



# Peters Township

## New Freestanding Tower-Based Wireless Communications Facilities Permitting Policy

---

Resolution #09-01-23

Date of Adoption: September 11, 2023

### **A. Statement of Purpose**

The permitting of new standalone tower-based wireless communication facilities is governed by the Peters Township Code of Ordinances including the Zoning Ordinance and the Building Code. New standalone tower based wireless communication facilities are a Special Exception in the Township's Industrial Zoning District. They also require site plan approval and the issuance of a building permit prior to construction. The purpose of this policy is to provide a concise overview of the approval process. It is not intended to replace, supplement, or amend the regulations as prescribed in the Peters Township Code of Ordinances or the Pennsylvania Municipalities Planning Code including the required notification process.

### **B. Background**

Cellular phone service is essential. Throughout Peters Township there are gaps within various existing wireless communication networks. To address these gaps, the cellular service providers will need to invest in additional wireless communication facilities on either existing structures, poles, or towers through collocation, or through the installation of new poles or towers.

The construction of new towers for cellular phone service are subject to control under the Peters Township Zoning Ordinance. New freestanding "Tower-Based Wireless Communication Facilities" require Special Exception approval from the Township Zoning Hearing Board, Site Plan approval by the Planning Commission, as well as Building Permit approval. As such, there exists a robust review and permitting process that includes notification of and input from affected property owners.

Construction of new standalone tower-based wireless communication facilities are only permitted in the Township's Industrial (I) Zoning District.

### **C. Governance**

The Peters Township Planning Director will assume primary responsibility regarding the processing and issuance of the Special Exception and Site Plan Approval. The Building Code Official in consultation with the Planning Director will assume primary responsibility regarding the processing and issuance of the Building Permit for tower-based wireless communication facilities. Each level of approval shall be done in accordance with state and local laws.

### **D. Applications**

An application for a Special Exception use for a tower-based wireless communications facility shall include:

1. A complete Zoning Hearing Board application, including the filing fee and written authorization from the property owner of the proposed tower-based wireless communication facility site.

2. Proof that the applicant is licensed by the Federal Communication Commission to operate a tower-based Wireless Communication Facility and that the proposed tower-based Wireless Communication Facility complies with all applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.
3. A narrative of the scope of work, including a response to the 10 standards and criteria for a Special Exception as provided for in §440-903.(2).(b) of the Township Zoning Ordinance.
4. A site plan of the proposed tower-based wireless communications facility that includes the necessary submittals outlined in §440-603.D of the Township Zoning Ordinance.

Building Permit applications for a new tower-based wireless communications facilities shall include:

1. A previously approved Special Exception by the Township Zoning Hearing Board.
2. A completed Building Permit application
3. A narrative of the proposed scope of work
4. Evidence of authorized/permitted access to the tower or site.
5. An approved site plan prepared by a Pennsylvania licensed Engineer including all existing features and the proposed installation, including the details of the proposed fencing and landscaping.
6. Two (2) complete sets of the proposed construction drawings.
7. A structural analysis report prepared by a Pennsylvania licensed Engineer.
8. A photographic rendering of the proposed installation or a photograph of a similar existing installation.
9. A certificate of liability insurance for the site contractor

## **E. Application Review Process**

### **1. Special Exception**

New standalone tower-based wireless communication facilities require Special Exception approval by the Peters Township Zoning Hearing Board. Once a completed Special Exception application has been received by the Township, the Planning Department will proceed to work through the Special Exception approval process, including meeting with the Township Manager, Engineer, and Solicitor to determine if the application meets the criteria to obtain a Special Exception as provided for in §440-903.B.(2).(b) of the Township Zoning Ordinance. The Special Exception application will then be presented before the Township Planning Commission for a recommendation to the Township Zoning Hearing Board with the final decision for the Special Exception to be made by the Zoning Hearing Board.

### **2. Site Plan**

If the Special Exception is approved the applicant for new standalone tower-based wireless communication facilities is required to obtain site plan approval from the Peters Township Planning Commission. Upon receipt of a Site Plan application for tower-based wireless communication facilities, the Planning Director shall be responsible for determining if the Site Plan application and associated documentation is complete. Once a completed Site Plan application has been received by the Township, the Planning Department will proceed to work through the Site Plan approval process, including meeting with the Township Manager, Engineer, and Solicitor to determine if the site plan conforms to the Peters Township Zoning Ordinances as well as any conditions prescribed by the Zoning Hearing Board as part of the approval of the Special Exception. The Planning Director will document the day on which the Building Permit application is considered complete.

### **3. Building Permit**

If the site plan is approved, the applicant for new standalone tower-based wireless communication facilities is required to obtain a building permit. Upon receipt of a Building Permit application for tower-based wireless communication facilities, the Building Code Official under the direction of the Planning Director shall be responsible determining if the Building Permit application and associated documentation is complete. The Building Code Official will document the day on which the Building Permit application is considered complete.

## **F. Notification Process**

### **1. Special Exception**

#### **a. Township Council**

Upon the determination of a complete application for a Special Exception application for a tower-based wireless communications facility, the Planning Director shall inform Peters Township Council. Peters Township Council may at a regular meeting take action so as to provide a recommendation to the Zoning Hearing Board regarding appropriate conditions for the Special Exception.

#### **b. Notification to Residents**

##### **1. Notification by the Township**

After a complete Special Exception application by been received, the Township Planning Department will notify, via U.S. Mail, all surrounding property owners within 600 feet of proposed tower-based wireless communication facilities. The notification shall provide residents with basic information concerning the application, as well as directions on how to access the complete application on the Township's website. Residents will be given 30 days to submit comments in writing or verbally to the Township Planning Department. Residents will be informed of their right to appear at the Zoning Hearing Board for the purpose of offering testimony.

##### **2. Notification by Applicant**

No later than 30 days following the submission of an application for a tower-based wireless communications facility and the scheduling of the public hearing, the applicant shall mail notice to all owners of every property within a 500-foot radius of the proposed wireless communications facility. The applicant shall provide proof of mailing of the notification to the Township within 15 days of completion.

##### **3. Special Exception Applications on the Township Website**

The complete Special Exception application for the proposed tower-based wireless communications facilities will be located on the Peters Township website under the Planning Department's webpage titled "Plans Available for Review". A link to this page will be provided within the Township's notification of any proposed tower-based wireless communications facilities.

### **2. Site Plan**

#### **a. Township Council**

Upon the determination of a Site Plan application for a tower-based wireless communications facility is complete, the Planning Director shall inform Peters Township Council. Peters Township Council may at a regular meeting take action so as to provide a recommendation to the Planning Commission

#### **b. Notification to Residents**

##### **1. Notification by the Township**

After a complete Site Plan application has been received, the Township Planning Department will notify, via U.S. Mail, all surrounding property owners within 600 feet of proposed tower-based wireless communication facilities. The notification shall provide residents with basic information concerning the application, as well as directions on how to access the complete application on the Township's website. Residents will be given 30 days to submit comments in writing or verbally to the Township Planning Department. Residents will be informed of their right to appear at the Planning Commission for the purpose of offering testimony.

2. Site Plan Applications on the Township Website

The complete Site Plan application for the proposed tower-based wireless communications facilities will be located on the Peters Township website under the Planning Department's webpage titled "Plans Available for Review". A link to this page will be provided within the Township's notification of any proposed tower-based wireless communications facilities.

**G. Public Comment**

1. Special Exception

After the date of the notification letter, residents will be given 30 days to submit comments to the Planning Department in writing or verbally. All written comments will be incorporated into the official record of the Zoning Hearing Board.

In person public comment will be accepted at the Zoning Hearing Board meeting when the Special Exception is being considered

2. Site Plan Approval

After the date of the notification letter, residents will be given 30 days to submit comments to the Planning Department in writing or verbally. All written comments will be incorporated into the official record of the Planning Commission.

In person public comment will be accepted at the Planning Commission meeting when the Site Plan is being considered

**H. Applicant Engagement**

After sufficient time from which public comments are received, the Township Planning Director will engage with the applicant of the proposed tower-based wireless communications facilities regarding the comments from residents, Council, and staff for the purpose of modifying the proposed installation.

**I. Issuance of a Building Permit for Tower-Based Wireless Communication Facilities**

A decision on the issuance of Building Permits for proposed tower-based wireless communications facilities will be made by the Building Code Official in consultation with the Planning Director within 150 days of the determination of a complete application. The Planning Director may on behalf of the Township request a voluntary extension of this timeline. The applicant shall be notified in writing of the final decision.