

WEST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019 –

AN ORDINANCE OF THE TOWNSHIP OF WEST GOSHEN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 84 OF THE WEST GOSHEN TOWNSHIP CODE, ENTITLED “ZONING” AT ARTICLE II. WORD USAGE AND DEFINITIONS TO ADD A NEW DEFINITION FOR SMALL WIRELESS FACILITIES AND AT ARTICLE XIV. SUPPLEMENTAL REGULATIONS IN ORDER TO PROVIDE FOR ADDITIONAL PROVISIONS REGARDING APPROVAL TIME FRAMES, PERMIT FEES, HEIGHT LIMITATIONS AND PERMISSIBLE LOCATIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN WEST GOSHEN TOWNSHIP.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Goshen Township that Chapter 84 of the West Goshen Township Code, titled, “Zoning”, shall be amended as follows:

SECTION 1. Section 84-8. Definitions. shall be amended to include the following new term:

“SMALL WIRELESS FACILITIES (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.”

SECTION 2. Section 84-57.03.B.(1)(h) shall be amended to include a new subsection(h.1) immediately beneath and following (h) as follows:

“(h.1) Timing of approval for SWF. Within 10 calendar days of the date that an application for a nontower WCF that is also a SWF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. The Township shall have 10 days from receipt of the additional information to issue a letter of completeness, or to request additional information as appropriate. Within 60 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township’s 60-day review period.

SECTION 3. Section 84-57.03.B.(2)(d) shall be amended and revised to read as follows:

“(d) Permit fees. The Township may assess appropriate, fair and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of a nontower WCF as set forth in fee schedules established by the Township.”

SECTION 4. Section 84-57.03.B.(3)(f) shall be amended and revised to read as follows:

“(f) Permit fees. The Township may assess appropriate, fair and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of a nontower WCF as set forth in fee schedules established by the Township.”

SECTION 5. Section 84-57.03.E.(1)(d)[1][q] shall be amended to include a new subsection [q.1] immediately beneath and following [q] as follows:

“[q.1] Timing of approval for SWF. Within 10 calendar days of the date that an application for a tower-based WCF that is also a SWF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. The Township shall have 10 days from the receipt of the additional information to issue a letter of completeness, or to request additional information as appropriate. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the 90-day review period. If the application is subject to conditional use approval, such conditional use provisions will remain applicable to the application; however, the timing of approval shall not fall outside the timeline set forth in this section unless otherwise agreed upon by the applicant and the Township.”

SECTION 6. Section 84-57.03.E.(1)(d)[1][t] shall be amended and revised to read as follows:

“(t) Permit fees. The Township may assess appropriate, fair and reasonable permit fees directly related to the Township’s actual costs in reviewing and processing the application for approval of a tower-based WCF as set forth in fee schedules established by the Township.”

SECTION 7. Section 84-57.03.G.(1)(a) shall be amended to read as follows:

"(a) Development Regulations.

[1] Tower-based WCFs greater than 55 feet in height shall be prohibited in the public rights-of-way.

[2] Tower-based WCFs 55 feet or shorter in height shall be permitted by conditional use, regardless of the underlying zoning district, within the rights-of-way of the roads as listed and specifically described in Attachment 084d, Aerial Utility Roadways which is herein adopted.

[3] Tower-based WCFs shall not be located in a right-of-way that directly fronts or abuts the front yard setback of a dwelling unit that is currently used for residential purposes or zoned residential."

SECTION 8. Section 84-57.03.G.(1)(d)[2] shall be removed and deleted in its entirety.

SECTION 9. Section 84-57.03 is amended to include a new subsection J. as follows:

"J. Consistency with state and federal laws and regulations. The provisions contained herein regulating Wireless Communications Facilities 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 in 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 provisions in local ordinances. In which case, the more stringent provisions of local ordinances shall remain in effect and shall control in such instances."

SECTION 10. 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 Board of Supervisors of West Goshen Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 11. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 12. Effective Date. This Ordinance shall be effective five (5) days following enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2019.

ATTEST:

**BOARD OF SUPERVISORS
WEST GOSHEN TOWNSHIP**

Casey LaLonde, Secretary

BY: _____
Robin Stuntebeck, Chairman

Hugh J. Purnell, Jr., Vice-Chairman

Edward G. Meakim, Jr., Member

Christopher Pielli, Esq., Member

Mary R. LaSota, Esq., Member

ATTACHMENT 084d – AERIAL UTILITY ROADWAYS

The following roads located throughout the Township:

Phoenixville Pike (Route 29); from Saunders Lane to Old Greenhill Road
McDermott Drive
Brandywine Parkway
Wilson Drive
Airport Road; extending from Paoli Pike to Wilson Drive
American Boulevard
Wrights Lane
Ward Avenue
Old Fern Hill Road
Lawrence Drive
Greenhill Road (but limited to locations within the I-1 Zoning District)
Andrew Drive
Camaro Drive

Paoli Pike
West Chester Pike
Route 322
Pottstown Pike
Route 100



THE COUNTY OF CHESTER



COMMISSIONERS
Michelle Kichline
Kathi Cozzone
Terence Farrell

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July 17, 2019

Casey LaLonde, Manager
West Goshen Township
1025 Paoli Pike
West Chester, PA 19380

Re: Zoning Ordinance Amendment – Wireless Communications Facilities
West Goshen Township – ZA-06-19-15960

Dear Mr. LaLonde:

The Chester County Planning Commission has reviewed the proposed Zoning Ordinance Amendment as submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Section 609(e). The referral for review was received by this office on June 19, 2019. We offer the following comments to assist in your review of the proposed amendment.

DESCRIPTION:

1. West Goshen Township proposes the following amendments to its Zoning Ordinance:
 - A. Add a definition for “Small Wireless Facilities (SWF)” to Section 84-8;
 - B. Add subsection (h.1) to Section 84-57.03.B.(1), pertaining to the timing of approval for a nontower wireless communication facility that is also a small wireless facility;
 - C. Amend Section 84-57.03.B.(2)(d) and Section 84-57.03.B.(3)(f), pertaining to permit fees for nontower wireless communications facilities;
 - D. Add subsection (q.1) to Section 84-57.03.E.(1)(d)(1), pertaining to the timing of approval for a tower-based wireless communication facility that is also a small wireless facility;
 - E. Amend Section 84-57.03.E(1)(d)[1][t], pertaining to the permit fees for tower-based wireless communications facilities;
 - F. Amend the development regulations for tower-based wireless communications facilities in Section 84-57.03.G(1); and
 - G. Add Section 84-57.03.J, pertaining to consistency with state and federal laws and regulations for wireless communications facilities.

COMMENT:

2. In its review of the proposed wireless communication facilities standards, the Township should be aware that the Federal Communications Commission (FCC) adopted new wireless facility rules which officially went into effect on February 9, 2015. These rules, which address issues such as the modification of previously approved wireless facilities and support structures, along with the timing of review notifications and approvals, are currently available online at: <http://www.gpo.gov/fdsys/pkg/FR-2015-01-08/pdf/2014-28897.pdf>.

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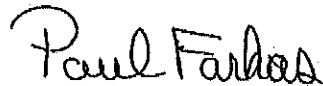
Re: Zoning Ordinance Amendment – Wireless Communications Facilities

West Goshen Township – ZA-06-19-15960

RECOMMENDATION: The Township should consider the comment in this letter before acting on the proposed zoning ordinance amendment.

We request an official copy of the decision made by the Township Supervisors, as required by Section 609(g) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,

A handwritten signature in black ink that reads "Paul Farkas". The signature is written in a cursive, slightly slanted style.

Paul Farkas
Senior Review Planner