

CITY OF JEANNETTE  
WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 19-03

ORDINANCE NO. 19-05

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2017-07, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JEANNETTE, AS AMENDED; TO ADDRESS WIRELESS COMMUNICATIONS FACILITIES BY REVISING DEFINITIONS, PROVIDING GENERAL DEVELOPMENT AND PERFORMANCE STANDARD REQUIREMENTS FOR WIRELESS COMMUNICATIONS FACILITIES; AND BY MAKING SUPPLEMENTAL REGULATIONS AND PARKING REQUIREMENTS FOR WIRELESS COMMUNICATIONS FACILITIES CONSISTENT; REPEALING ALL INCONSISTENT ORDINANCES; AND MAKING THE ORDINANCE IMMEDIATELY EFFECTIVE.

WHEREAS, the City Council of the City of Jeannette adopted Comprehensive Zoning Ordinance Revisions on October 11, 2017, pursuant to Ordinance 2017-07, which included comprehensive changes to the zoning classifications of various parcels of land situate in the City of Jeannette; and

WHEREAS, since the adoption of Ordinance 2017-10, and after consideration by the City Council, the Planning Commission, and the Zoning Officer of the City of Jeannette, it has been determined that it is in the best interest of the City of Jeannette to regulate wireless communications facilities as hereinafter set forth; and

WHEREAS, after due public notice and a public hearing as required by the Pennsylvania Municipalities Planning Code, the City Council of the City of Jeannette finds it appropriate to amend the Zoning Ordinance as hereinafter set forth.

**Section 1.** Article 1: Title, Purpose, and Jurisdiction. Article 1 shall be amended to add subitem N. in Section 1.4, which shall read as follows:

- N. Provide for the orderly and beneficial expansion and development of wireless communications facilities while minimizing the negative impacts to the surrounding neighborhoods and areas.

**Section 2.** Article 2: Zoning Districts. Article 2 shall be amended to delete Section 2.15 in its entirety and be replaced, to remove “Communication Antenna” and “Communications Tower” to add “Non-Tower Wireless Communication Facilities” and “Tower-Based Wireless Communications Facility,” to read as follows:

## 2.15 Permitted Land Uses

Use	TN	MR	CT	UC	NC	CC	RC	D	IC	II	HI
P = Permitted   C = Conditional <sup>1</sup>   A = Accessory   SE = Special Exception <sup>1</sup>											
<b>AGRICULTURE</b>											
Community Garden	P	P	P	A	P			SE	A	A	
Indoor Crop Production										P	P
<b>CIVIC</b>											
Cemetery	P	P	P								
Communications Equipment Building										C	C
Detention Facility										C	P
Educational Facilities, College/University				C		C	C	C	C	C	
Educational Facilities, Primary/Secondary	C	C	C	C	C	C			C		
Educational Facilities, Vocational						C		C	C	C	C
Essential Services	P	P	P	P	P	P	P	P	P	P	P
Government Offices				P	P	P		P	C		
Hospital Services				C		C	C	C	C	C	
Library		P	P		P			P	P		
Maintenance and Service Facilities										C	P
Museum				P				P	P		
Non-Tower Wireless Communications Facility			A	A	A	A	A	A	A	A	A
Place of Worship	P	P	P	C	P	P		C	P		
Postal Facilities			P			P		P	C	P	P
Public Safety Facility			C	C	C	P		P	C	P	P
Railroad Facilities											C
Recreation, Indoor (Public)				P		C		C	P	SE	
Recreation, Open Space	P	P	P	P	P	P	P	P	P	P	P
Recreation, Outdoor (Public)	P	P	P	P	P	C			SE		
Tower-Based Wireless Communications Facility										C	C
Transitional Housing		P	P								
Transportation Terminal						C	C	C		C	P
Utilities, Major										C	P

TN = Traditional Neighborhood; MR = Mixed Residential; CT = Commercial Transition; NC = Neighborhood Commercial; CC = Commercial Corridor; UC = Urban Center; RC = Regional Commercial; D = Downtown; IC = Institutional Campus; II = Industrial Innovation; HI = Heavy Industrial

Use	TN	MR	CT	UC	NC	CC	RC	D	IC	II	HI
P = Permitted   C = Conditional <sup>1</sup>   A = Accessory   SE = Special Exception <sup>1</sup>											
COMMERCIAL											
Adult Business											P
Alcohol Sales				P	C	C	P	C			
Alternative Financial Services				P		P					
Art Gallery			P	P	P	P		P	P		
Assisted Living Facility				P		C		C	P		
Automotive, Rentals						P					
Automotive, Repair					SE	P					P
Automotive, Sales			SE			P	P				
Automotive, Washing					SE	P	P				P
Bail Bond Services					SE	P					
Bar/Lounge			SE	P	P	C	P	P			
Bed & Breakfast	SE	SE	SE	SE				SE			
Blood Plasma Center						P				P	
Building Maintenance Services						P				P	P
Clinic, Medical or Dental			P	P	P	P	P	P	P		
Clinic, Veterinary			P	P	P	P	P	P			
Club or Lodge			P	P	P	P		P			
Communications Services						P		P		P	
Consumer Repair Services			P	P	P	P	P	P		P	
Convenience Storage			SE			P		SE		P	P
Day Care Services, General			P	P	P	P	P	P	P	P	
Day Care Services, Limited		A	P	P	P				P	P	
Drive-Through Facility			A	A		A	A	SE			
Employee Recreation, Lunch, Healthcare				A		A			A	A	A
Entertainment, Indoor				P		P	P	P			
Entertainment, Outdoor				P				SE			
Equipment Repair										SE	P
Equipment Sales										SE	P
Family Day Care Home	P	P	P								
Food Preparation, General					C	C				P	P
Food Preparation, Limited				P	P	P		SE		P	P
Food Sales			P	P	P	P	P	P			
Food Truck			A	A	A	A		A	A	A	A

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<b>COMMERCIAL</b>											
Forestry <sup>2</sup>	P	P	P	P	P	P	P	P	P	P	P
Funeral Services			P		P	P					
Home-Based Business, No-Impact	A	A	A	A	A	A	A	A			
Home Occupation		A	A	A	A	A	A	A			
Hotel				P		P	P	P			
Kennels						SE					SE
Laundry Services			P		P	P	P				
Live/Work Unit <sup>3</sup>			P	P				SE		P	SE
Mixed-Use Structure			P	P	P		P	P			
Motel						P	P				
Nursing Facility, Skilled			SE	SE					SE		
Pawn Shop						P					
Personal Services			P	P	P	P	P	SE	SE		
Pet Services			P	P	P	P		P			
Plant Nursery						P				P	
Printing and Publishing				P		P		P		P	P
Professional Offices			P	P	P	P	P	P	P	P	P
Recreation, Indoor (Private)				P			P	P	SE	SE	
Recreation, Outdoor (Private)				SE			SE		SE		
Residential Treatment						C					
Restaurant, General				P	P	P	P	P			
Restaurant, Limited			P	P	P	P	P	P			
Retail Sales, Convenience			P	P	P	P	P	P			
Retail Sales, General				P		P	P	P			
Salvage Yard											P
Service Station						P	C				P
Sidewalk Dining				A	A		A	A			
Solar Energy Production	A	A	A	A	A	A	A	A	A	P	P
Substance Abuse Treatment Facility						P				P	P
Wind Energy Production	A	A	A	A	A	A	A	A	A	A	A

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<b>INDUSTRIAL</b>											
Industrial Park										P	P
Manufacturing, Custom				A	A			A		P	
Manufacturing, Heavy											P
Manufacturing, Light				C						P	P
Mineral Extraction											P
Oil and Gas Extraction											C
Warehousing and Distribution, General				P							P
Warehousing and Distribution, Limited				P		P				P	P
<b>RESIDENTIAL</b>											
Dwelling, Accessory	A	A	A								
Dwelling, Duplex	SE	P	P		P				A <sup>4</sup>		
Dwelling, Multi-Family		P	P	P	P	P	P <sup>5</sup>	P	A <sup>4</sup>		
Dwelling, Single-Family	P	P	P								
Dwelling, Townhouse		P	P		P				A <sup>4</sup>		
Garage, Private	A	A	A	A	A			A	A <sup>4</sup>		
Group Home	P	P	P		P						
Halfway House		P	P								
Outdoor Storage Shed, Private	A	A	A		A						
Outdoor Storage Shed, Temporary	A	A	A	A	A	A	A	A	A	A	A
Swimming Pool, Private	A	A			A						

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1. Conditional and Special Exception uses are subject to the regulations in Article 4: Supplemental Regulations.
2. The Pennsylvania Municipalities Planning Code requires Forestry to be a permitted use in every district.
3. A "Live/Work Unit" combines residential and commercial and/or certain industrial uses. The commercial and/or industrial component of Live/Work Units is restricted to those uses expressly permitted in the district that the Live/Work Unit is located. Furthermore, only the following industrial uses are permitted in Live/Work Units: Custom Manufacturing and Light Manufacturing. All businesses must be properly licensed according to local, state, and federal law.
4. These uses are permitted in the Institutional Campus district but only as an accessory to a permitted, conditional, or special exception use in this district. These uses are *not* regulated in the same manner as "Dwelling, Accessory."
5. Multifamily dwellings are permitted as part of a mixed-use structure ONLY.

**Section 3.** Article 3: General Development and Performance Standards. Article 3 shall be amended to add a new Section 3.8, Wireless Communications Facilities, to read as follows:

### **3.7 Wireless Communications Facilities**

3.7.1 General and Specific Requirements for Non-Tower Wireless Communications Facilities.

A. The following regulations shall apply to all non-tower wireless communications facilities, including, without limitation, all non-tower wireless communications facilities located within a public right of way:

a. Permitted as an accessory use in certain zones subject to regulations. Non-tower wireless communications facilities are permitted as an accessory use in certain zones, as provided in Section 2.15, subject to the restrictions and conditions prescribed below and subject to applicable permitting by the City.

b. Non-conforming wireless support structures. Non-tower wireless communications facilities shall be permitted to collocate upon non-conforming tower-based wireless communications facilities and other non-conforming structures. Collocation of wireless communications facilities upon existing tower-based wireless communications facilities is encouraged even if the tower-based wireless communications facilities are non-conforming as to use within a zoning district.

c. Standard of care. Any non-tower wireless communications facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any wireless communications facilities 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 endanger the life of any person or any property in the City.

d. Wind and Ice. All non-tower wireless communications facilities structures shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to industry standards.

e. Aviation Safety. Non-tower wireless communications facilities shall comply with all federal and state laws and regulations concerning aviation safety.

f. Interference. Non-tower wireless communications facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

g. Radio Frequency Emissions. Non-tower wireless communications

facilities shall not, by itself or in conjunction with other wireless communications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

h. Removal. In the event that the use of non-tower wireless communications facilities is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless communications facilities, or portions of wireless communications facilities, shall be removed as follows:

1. All abandoned or unused wireless communications facilities and accessory equipment shall be removed within one hundred eighty (180) calendar days of the cessation of operations at the site unless a time extension is approved by the City.

2. If the wireless communications facilities or accessory facility are not removed within one hundred eighty (180) calendar days of the cessation of operations at a site, or within any longer period approved by the City, the wireless communications facilities and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the wireless communications facilities.

i. Insurance. Each person that owns or operates non-tower wireless communications facilities shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the non-tower wireless communications facilities.

j. Indemnification. Each person that owns or operates non-tower wireless communications facilities shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the non-tower wireless communications facilities. Each person that owns or operates non-tower wireless communications facilities shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of non-tower wireless communications facilities. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

k. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

1. Non-Tower wireless communications facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

2. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City's residents.

3. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

B. The following regulations shall apply to all collocated non-tower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached and/or fall under the Pennsylvania Wireless Broadband Collocation Act (WBCA), including, without limitation, all such collated non-tower wireless communications facilities located within a public right of way:

a. Building Permit Required. Wireless communications facilities applicants proposing the modification of existing tower-based wireless communications facilities shall obtain a building permit from the City. In order to be considered for such permit, the wireless communications facilities applicant must submit a permit application to the City in accordance with applicable permit policies and procedures.

b. Timing of approval for applications that fall under the Pennsylvania Wireless Broadband Collocation Act. Within thirty (30) calendar days of the date that an application for non-tower wireless communications facilities is filed with the City, the City shall notify the wireless communications facilities applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the wireless communications facilities applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the wireless communications facilities applicant to provide the information shall not be counted toward the City's sixty (60) calendar day review period. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.

c. Accessory Equipment. Ground-mounted accessory equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use.

d. Permit fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application, and inspections related thereto, for approval of non-tower wireless communications facilities or \$500.00, whichever is greater, up the maximum amount of \$1,000.00. Such permit fees shall not include and shall be in addition to any public right of way access fee, attachment fee, inspection and monitoring fee, or any other recurring fee assessed by the City.

C. The following regulations shall apply to all non-tower wireless communications facilities that do substantially change the wireless support structure to which they are attached and/or do not fall under the Pennsylvania Wireless Broadband Collocation Act, including, without limitation, all such non-tower wireless communications facilities located within a public right of way:

a. Non-Commercial Usage Exemption. City residents utilizing satellite dishes, citizen and/or band radios, and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section.

b. Prohibited on Certain Structures. No non-tower wireless communications facilities shall be located on single-family detached residences, single-family attached residences, twin-homes, duplexes, or any residential accessory structure.

c. Historic Buildings. No non-tower wireless communications facilities may be located upon any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places.

d. Timing of approval for applications that do not fall under the Pennsylvania Wireless Broadband Collocation Act. Within thirty (30) calendar days of the date that an application for non-tower wireless communications facilities is filed with the City, the City shall notify the wireless communications facilities applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days, for small wireless communications facilities, or ninety (90) calendar days, for non-small wireless communications facilities, of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the wireless communications facilities applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the wireless communications facilities applicant to provide the information shall not be counted toward the City's sixty (60) calendar day review period.

e. Retention of Experts. The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the wireless communications facilities and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these wireless communications facilities provisions. The wireless communications facilities applicant and/or owner of the wireless communications facilities shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation in connection with these activities.

f. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application, and inspections related thereto, for approval of non-tower wireless communications facilities or \$500.00, whichever is greater. Such permit fees shall not include and shall be in addition to any public right of way access fee, attachment fee, inspection and monitoring fee, or any other recurring fee assessed by the City.



g. Development Regulations. Non-tower wireless communications facilities shall be located or collocated on existing wireless support structures, such as existing buildings or tower-based wireless communications facilities, subject to the following conditions:

1. The total height of any wireless support structure and mounted wireless communications facilities shall not exceed twenty (20) feet above the maximum height permitted in the underlying zoning district.

2. In accordance with industry standards, all non-tower wireless communications facilities applicants must submit documentation to the City justifying the total height of the non-tower wireless communications facilities. Such documentation shall be analyzed on an individual basis.

3. If the wireless communications facilities applicant proposes to locate the accessory equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

4. A security fence of eight (8) feet 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 the principal use.

h. Design Regulations. Non-tower wireless communications facilities shall employ stealth technology and be treated to match the wireless support structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the wireless communications facilities applicant shall be subject to the approval of the City.

i. Removal, Replacement and Modification.

1. The removal and replacement of non-tower wireless communications facilities and/or accessory equipment for the purpose of upgrading or repairing the wireless communications facilities is permitted, so long as such repair or upgrade does not substantially change the overall size of the wireless communications facilities or the number of antennae.

2. Any material modification to a wireless communications facilities shall require notice to be provided to the City, and possible supplemental permit approval to the original permit or authorization.

j. Inspection. The City reserves the right to inspect any wireless communications facilities to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Third Class City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a wireless communications facilities is located at any time, upon reasonable notice to the operator, to ensure such compliance.

### 3.7.2 General and Specific Requirements for All Tower-Based Wireless Communications Facilities.

A. The following regulations shall apply to all tower-based wireless communications facilities, including, without limitation, all non-tower wireless communications facilities located within a public right of way:

a. Standard of Care. Any tower-based wireless communications facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based wireless communications facilities 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 endanger the life of any person or any property in the City.

b. Conditional Use Authorization Required. Tower-based wireless communications facilities are permitted in certain zoning districts by conditional use and at a height necessary to satisfy their function in the wireless communications facilities applicant's wireless communications system. No wireless communications facilities applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The wireless communications facilities applicant shall demonstrate that the antenna/tower/pole for the tower-based wireless communications facilities is the minimum height necessary for the service area.

1. Prior to the City's approval of a conditional use authorizing the construction and installation of tower-based wireless communications facilities, it shall be incumbent upon the wireless communications facilities applicant for such conditional use approval to prove to the reasonable satisfaction of the City that the wireless communications facilities applicant cannot adequately extend or infill its communications system by the use of equipment installed on existing structures, such as utility poles or their appurtenances and other available structures. The wireless communications facilities applicant shall further demonstrate that the proposed tower-based wireless communications facilities must be located where it is proposed in order to serve the wireless communications facilities applicant's service area and that no other viable, less-intrusive alternative location exists.

2. The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the wireless communications facilities applicant, the power in watts at which the wireless communications facilities applicant transmits, and any relevant related tests conducted by the wireless communications facilities applicant in determining the need for the proposed site and installation.

3. The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based wireless communications facilities comply with all state and federal laws and regulations concerning aviation safety.

4. Where the tower-based wireless communications facilities are located on a property with another principal use, the wireless communications facilities applicant shall present documentation to the City that the owner of the property has granted an easement for the proposed wireless communications facilities and that vehicular access will be provided to the facility.

5. The conditional use application shall also be accompanied by documentation demonstrating that the proposed tower-based wireless communications facilities complies with all applicable provisions of the Zoning Ordinance.

c. Notice. Upon submission of an application for tower-Based wireless communications facilities and the scheduling of the public hearing upon the application, the wireless communications facilities applicant shall mail notice to all owners of every property within one thousand (1000) feet of the proposed facility. The wireless communications facilities applicant shall provide proof of the notification to the City.

d. Engineer Inspection. Prior to the City's issuance of a permit authorizing construction and erection of tower-based wireless communications facilities, a structural engineer registered in Pennsylvania shall issue to the City a written certification of the proposed wireless communications facilities' ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.

e. Visual Appearance and Land Use Compatibility. Tower-based wireless communications facilities shall employ stealth technology which may include the tower portion to be painted silver or another color approved by the City or shall have a galvanized finish. All tower-based wireless communications facilities and accessory equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The City shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

f. Collocation and Siting. An application for new tower-based wireless communications facilities shall demonstrate that the proposed tower-based wireless

communications facilities cannot be accommodated on an existing or approved structure or building or sited on land owned and maintained by the City. The City may deny an application to construct new tower-based wireless communications facilities if the wireless communications facilities applicant has not made a good faith effort to mount the commercial communications antenna(s) on an existing structure. The wireless communications facilities applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter (1/4) of a mile radius of the site proposed, sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

1. The proposed antenna and accessory equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

2. The proposed antenna and accessory equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

3. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

4. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

g. Permit Required for Modifications. To the extent permissible under applicable state and federal law, any wireless communications facilities applicant proposing the modification of existing tower-based wireless communications facilities, which increases the overall height of such wireless communications facilities, shall first obtain a permit from the City. To the extent permissible under law, non-routine modifications shall be prohibited without a permit.

h. Gap in Coverage. A wireless communications facilities applicant for a tower-based wireless communications facilities must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of wireless communications facilities being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage or capacity shall be a factor in the City's decision on an application for approval of tower-based wireless communications facilities.

i. Additional Antennae. As a condition of approval for all tower-based wireless communications facilities, the wireless communications facilities applicant shall provide the City with a written commitment that it will allow other service providers to collocate antennae on tower-based wireless communications facilities where technically and economically feasible. To the extent permissible under state and federal law, the owner of a tower-based wireless communications facilities shall not install any additional antennae without obtaining the prior written approval of the City.

j. Wind and Ice. Any tower-based wireless communications facilities structures shall be designed to withstand the effects of wind gusts of at least one hundred (100) miles per hour in addition to industry standards.

k. Height. Any tower-based wireless communications facilities shall be designed at the minimum functional height. The maximum total height of a tower-based wireless communications facilities, which is not located in the public right of way, shall not exceed one hundred (100) feet, as measured vertically from the ground level to the highest point on the structure, including antennae and subsequent alteration. Tower-based wireless communications facilities in excess of one hundred (100) feet shall be permitted provided that the applicant demonstrates to the satisfaction of the City that the tower-based wireless communications facilities are the minimum height required to provide an acceptable signal. Minimum setbacks shall be increased fifty (50) feet for each additional twenty-five (25) feet in height or fraction thereof over one hundred (100) feet. Under no circumstance shall a tower-based wireless communications facilities structure be higher than two hundred (200) feet, as measured vertically from the ground level to the highest point.

l. Accessory Equipment. Either one single-story wireless communications equipment building not exceeding 500 square feet in area or up to five metal boxes placed on a concrete pad not exceeding ten (10) feet by twenty (20) feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing commercial communications antenna(e) space on the tower-based wireless communications facility greater than forty (40) feet in height.

m. Interference. No tower-based wireless communications facilities shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

n. Maintenance. The following maintenance requirements shall apply:

1. Tower-based wireless communications facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

2. Such maintenance shall be performed to ensure the upkeep of the wireless communications facilities in order to promote the safety and security of the City's residents and utilize the best available technology for preventing failures and accidents.

o. Radio Frequency Emissions. Tower-based wireless communications facilities shall not, by themselves or in conjunction with other wireless communications facilities, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.



p. Historic Buildings or Districts. Tower-based wireless communications facilities shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places.

q. Signs. Tower-based wireless communications facilities shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the wireless communications facilities shall be those required by the FCC, or any other federal or state agency.

r. Lighting. No tower-based wireless communications facilities shall be artificially lighted, except as required by law. If lighting is required, the wireless communications facilities applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The wireless communications facilities applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the City Clerk.

s. Noise. Tower-based wireless communications facilities shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Third Class City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

t. Aviation Safety. Tower-based wireless communications facilities shall comply with all federal and state laws and regulations concerning aviation safety.

u. Retention of Experts. The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the application for approval of tower-based wireless communications facilities and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The wireless communications facilities applicant and/or owner of the wireless communications facilities shall reimburse the City for all costs of the City's consultant(s) in providing expert evaluation and consultation regarding these activities.

v. Timing of Approval. Within thirty (30) calendar days of the date that an application for tower-based wireless communications facilities is filed with the City, the City shall notify the wireless communications facilities applicant in writing of any information that may be required to complete such application. All applications for tower-based wireless communications facilities shall be acted upon within ninety (90) calendar days, for small wireless communications facilities, or one hundred and fifty (150) calendar days, for non-small wireless communications facilities, of the receipt of a fully completed application for the approval of such tower-based wireless communications facilities and the City shall advise the wireless communications facilities applicant in writing of its decision. If additional information was requested by the City to complete an application, the time required by the wireless communications facilities applicant to provide the information shall not be counted toward the ninety (90) or one hundred fifty (150) calendar day review period.

w. Non-Conforming Uses. Non-conforming tower-based wireless communications facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section.

x. Removal. In the event that use of tower-based wireless communications facilities is planned to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned wireless communications facilities or portions of wireless communications facilities shall be removed as follows:

1. All unused or abandoned tower-based wireless communications facilities and accessory facilities shall be removed within one hundred eighty (180) calendar days of the cessation of operations at the site unless a time extension is approved by the City.

2. If the wireless communications facilities and/or accessory facility is not removed within one hundred eighty (180) calendar days of the cessation of operations at a site, or within any longer period approved by the City, the wireless communications facilities and accessory equipment may be removed by the City and the cost of removal assessed against the owner of the wireless communications facilities.

3. Any unused portions of tower-based wireless communications facilities, including antennae, shall be removed within one hundred eighty (180) calendar days of the time of cessation of operations. The City must approve all replacements of portions of tower-based wireless communications facilities previously removed.

y. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City's actual costs in reviewing and processing the application, and inspections related thereto, for approval of tower-based wireless communications facilities or \$500.00, whichever is greater. Such permit fees shall not include and shall be in addition to any public right of way access fee, attachment fee, inspection and monitoring fee, or any other recurring fee assessed by the City.

z. FCC License. Each person that owns or operates tower-based wireless communications facilities over forty (40) feet in height shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

aa. Insurance. Each person that owns or operates tower-based wireless communications facilities greater than forty (40) feet in height shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the tower-based wireless communications facilities. Each person that owns or operates tower-based wireless communications facilities forty (40) feet or less in height

shall provide the City with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering tower-based wireless communications facilities.

bb. Indemnification. Each person that owns or operates tower-based wireless communications facilities shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the tower-based wireless communications facilities. Each person that owns or operates tower-based wireless communications facilities shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of tower-based wireless communications facilities. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

cc. Engineer Signature. All plans and drawings for tower-based wireless communications facilities shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

dd. Financial Security. Prior to receipt of a zoning permit for the construction or placement of tower-based wireless communications facilities, the wireless communications facilities applicant shall provide to the City a performance bond in the amount of \$20,000 to guarantee the removal of the tower-based wireless communications facilities. Said financial security shall remain in place until the tower-based wireless communications facilities are removed.

B. The following regulations shall additionally apply to tower-based wireless communications facilities located outside any public right of way:

a. Development Regulations.

1. Tower-based wireless communications facilities shall not be located in, or within fifty (50) feet of, an area in which utilities are primarily located underground.

2. Tower-based wireless communications facilities are permitted outside any public right of way in certain zoning districts, as provided in Section 2.15.

3. Sole use on a lot. Tower-based wireless communications facilities shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum size requirements of this section. Contiguous properties can be combined to meet the minimum acreage requirements if the properties being combined are under the same ownership.

4. Combined with another use. Tower-based wireless communications facilities may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:

i. The existing use of the property may be any permitted use in the applicable district and need not be affiliated with the wireless communications facilities.

ii. Minimum lot area. The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based wireless communications facilities and guy wires, the equipment building, security fence, and buffer planting if the proposed wireless communications facilities is greater than forty (40) feet in height.

iii. Minimum setbacks. The minimum distance between the base of tower-based wireless communications facilities and any adjoining property line or street right-of-way line shall equal 110% of the proposed height of the tower-based wireless communications facilities unless it is demonstrated to the reasonable satisfaction of the City that in the event of failure the wireless communications facilities are designed to collapse upon themselves within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants. All tower-based wireless communications facilities shall be set back from any residential property line or public right of way a minimum distance of two hundred (200) feet.

b. Design Regulations.

1. The wireless communications facilities shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the stealth technology chosen by the wireless communications facilities applicant shall be subject to the approval of the City.

2. To the extent permissible by law, any height extensions to an existing tower-based wireless communications facilities shall require prior approval of the City.

3. Any proposed tower-based wireless communications facilities shall be designed structurally, electrically, and in all respects to accommodate both the wireless communications facilities applicant's antennae and comparable antennae for future users.

4. Any tower-based wireless communications facilities over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

c. Surrounding Environs.

1. The wireless communications facilities applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the wireless communications facilities structure shall be preserved to the maximum extent possible.

2. The wireless communications facilities applicant shall submit a soil report to the City complying with the standards of Appendix I: Geotechnical Investigations, ANSVEIA/TIA-222, as amended, to document and verify the design specifications of the foundation of the tower-based wireless communications facilities, and anchors for guy wires, if used.

d. Fence/Screen.

1. A security fence of eight (8) feet in height shall completely surround any tower-based wireless communications facilities greater than forty (40) feet in height, as well as guy wires, or any building housing wireless communications facilities equipment.

2. The landscaping shall consist of a screen of evergreen trees planted eight (8) feet on center, each at least four (4) feet in height, and staggered in two (2) rows, located along the perimeter of the security fence. Existing vegetation shall be preserved to the maximum extent possible.

e. Accessory Equipment.

1. Ground-mounted accessory equipment associated, or connected, with tower-based wireless communications facilities shall be placed underground or screened from public view using stealth technologies, as described above.

2. All accessory equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

f. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based wireless communications facilities. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the wireless communications facilities owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.

g. Parking. For each tower-based wireless communications facilities greater than forty (40) feet in height, there shall be two (2) off-street parking spaces.

h. Inspection. The City reserves the right to inspect any tower-based wireless communications facilities to ensure compliance with the Zoning Ordinance and any



other provisions found within the Third Class City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which wireless communications facilities are located at any time, upon reasonable notice to the operator, to ensure such compliance.

**Section 4.** Article 4: Supplemental Regulations. Article 4 shall be amended to delete Section 4.4.10 in its entirety and replaced to read as follows:

4.4.10 Tower-Based Wireless Communications Facilities and Communication Equipment Buildings

Use Category	Districts
Conditional	II, HI

A. All tower-based wireless communications facilities and communication equipment buildings shall comply with the requirements of Section 3.7, Wireless Communications Facilities, and such other requirements of the Zoning Ordinance as may be applicable.

**Section 5.** Article 7: Parking, Loading, and Internal Roadways. Article 7 shall be amended to remove “Communication Antenna” and “Communications Tower” from Table 7:1 to add “Non-Tower Wireless Communication Facilities” and “Tower-Based Wireless Communications Facility,” to read as follows:

Non-Tower Wireless Communications Facilities	None
Tower-Based Wireless Communications Facilities	None

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6. Article 14: Definitions. Article 14 shall be amended to deleting the definitions of “Antenna,” “Communications Antenna,” and “Communications Tower” and adding the following definitions of “Accessory Equipment,” “Antenna and Communications Antenna,” “Collocation,” “Distributed Antenna Systems (DAS),” “Emergency,” “Equipment Compound,” “FCC,” “Modification or Modify,” “Monopole,” “Non-Tower Wireless Communications Facility,” “Replacement,” “Small Wireless Communications Facilities,” “Stealth Technology,” “Substantially Change or Substantial Change,” “Tower-Based Wireless Communications Facility,” “Wireless,” “Wireless Communications Facility,” “Wireless Communications Facility Applicant,” and “Wireless Support Structure.”

Accessory Equipment. Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term "Accessory Equipment" includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Antenna and Communications Antenna. Any system of equipment, switches, wires, cables, power sources, rods, discs, panels, flat panels, dishes, whips, shelters, cabinets, 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 as defined below.

Collocation. The placement or installation of new wireless communications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless communications facilities if approved by the municipality. The term includes the placement, replacement, or modification of accessory equipment within a previously approved equipment compound.

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.

Emergency. A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the public rights of way to be unusable and result in loss of the services provided.

Equipment Compound. An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

FCC. Federal Communications Commission.

Modification of Modify. The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

Monopole. Wireless communications facilities or a site that consists of a single pole structure, designed, and erected on the ground or on top of a structure to support communications antennae and connecting appurtenances.

Non-Tower Wireless Communications Facility. Wireless communications facilities located on existing structures, such as, without limitation, buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed wireless communications facilities.

Replacement. The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

Small Wireless Communications Facilities. Wireless communications facilities that (1) are mounted on structures fifty (50) feet or less in height including their antennas; (2) are mounted on structures no more than ten percent (10%) taller than other adjacent structures; or (3) do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10%), whichever is greater; where each antenna is no more than three cubic feet in volume; where all other wireless equipment associated with the facilities is no more than twenty-eight (28) cubic feet in volume; where the facilities do not require antenna structure registration under FCC regulations; and where the facilities do not result in human exposure to radiofrequency radiation in excess of the safety standards in applicable FCC regulations.

Stealth Technology. Camouflaging methods applied to wireless communications facilities and accessory equipment 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 or Substantial 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 twenty (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.

Tower-Based Wireless Communications Facility. Any structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers, and monopoles.

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, PCS, microwave, satellite, or radio signals.

Wireless Communications Facility. The set of equipment and network components, including antennae, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure.

Wireless Communications Facility Applicant. Any person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public right of way or other City owned land or property.

Wireless Support Structure. A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure, that could support the placement or installation of wireless communications facilities if approved by the municipality.

**Section 7.** Police Powers. The City, 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 City under applicable federal, state, and local laws and regulations.

**Section 8.** Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

**Section 9.** Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

**Section 10.** Effective Date. This Ordinance shall become effective ten (10) days after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 14th day of March, 2019.

CITY OF JEANNETTE

By: Curtis J. Antoniak  
Curtis J. Antoniak  
Mayor and President of Council

ATTEST: (SEAL)

Michelle Langdon  
Michelle Langdon  
City Clerk