property right or grant any authority whatsoever to the Applicant to impinge upon the rights of others.
- B. *Compliance with all applicable laws and Township Code.* Owner/Permittee shall always

maintain compliance with all applicable federal, state and local laws, regulations, ordinances, or other rules. If state or federal standards and regulations are amended, the owners of any portion of SWF governed by this Chapter shall bring any facilities and/or structures into compliance with the revised standards and regulations within the time mandated by such amendment or, if no time is mandated, as soon as practicable under the circumstances, but no longer than ninety (90) days. The Township is not required to provide notice of any amendments of any law or regulation in order to trigger this responsibility. Failure to bring SWF into compliance with any revised standards and regulations shall constitute grounds for removal at the owner's expense.

- C. *Inspections; emergencies.* The Township or its designee may inspect any portion of SWF in the right-of-way upon reasonable notice to the Owner. The Owner shall cooperate with all inspections. The Township reserves the right to support, repair, disable, or remove any elements of the facility in emergencies or when the Township shall notify the Owner and provide the opportunity to move such facilities, poles, or support structures prior to the Township doing so, and the Township shall notify the Owner after doing so.
- D. *Relocation or adjustment as requested by Township.* If requested by the Township, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety, and welfare of the public, an Owner shall relocate or adjust its facilities within the public right-of-way at no cost to the Township, as long as such request similarly binds all users in or on such public way. Such relocation or adjustment shall be completed in accordance with all applicable law and regulations.
- E. *Contact information for responsible parties.* Within 10 days of any changes to any contact information provided in the application, the Applicant shall provide notice of the change to the Township.
- F. *Indemnification.* Any entity who owns or operates a SWF in the public right-of-way shall indemnify, protect, defend and hold the Township harmless and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the entity who owns or operates the SWF and wireless service in the right-of-way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining facilities in the right-of-way.
- G. *Good condition required.* SWF 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 menace or endanger the health, safety or welfare of any person or property. All SWF shall be subject to generally applicable property maintenance requirements and to visual inspection by code enforcement officers.
- H. *Relocation for public improvement projects.* To the extent that the Township requires it to do so in the reasonable exercise of its police powers, Owner shall remove and relocate the permitted SWF at Owner's sole expense to accommodate construction of a public improvement project

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

(1) Development regulations. Non-Tower WCFs may be collocated on existing nonresidential buildings or structures, on multifamily residential buildings with 10 or more units and/or on other facilities such as schools, hospitals, and residential rehabilitation centers. Such as existing buildings or tower-based WCFs subject to the following conditions:

(a) Such WCF may not exceed the lesser of a total maximum height of 50 feet or the maximum height permitted in the underlying zoning district;

(b) If the WCF applicant proposes to locate the related equipment in a separate building, the building shall comply with the accessory building and structure requirements of the applicable zoning district; and

(c) An eight-foot-high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for any existing principal use.

#### **Section 210-315. EXCEPTIONS TO APPLICABILITY**

A. Nothing in this Chapter authorizes the collocation of small wireless facilities on:

(1) Property owned by a private party without the written consent of the property owner;

(2) Property owned or controlled by a unit of local government that is not located within the public rights-of-way without the written consent of the unit of local government (local governments are required to authorize the collocation of small wireless facilities on utility poles owned or controlled by the local government or located within rights-of-way to the same extent the local government permits access to utility poles for other commercial projects or users;

(3) A privately-owned utility pole or wireless support structure, without the consent of the property owner; or

(4) Property owned, leased or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes, without the consent of the affected district.

#### **Section 210-316. APPEALS AND CONSISTENCY WITH STATE AND FEDERAL LAWS**

The appeals process shall be as provided and set forth by state and federal laws including any rulings issued by the FCC. The provisions contained herein regulating SWF 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 of 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 provision in local ordinances. In which case, the more stringent provisions of Concord Township's ordinances shall remain in effect and shall control in such instances.

### **Section 210-317. VIOLATIONS AND PENALTIES**

- A. Penalties. Any person violating any provision of this Article XXVI shall be subject, upon a finding by a Magisterial District Judge, to a penalty not exceeding \$500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur after notice. In addition to an action to enforce any penalty imposed by this Article and any other remedy at law or in equity available to the Township, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this article.
- B. Determination of violation. In the event a determination is made that a person has violated any provision of this article, such person shall be provided written notice of the determination of violation and the reasons therefore. Except in the case of an emergency, the person shall have thirty (30) days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this article and/or federal and/or Pennsylvania law and regulations.
- C. Police powers. The Township, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.

### **SECTION 3. 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 Concord Township Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included.

### **SECTION 5. GENERAL CODE.**

General Code is hereby authorized to make any necessary formatting and numbering changes needed to order for this Ordinance to be made consistent with the formatting and numbering standards applicable to Concord Township's Code of Ordinances as published by General Code.

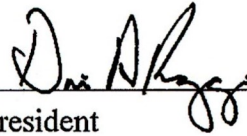
### **SECTION 5. REPEALER.**

All Township ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed and rescinded to the extent of any inconsistency or conflict.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall become effective five (5) days after its enactment as provided by law.

ENACTED and ORDAINED this 3rd day of Jan, 2023.



\_\_\_\_\_  
President

Concord Township Council

ATTEST:

  
\_\_\_\_\_  
Township Manager

*Attachment 6 - Appendix A*

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*Article XXVI. Design Standards*

*Chapter 210- Zoning Ordinance*

*Non-Tower Based Small Wireless Communications Facility Design Standards*



*Concord Township - Delaware County, Pennsylvania*

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*December 12, 2022*



## *Attachment XX - Appendix X*

# ***Article XXVI. Design Standards***

## **Chapter 210- Zoning Ordinance**

### ***Non-Tower Based Small Wireless Communications Facility Design Standards***

This Appendix includes the following Written and Graphic Design Standards:

210-309.A.(1)	Background and Purpose	1
210-309.A.(2)	General Requirements	2
210-309.A.(3)	General Standards	4
210-309.A.(4)	Attachments:	
	Third Party Utility Poles	5
	Traffic Signal Poles	6
	Street Lights	9
	Buildings	11
210-309.A.(5)	Installation of Monopoles	12
210-309.A.(6)	Location and Placement	14
210-309.A.(7)	Acceptable and Unacceptable Examples	19
210-309.A.(8)	Technical Specifications	22

#### **SOURCES:**

Millcreek: Small Wireless Facility Design Standards, July 14, 2020.

West Chester Borough - Chester County, PA Small Wireless Facility Design Guidelines

Forest Park, Illinois, Code of Ordinances: Stealth, Concealment and Aesthetic Standards

**Legislative Intent:**

**210-309.A.(1)(a)**

These Design Standards are intended to provide design and aesthetic requirements and specifications that all non-tower based small wireless facilities installed within the street right-of-way, and on buildings and/or structures shall meet prior to installation within Concord Township.

**Applicability:**

**210-309.A.(1)(b)**

Small wireless facility providers shall consider the aesthetics of the existing streetlights and other infrastructure near proposed small cell locations, and shall comply with these Design Standards.

**210-309.A.(1)(c)**

The specifications provided in these Design Standards are for single carrier with single technology installations within the street right-of-way only, and for installations on permitted buildings and structures not in the public street right-of-way.

**210-309.A.(1)(d)**

Deviations from these Design Standards may be approved if reasonable on a case-by-case basis by Concord Township prior to installation.

## **Legislative Intent:**

### **210-309.A.(3)(a)**

Small wireless facilities installed within the street right-of-way are intended to achieve the General Requirements outlined in this section.

## **Design Standards:**

### **210-309.A.(3)(b)**

Any small wireless facilities collocated shall comply with the following requirements:

- [1] So as not to significantly create a new obstruction to property sight lines.
- [2] At the intersection of property lines, or along secondary property streets that are facing the intersection.
- [3] With appropriate clearance from existing utilities.
- [4] Preferably equidistant from adjacent poles.
- [5] In a single family neighborhood, the noise limit shall be 5 dBA above ambient sound, not to exceed 30 dBA as measured at a property line. Other noise regulations may apply. If the facility does not generate noise, include this information in the submittal so information can be shared with neighborhood.
- [6] Providers shall consider the aesthetics of existing streetlights and street furniture in the neighborhood of the proposed small cell locations.
- [7] All equipment located within the public street right-of-way shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel or interferes with the operation and maintenance of signal lights, signage, street lights, street furniture, fire hydrants, or business district maintenance.
- [8] Minimize impact to the aesthetics of the existing poles.
- [9] New poles shall match aesthetics of adjacent poles.
- [10] These aesthetic considerations and accommodations shall be included in the application submittal.

### **210-309.A.(3)(c)**

The preferred location for small wireless facilities include:

- [1] On-strand attached to a utility pole
- [2] Attachments to utility poles
- [3] Attachment to plain wood or metal streetlights
- [4] Installation of monopoles
- [5] Attachment to traffic signal poles
- [6] Attachment to enhanced service area streetlights
- [7] Collocated on nonresidential buildings or structures, multifamily residential buildings with 10 or more units and/or other facilities such as schools, hospitals, residential rehabilitation centers, and like-type facilities.

**210-309.A.(3)(d)**

Small cell equipment shall be mounted on or hidden inside the pole as follows:

- [1] Antenna: Shall be inside a cantenna.
- [2] Monopoles: All equipment shall be inside a monopole in base cabinet.
- [3] Utility poles and wood poles: All equipment located on poles if allowed by pole owner, and anything not on the pole shall be located in a ground mounted equipment box. Fiber in conduits shall be flush with pole.
- [4] Traffic signal poles: All equipment shall be in ground mounted equipment box. Fiber shall be inside the pole in conduit (if conduit is not available, pole cannot be used).
- [5] New / replacement metal streetlight poles: All equipment shall be inside pole in round base cabinet.
- [6] Decorative streetlights : Shall be replaced with equipment inside pole.
- [7] Enhanced service area streetlights: Shall replace existing streetlight with matching streetlight and all equipment shall be inside pole.
- [8] Shall be placed so as not to interfere with normal operation and maintenance of streetlight or other street appurtenances.
- [9] Radiation certified to be at safe levels by a Non-Ionizing Radiation Electromagnetic Radiation Report (NIER) shall be submitted to the pole owner and retained on file for equipment type and model.
- [10] The NIER report shall be endorsed by a Qualified Professional. It shall specify minimum approach distances to the general public as well as electrical and communication workers that are not trained for working in an RF environment (uncontrolled) when accessing the pole by climbing or bucket.
- [11] Concord Township workers and contractors shall have the ability to easily shut off radio signals and power while working on pole. (And Concord Township has the right to turn off or disconnect for necessary operations).
- [12] Attachments to a pole or any new or replacement pole shall have a smooth transition between the small cell and the pole and (except for the top of a cantenna), and shall not have any flat surface of more than 1.5 inches to prevent creation of a ledge.
- [13] New small cell facility shall be encased in a separate conduit than any Concord Township electronics.

**210-309.A.(3)(e)**

Power and Ground Mounted Equipment Boxes shall have:

- [1] Back up batteries in a ground mounted equipment box, or underground where possible.
- [2] A separate meter and disconnect for both the power and the cell signal that can be accessed and operated by street lighting maintenance personnel.
- [3] A power metered.

**Legislative Intent:**

**210-309.A.(3)(a)**

Small wireless facilities installed within the street right-of-way are intended to comply with the General Standards outlined in this section.

**Design Standards:**

**210-309.A.(3)(b)**

Small wireless facilities installed within the street right-of-way shall meet the following standards.

<b>[1] Internal Installs</b>	Equipment shall be installed within new poles, and when feasible within an existing pole.
<b>[2] External Shrouding</b>	The antenna shall be contained in a cantenna. Any other equipment shall be contained in an equipment cabinet unless the visual impact can otherwise be reduced by the location on the pole.
<b>[3] Width</b>	The width may not exceed the diameter of the pole by more than three (3) inches on either side.
<b>[4] Sidearm (off-set) Installs</b>	If permitted, may not allow the furthest point of the enclosure to extend more than 18 inches from the pole.
<b>[5] Conduits</b>	All cables shall be in conduits and shall be flush with the pole unless required to be installed inside the pole.
<b>[6] Hardware Attachment</b>	All hardware attachments shall be hidden. Welding onto existing equipment is not permitted.
<b>[7] Color</b>	All equipment shall be painted to match pole aesthetic. Paint shall be powder coated over zinc paint. If a wood pole, the visible attachments and hardware shall be colored gray.
<b>[7] Equipment Cabinet Access Doors</b>	Lockable access door sized to install, maintain, and remove all small cell equipment as needed shall meet provider's requirements, and utility access shall be per the utility provider's requirements.
<b>[8] Cables</b>	All cables shall be clearly labeled for future identification.
<b>[9] Cantennas</b>	Cantenna shall be mounted directly on top of the pole unless a side arm installations is required by a pole owner. A tapered transition between the upper pole and cantenna is required.  Cantenna shall be a maximum of 14-inch diameter.
<b>[10] Stickers</b>	Any on-pole cabinet and ground mounted utility box should be labeled with: a RF warning sticker, background to match pole color, no larger than 4 x 6 inches. Facing to the street near the elevation of the antennae; a 4- inch by 6-inch (maximum) plate with the provider's name, location identifying information, and 24-hour emergency telephone number; and No advertising, logos or decals.
<b>[11] Lights</b>	There shall be no lights on the equipment unless required by Federal Law.
<b>[12] Ground Mounted Equipment Box</b>	Ground mounted equipment boxes shall comply with existing Concord Township ordinance provisions, and shall be attached to a concrete foundation.
<b>[13] Height of Equipment on Pole</b>	The lowest point shall not be lower than eight (8) feet from the grade directly below the equipment enclosure.
<b>[14] Power Meter</b>	Power Meter(s) shall be provided as required by the utility company, and shall be in a location that: minimizes its interference with other users of Concord Township's right-of-way including, but not limited to, pedestrians, motorists, and other entities with equipment in the right-of-way; and minimizes its aesthetic impact.

**Legislative Intent:**

**210-309.A.(4)(a)**

The attachment of a small cell facility to a third party pole is intended to comply with these Design Standards, and shall conform to the pole owner’s attachment standards.

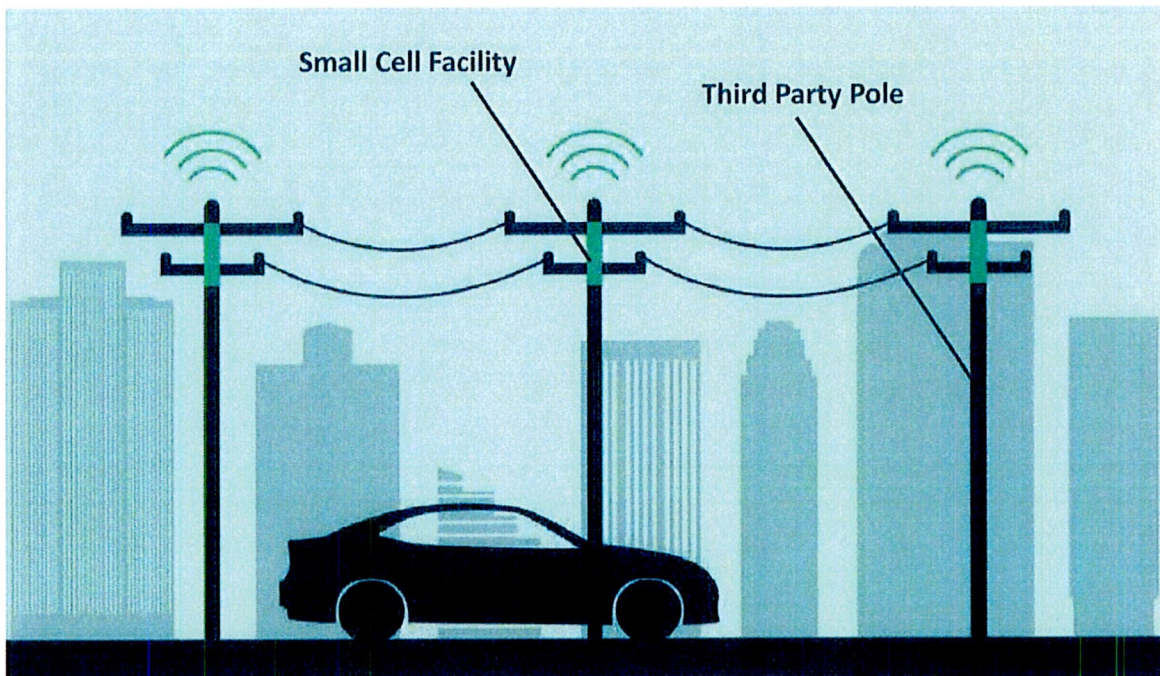
**Design Standards:**

**210-309.A.(4)(b)**

Any attachment to a utility pole or utility line shall first be approved by the owner of the utility pole. This includes attachment of overhead fiber and on-strand attachments proposed to attach to a utility pole. These standards apply whether attachment is to an existing utility pole, or if the owner requires installation of a replacement pole.

**210-309.A.(4)(c)**

A new utility pole installed for the purpose of attaching a small cell is not permitted, but would be treated as a monopole (see §210-309.A.(5)).



Appropriate location on Third Party Poles

**Legislative Intent:**

**210-309.A.(4)(d)**

The attachment of a small cell facility on the top of a traffic signal upright pole is intended to comply with these Design Standards.

**Design Standards:**

**210-309.A.(4)(e)**

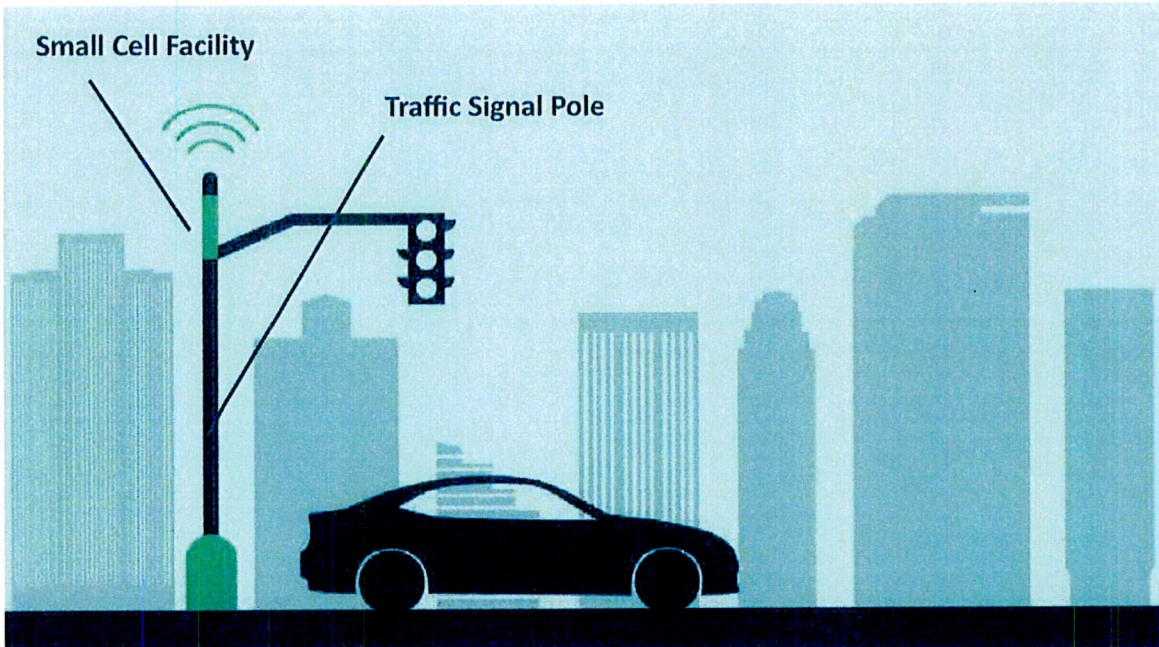
All provider equipment other than the antenna shall be housed inside a ground mounted equipment box or hidden within the cantenna. The antenna may only be attached to the top of the upright pole. No provider equipment shall be strapped to the outside of the signal pole or on a side arm extension.

**210-309.A.(4)(f)**

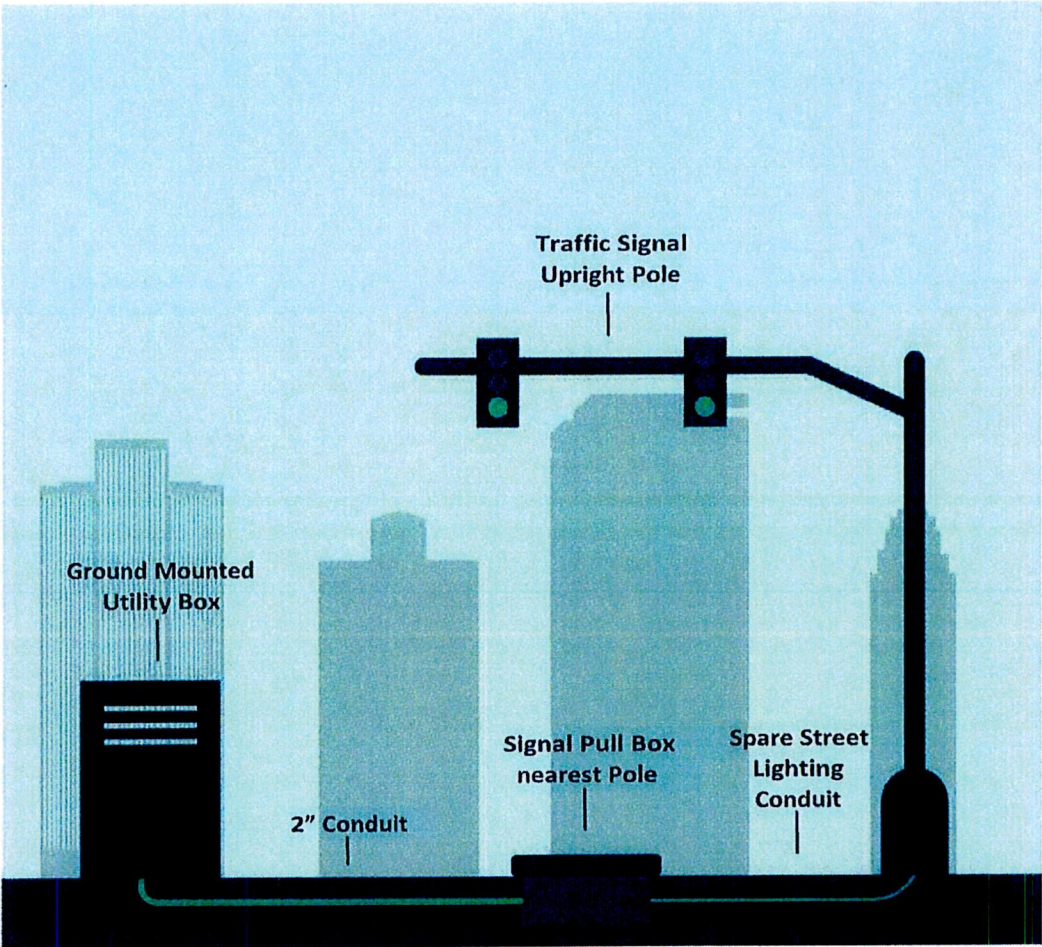
There shall be not physical, electrical, or radio interference by the small cell with the traffic signal. The provided shall provide analysis that the proposed small cell facility shall not cause any interference with the Township safety radio system, traffic signal, emergency signal control devices, radio read water metres, "smart" streetlights, future "smart" applications, other Concord Township communications components, or nay other unforeseen interferences.

**210-309.A.(4)(g)**

A small cell facility shall not be placed on a traffic signal upright pole where there is a luminaire attached.



Appropriate location on Traffic Signal Poles



Small Cell Facility Assembly on a Traffic Signal Pole

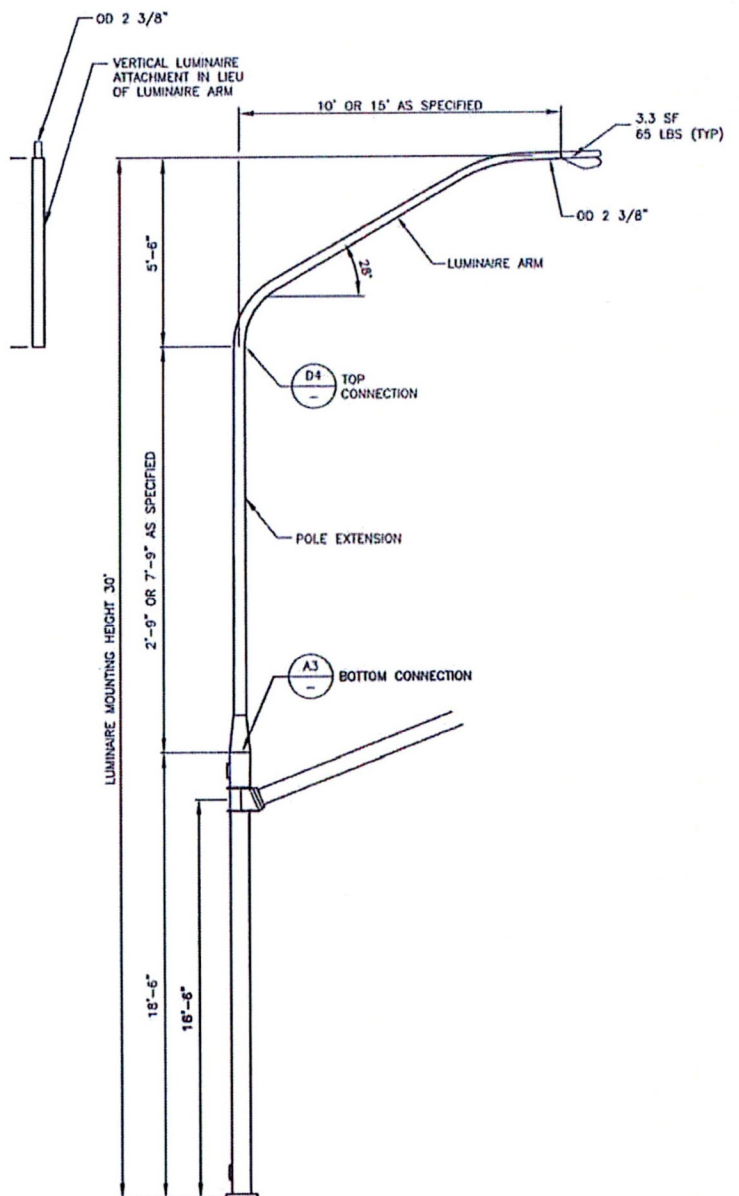


**Design Standards:**

**210-309.A.(4)(h)**

A small cell facility located on an existing traffic signal pole shall comply with the following:

- [1] Shop drawing submitted to the Concord Township Engineer and receive approval prior to ordering the signal.
- [2] Obtain Approval from the Township Landscape Architect, Engineer, and utility companies prior to trimming any trees and shrubs.
- [3] Luminaire arm or extensions, and related hardware shall be furnished by the contractor.
- [4] Steel: Grade C, ASTM C 570 all steel components to be hot-dipped galvanized, ASTM A 123, etched, and painted Black.
- [5] Paint: Powder Coated Gloss Black.
- [6] Maintained at least a ten (10) foot clearance from all luminaire hardware to overhead powerlines.
- [7] All metal components shall be painted. The painted finish shall not be damaged during transportation and placement.



Traffic Signal with Luminaire light extension

**Legislative Intent:**

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**210-309.A.(4)(i)**

The attachment of a small cell facility to a streetlight are intended to include:

- [1] Collocating small cell equipment on plain (non-decorative) wood or metal streetlight poles.
- [2] Replacing an existing or adding a new wood or metal streetlight pole so that small cell equipment can be attached.
- [3] Collocating on enhanced service area streetlight poles.

**Design Standards:**

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**210-309.A.(4)(j)**

All provider equipment shall be housed internal to the equipment cabinet or hidden behind the cantenna. No provider equipment shall be strapped to the outside of the pole.

**210-309.A.(4)(k)**

On an existing pole, the equipment excluding the antenna shall be shrouded in an equipment box if on the pole, otherwise shielded from view (for example, behind a sign), hidden within the cantenna, or contained in a ground mounted equipment box.

**210-309.A.(4)(l)**

A small cell facility shall not be placed on a traffic signal upright pole where there is a luminaire attached.

**210-309.A.(4)(m)**

The provider may house the equipment inside the pole structure in an equipment box at the base of the upper pole on a new streetlight.

**210-309.A.(4)(n)**

A base equipment shall be round with a diameter of a base cabinet of at least 16- inch and no more than 20- inch diameter.

**210-309.A.(4)(o)**

The meter shall be contained in a ground mounted equipment box, unless permitted to be inside an equipment box as approved by the utility company.

**210-309.A.(4)(p)**

New streetlights or replacement streetlights shall comply with Concord Township provisions, which includes requirements pertaining to: luminaire design aesthetics, lighting level criteria, typical street light spacing, and street light details.

**210-309.A.(4)(q)**

All equipment height shall be above the ground at least eight (8) feet. If the small cell equipment orients toward the street, the attachment shall be installed no less than 16 feet above the ground.

- [1] Equipment shall be oriented away from the street.
- [2] The size of small cells shall be minimized as possible to minimize visual impact without interfering with the small cell operation.
- [3] Equipment may not block visibility of streetlight banners.

**Design Standards:**

**210-309.A.(4)(r)**

Attachments to an enhanced service area light pole shall not change the overall character of light or proportion of the luminaires with the placement of a cantenna. The lighting level of service shall not be decreased.

**210-309.A.(4)(s)**

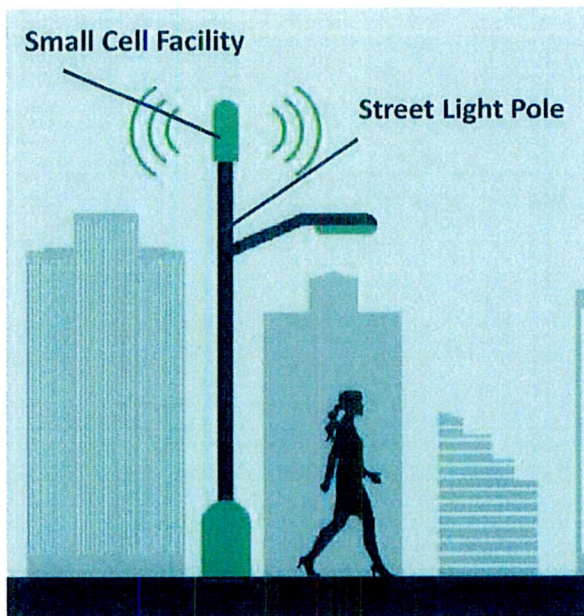
All new luminaires shall be the same height as adjacent streetlights.

**210-309.A.(4)(t)**

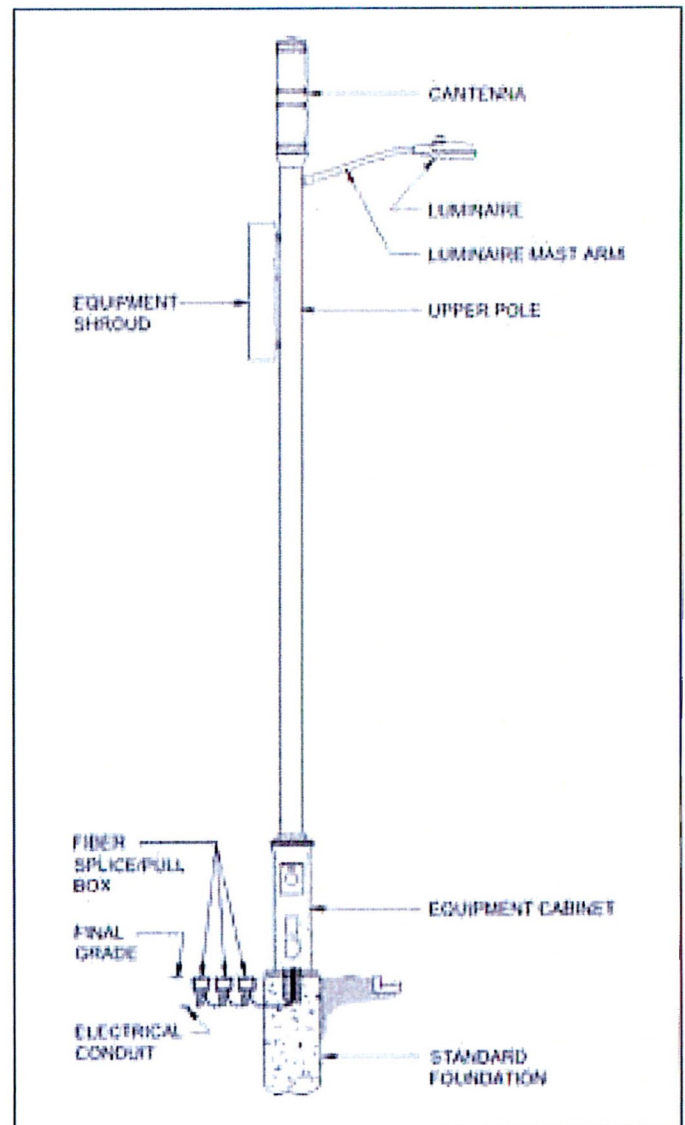
The Township may require a new streetlight in lieu of a monopole.

**210-309.A.(4)(u)**

Wood poles are only permitted with approval in areas that are predominately wood or when replacing an existing wood pole



Appropriate location on Street Lights



Combination Street Light Pole with Cantenna & Equipment Shroud

**Legislative Intent:**

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**210-309.A.(4)(v)**

The attachment of a small cell facility attached to a building is intended to preserve the existing character of the surrounding buildings and landscape, and are intended to blend in with the existing characteristics of the site.

**Design Standards:**

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**210-309.A.(4)(w)**

Small wireless facilities may be mounted to nonresidential buildings or structures, on multifamily residential buildings with 10 or more units, and/or on other facilities such as schools, hospitals, and residential rehabilitation centers if the antennas do not interrupt the building's architectural theme

**210-309.A.(4)(x)**

The location of small wireless facilities shall preserve the existing character of the surrounding buildings and landscape to the extent consisted with the function of the proposed small wireless facilities.

**210-309.A.(4)(y)**

Small wireless facilities mounted on a building shall be concealed within a structure that is architecturally compatible with the existing rooftop, and shall be concealed on all sides.

**210-309.A.(4)(z)**

Small wireless facilities mounted to the side or roof of buildings shall employ a symmetrical, balanced design for all facade mounted antennas. Subsequent deployments shall be required to be provide consisted design, architectural treatment, and symmetry when placing antennas on the structure's exterior with any existing small wireless facilities on the same side of the structure.

**210-309.A.(4)(aa)**

The interruption of architectural lines or horizontal or vertical reveals is prohibited unless demonstrated to be unavoidable.

**210-309.A.(4)(bb)**

New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.

**210-309.A.(4)(cc)**

Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the buildings.

**210-309.A.(4)(dd)**

Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas.

**210-309.A.(4)(ee)**

Small wireless facilities shall be painted and textured to match the adjacent building surfaces.

**Legislative Intent:**

**210-309.A.(5)(a)**

The installation of freestanding small wireless facilities, referred to as a monopole, are intended to comply with these Design Standards.

**Design Standards:**

**210-309.A.(5)(b)**

All small cell carrier equipment excluding the antenna shall be housed internal to an equipment cabinet at the base of the pole or hidden behind the cantenna. No provider equipment shall be strapped to the outside of the monopole.

**210-309.A.(5)(c)**

Monopoles to coordinate with neighborhood pole style and material type.

**210-309.A.(5)(d)**

New monopoles shall be metal (aluminum or steel).

**210-309.A.(5)(e)**

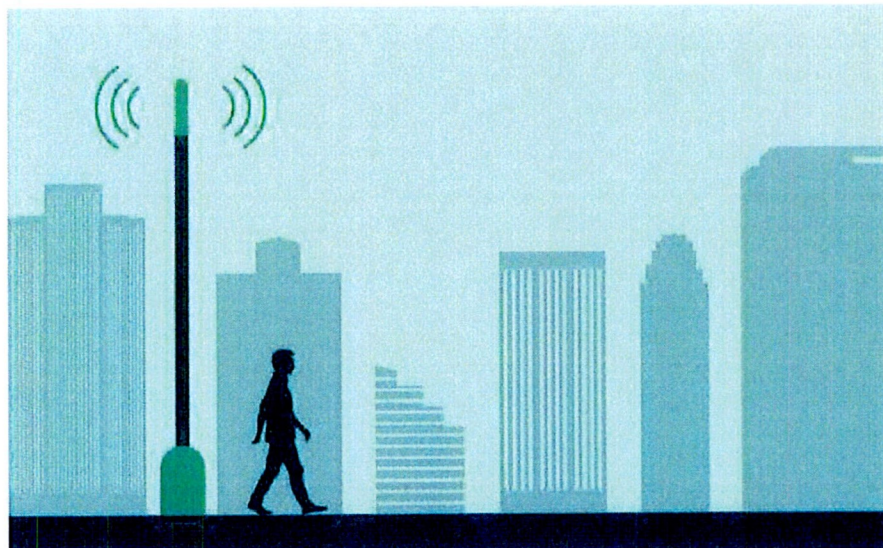
Ownership of monopoles shall remain with the provider. Concord Township reserves the right to attach any sign (such as a no parking sign) on the monopole.

**210-309.A.(5)(f)**

At least 15% of the pole design structural capacity shall be reserved for future Concord Township installations.

**210-309.A.(5)(g)**

All new poles shall have appropriate clearance from existing utilities.

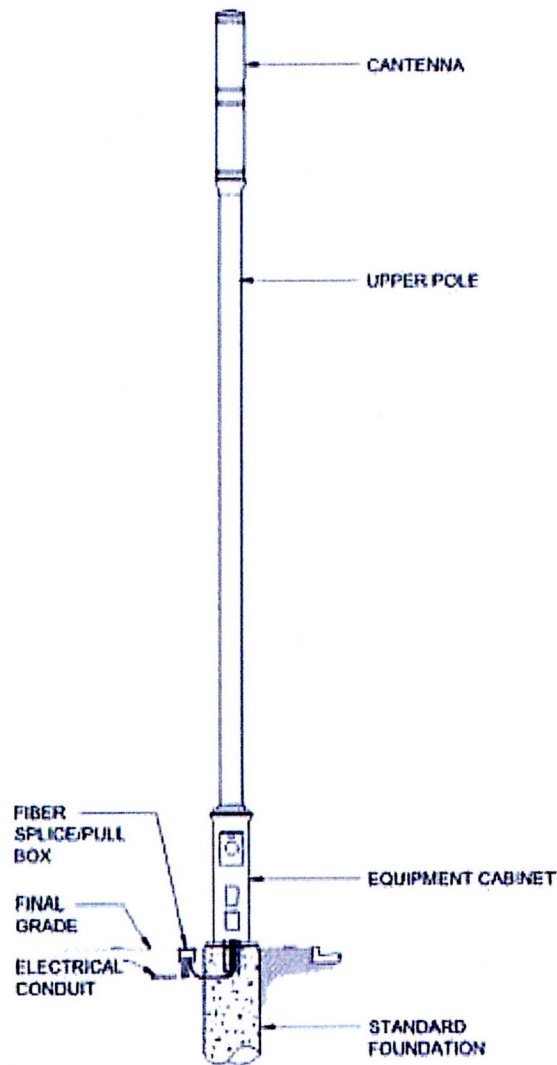


Small Wireless Facility on Monopole

**Design Standards:**

**210-309.A.(5)(h)**

Freestanding small cell pole components include the foundation, equipment cabinet, upper pole, antenna, and all hardware and electrical equipment necessary for a complete assembly, as shown depicted below.



Monopole

**Legislative Intent:**

**210-309.A.(6)(a)**

The location and placement of Small Cell Wireless Facilities are intended to comply these Design Standards.

**Design Standards:**

**210-309.A.(6)(b)**

The preferred location for a new pole is generally on a property line in order to avoid interference with a building facade, views, business signage, pedestrian flow, etc.

**210-309.A.(6)(c)**

Shall be located in a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.

**210-309.A.(6)(d)**

Shall be placed so as not to be located along the frontage of a Historic building or structure, or other resource deemed historic on a federal or state level, or by Concord Township.

**210-309.A.(6)(e)**

Shall be placed so as not to significantly create a new obstruction to property sight lines.

**210-309.A.(6)(f)**

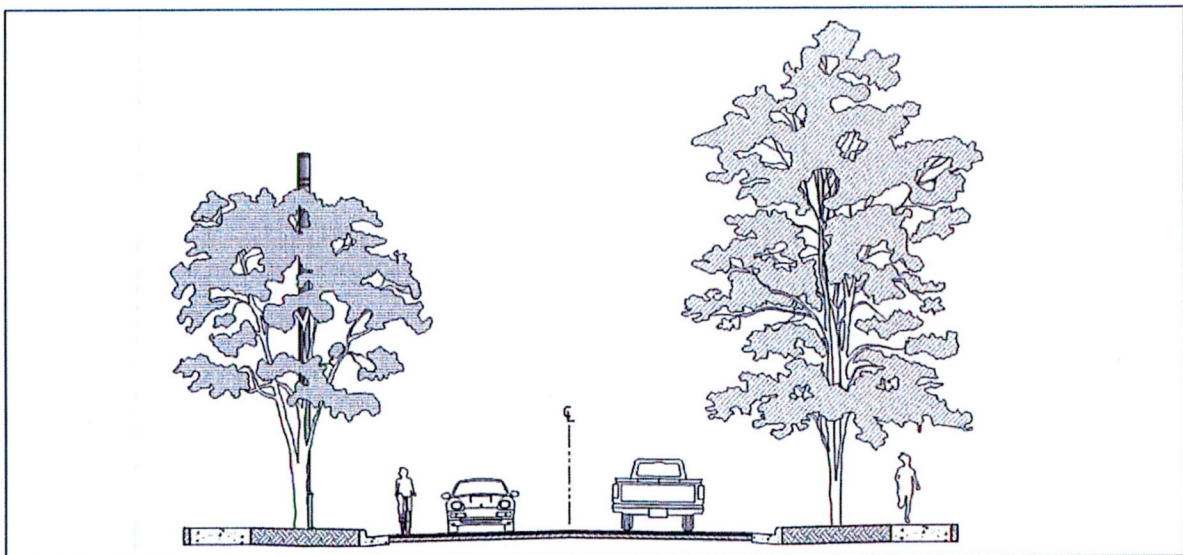
Shall be located at the intersection of property lines, or along secondary property street facing.

**210-309.A.(6)(g)**

Shall be located within the street side treatments, such as park strips, wherever possible.

**210-309.A.(6)(h)**

Shall be placed in alignment with existing trees, utility poles, and streetlights and other street furniture located along the streetscape.



Freestanding facility located in alignment with other streetscape elements

**Design Standards:**

**210-309.A.(6)(j)**

Shall be placed in order to provide adequate clearance from existing utilities.

**210-309.A.(6)(l)**

Shall be located 10 feet away from the triangle extension of an alley way flare.

**210-309.A.(6)(m)**

Shall not be located within 100 feet of the apron of a fire station or other adjacent emergency service facility.

**210-309.A.(6)(n)**

A wireless provider shall not install a new utility pole in a public street right-of-way adjacent to a residential zone property, if the curb to curb measurement of the street is 60 feet wide or less.

**210-309.A.(6)(o)**

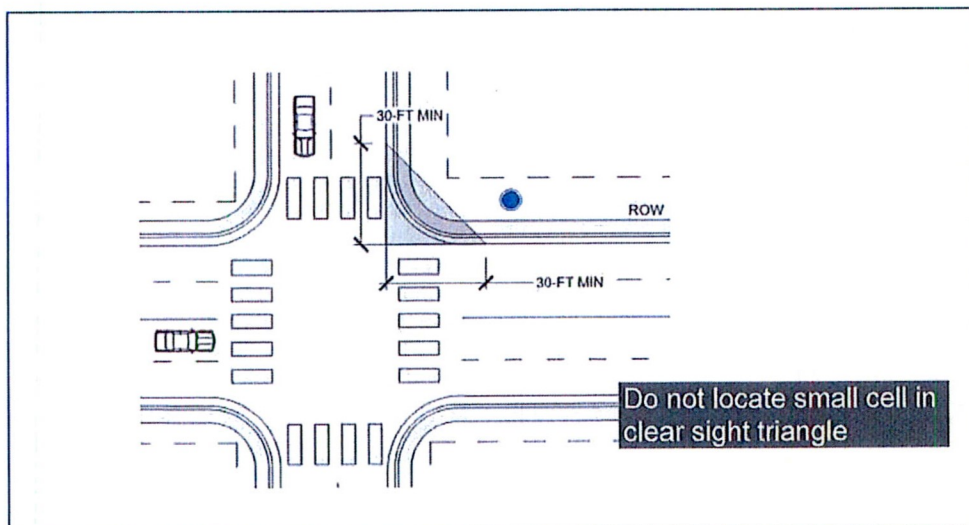
Freestanding small cells shall be located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, affect public safety, obstruct the legal access to or use of the public ROW, violate applicable law, violate or conflict with public right-of-way design standards, specifications, or ordinance provision, violate the Federal Americans with Disabilities Act of 1990, or in any way create a risk to public health, safety, or welfare.

**210-309.A.(6)(p)**

Free standing small cells shall be located within the street right-of-way, and off set from the sidewalk, out of the clear sight triangle, as shown below.

**210-309.A.(6)(q)**

Small wireless facilities may be collocated on the roof of nonresidential buildings or structures, multi-family residential buildings with 10 or more units and/or other facilities such as schools, hospitals, residential rehabilitation centers, and like-type facilities.



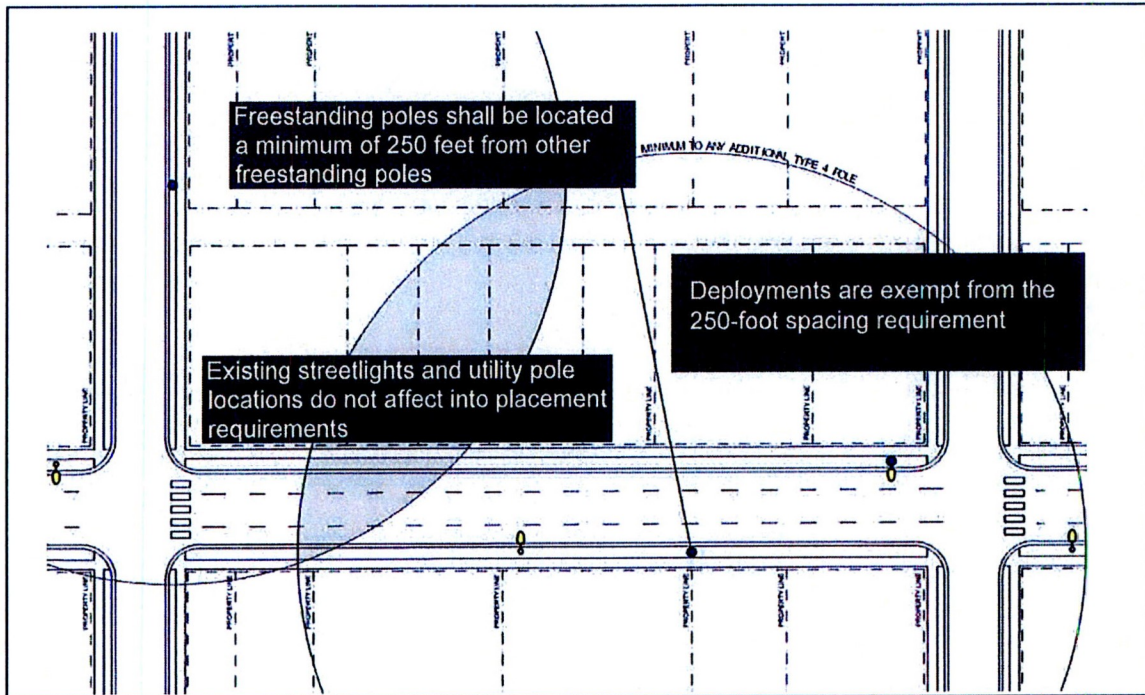
Located out of the clear sight triangle



**Design Standards:**

**210-309.A.(6)(r)**

Shall be placed at a minimum of 250 feet apart radially. This radius extends around corners and into alleys.



Freestanding Small Cell Facility Spacing Radius

**Design Standards:**

**210-309.A.(6)(s)**

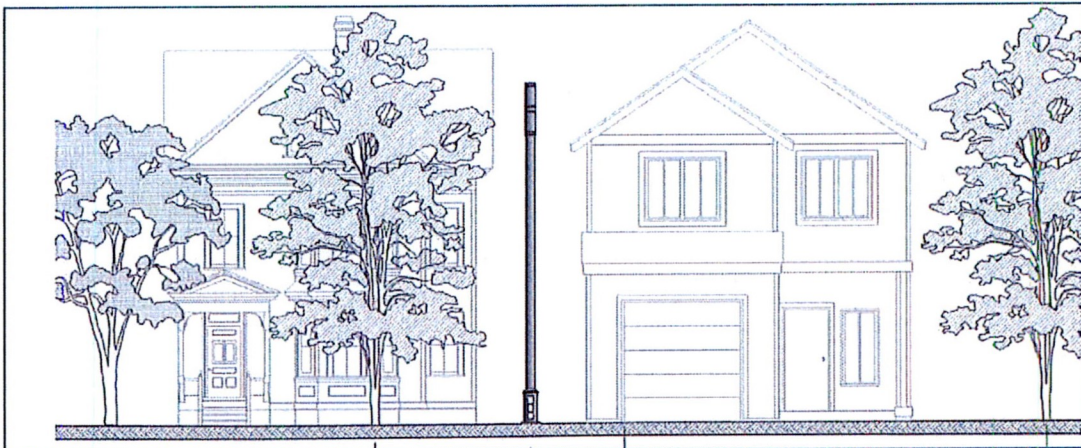
Shall be located equal distance between trees and other poles when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.

**210-309.A.(6)(t)**

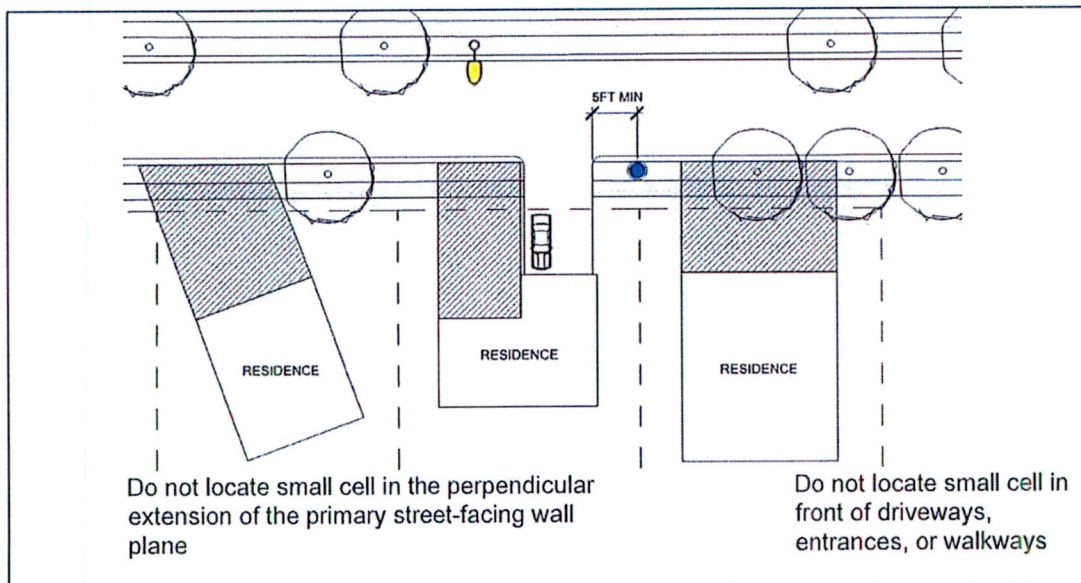
Small cell facilities shall not be installed between the perpendicular extension of the primary street facing facade of any single- or two-family residence as depicted below.

**210-309.A.(6)(u)**

Free standing small cell facilities shall not be installed in residential communities where existing utilities are located underground, unless authorized by Concord Township.



Freestanding Small Cell Facility located between property lines and trees

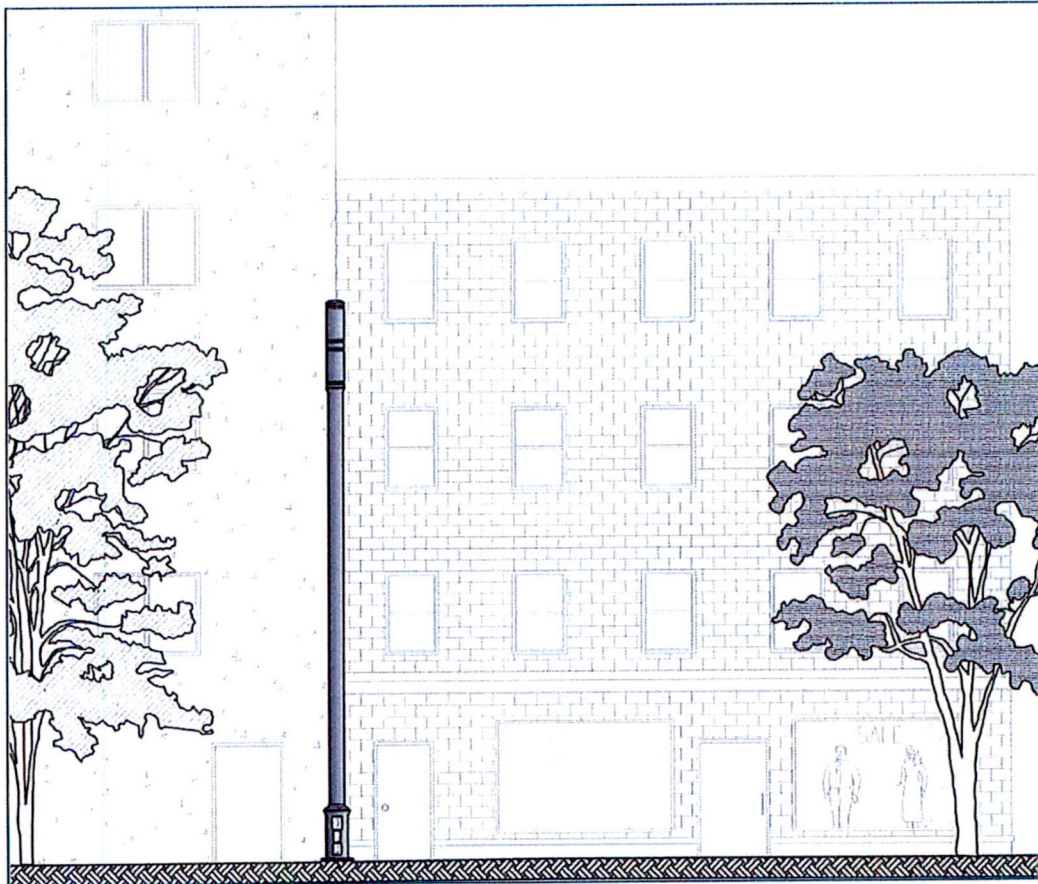


Freestanding Small Cell Facility located between property lines

**Design Standards:**

**210-309.A.(6)(v)**

When located adjacent to a commercial establishment, such as a shop or restaurant, care shall be taken in order to locate the facility so that it does not negatively impact the business. Small cell facilities shall not be located in-front of store front windows, primary walkways, primary entrances or exits, or in such a way that it would impede a delivery to the building. Small cells should be located between properties as much as possible as shown



Freestanding Small Cell Facility located in commercial area

**Legislative Intent:**

**210-309.A.(7)(a)**

Small cells are intended to be installed in order to be minimize visual impact, without interfering with the small cell operation.

**Design Standards:**

**210-309.A.(7)(b)**

Small cells shall be installed in per the acceptable installation examples illustrated below, and shall not be installed per the unacceptable installation examples.

**ACCEPTABLE EXAMPLES**



Facility on Existing Traffic Light

**210-309.A.(7)(c)**

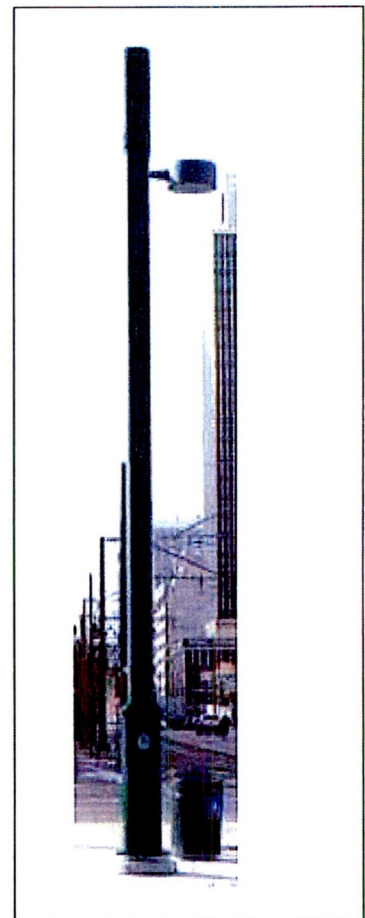
The conduit, mounting bracket, and other hardware are hidden from view.

**210-309.A.(7)(d)**

There is a smooth transition between the upper pole and the antenna attachment.

**210-309.A.(7)(e)**

The upper pole is not smooth and/or straight, with 1.5 inch maximum of flat surface where mounted to the equipment cabinet.



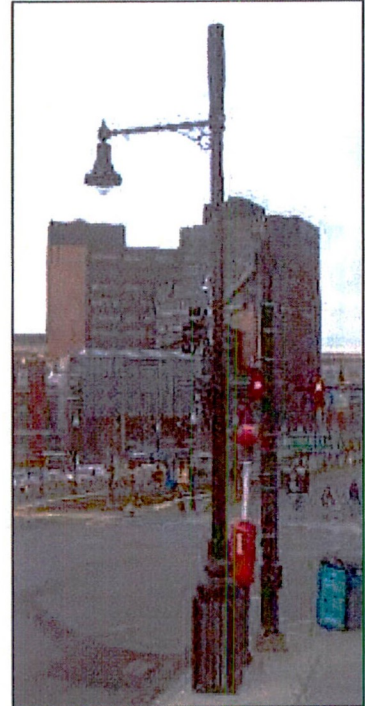
ACCEPTABLE EXAMPLES (CONTINUED)



Facility on Pendant Pole



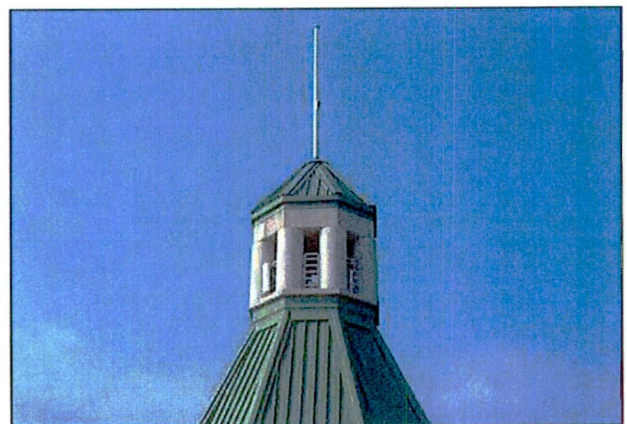
Extension of Existing Street Light



New Pole with Decorative Street Light



The antennas screened from view



The antenna is architecturally compatible

**UNACCEPTABLE EXAMPLES**



The antennas are vertically revealed with no screening



The antennas are not concealed and interrupt the architectural theme



**210-309.A.(7)(f)**

The conduit, mounting bracket, and other hardware are not hidden from view.

**210-309.A.(7)(g)**

There is not a smooth transition between the upper pole and the antenna attachment.

**210-309.A.(7)(h)**

The upper pole is not smooth and/or straight.

**Legislative Intent:**

**210-309.A.(8)(a)**

Small wireless facilities installed within the right-of-way are intended to achieve to meet the General Standards outlined in this section.

**Design Standards:**

**210-309.A.(8)(b)**

Small wireless facilities installed within the right-of-way shall meet the following standards.

**GENERAL**

**210-309.A.(8)(c)**

All work shall conform to these specifications and the National Electrical Code (NEC) when the small cell pole is owned by Concord Township or the utility provider, or the National Electrical Safety Code (NESC) when the small cell pole is owned by the electric company.

**210-309.A.(8)(d)**

The Contractor and/or provider shall keep fully informed of and comply with all Federal, State, and local laws, ordinances, and regulations, and all orders and decrees of bodies or tribunals having any jurisdiction or authority, which may affect those engaged or employed on the work, or affect the conduct of the work.

**210-309.A.(8)(e)**

The small wireless facility shall be identified with the carrier on the facility.

**AESTHETIC REQUIREMENTS**

**ANTENNAS & ACCESSORY EQUIPMENT**

**210-309.A.(8)(e)**

Each small wireless antenna shall be located entirely within a shroud or canister type enclosure.

**210-309.A.(8)(f)**

The diameter of the antenna enclosure at its widest point should not be wider than two (2) times the diameter of the top of the wireless support structure. The enclosure shall not exceed six (6) cubic feet.

**210-309.A.(8)(g)**

The size of the antenna shall not exceed 3 cubic feet in volume.

**210-309.A.(8)(h)**

All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structures such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side mounted antenna being at a location on the wireless support structure noted in the application, and approved by Concord Township, but at least 10 feet above ground level at its lowest point. ensure year round concealment.

**AESTHETIC REQUIREMENTS (CONTINUED)**

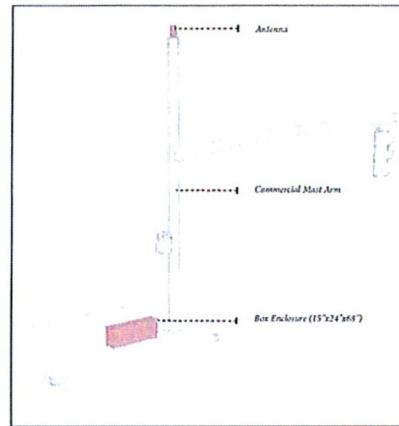
**ANTENNAS & ACCESSORY EQUIPMENT (CONTINUED)**

**210-309.A.(8)(i)**

Tree "topping" or improper pruning of trees is prohibited.

**210-309.A.(7)(j)**

Accessory equipment may not exceed 28 cubic feet in volume. Ground mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the Township. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.



Ground mounted equipment boxes

**210-309.A.(7)(k)**

Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation, and shall be evergreen in order to ensure year round concealment.

**210-309.A.(7)(l)**

The maximum utility pole height shall be 50 feet.

**CABLES AND WIRES**

**210-309.A.(8)(m)**

All cables, wires and connectors related to the small wireless facility shall be fully concealed on the wireless support structure, and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

**DIMENSIONS**

**210-309.A.(8)(n)**

The dimensions of the small cell facilities shall match those in the FCC order.

**FOUNDATIONS**

**210-309.A.(8)(o)**

Concrete bases and equipment pads shall be pre-cast or cast-in-place concrete per Concord Township standard to meet ACI 318. A complete foundation includes the concrete, reinforcing steel, anchor bolts, leveling nuts, conduit stubs, ground rod and wire, excavation and backfill, restoration, accessories as required to provide a complete unit. Banner arm (if required) wind loading shall be incorporated into light standard structural design.



**SMALL CELL STANDARDS, POLES, & INSTALLATION DESIGN**

**210-309.A.(8)(p)**

A complete light standard includes the metal upper pole, mounting bracket, mast arm(s), antenna, equipment cabinet, base, grounding system, and all hardware. The upper pole shall have a handhole at the top to maintain Concord Township fiber and Streetlight electrical service. An optional handhole shall be provided at the bottom of the upper pole if fiber and electrical service cannot be accessed from the equipment cabinet.

**210-309.A.(8)(q)**

Small cell standards shall be consistent with the style, material, and color of Street Light poles required in the Zoning District or Zoning Overlay District.

**210-309.A.(8)(r)**

Material type, shape, of small standards shall be the consistent throughout the design district, unless otherwise approved by Concord Township.

**210-309.A.(8)(s)**

Conduit, mounting bracket, and other hardware shall be hidden from view.

**210-309.A.(8)(t)**

Antenna shall include a smooth transition between the upper pole and antenna attachment.

**210-309.A.(8)(u)**

The upper pole shall be smooth and straight, with 1.5 inch (maximum) of flat surface where mounted to the equipment cabinet.

**210-309.A.(8)(v)**

The equipment cabinet shall be round, and the diameter shall be in the range of 16 to 20 inches.

**SAFETY**

**210-309.A.(8)(w)**

An eight (8) foot high security fence shall surround any separate communications equipment building, per Section 210-212.D. of the Zoning Ordinance. Such fence shall be of a type and design that is in character with the architecture of the surrounding area. All wire chain-link fences shall be coated with green or black plastic-coated wire, and all cinder-block and cement block walls shall be faced with stone, stucco or similar finishing.

**HISTORIC DISTRICT, STRUCTURES, BUILDINGS, SITES, RESOURCES AND PROTECTED VIEW-SHEDS**

**210-309.A.(8)(x)**

In order to maintain the character of a Historic District, Structure, Building Site, Resource or protected view-sheds, all wireless facilities and new structures in a Historic District shall employ screening, concealment, camouflage, or other stealth techniques in order to minimize visual impacts. Small wireless facilities on existing structures or new poles within a Historic District shall be subject to the following:

- [1] Shall be placed so as not to be located along the frontage of a Historic building or structure, or resource deemed historic on a federal or state, or by Concord Township.
- [2] New and replacement structures shall be of monopole design.
- [3] The design of wireless facilities and related new structures shall be integrated with existing buildings, structures and landscaping, and consider the height, color, style, placement, design and shape in order to minimize the negative impact to aesthetics.
- [4] Installation of small cell facilities shall comply with the aesthetic standards and shall be reviewed by the Concord Township Historic Commission.

**CONTINUED MAINTENANCE**

**210-309.A.(8)(y)**

All structures and facilities shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way, or obstruct the legal use of the right-of-way by Concord Township and utilities.

**210-309.A.(8)(z)**

Wireless providers are responsible for repairing any damage to the right-of-way, and shall return the area to at least the condition that existed prior to any work being completed.



# Township of Concord

DELAWARE COUNTY

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*COUNCIL: Dominic A. Pileggi, John J. Gillespie, John L. Crossan,  
Dana M. Rankin, Colleen P. Morrone, Vinita Deshmukh, Larry Mutschler*

January 4, 2023

General Code Publishers  
781 Elmgrove Road  
Rochester, NY 14624-2991

**Re: Concord Township Ordinance No. 400**

Dear Sir/Madam:

Please find enclosed a copy of Concord Township Ordinance No. 400 for your files.

Please contact me if you have any questions regarding this submission.

Regards,

A handwritten signature in blue ink that reads "Lisa M. Waldron".

Lisa M. Waldron  
*Assistant to the Township Manager*