

LEHIGH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2017-2

AN ORDINANCE OF LEHIGH TOWNSHIP AMENDING THE LEHIGH TOWNSHIP
ZONING ORDINANCE AS SET FORTH IN CHAPTER 180 OF THE CODE OF TOWNSHIP
ORDINANCES AMENDING SUBSECTION 180-15 DEFINITION AND 180-71
"COMMUNICATION TOWERS, ANTENNAS AND EQUIPMENT" TO DEFINE AND
REGULATE WIRELESS COMMUNICATIONS FACILITIES

WHEREAS, the Township desires to establish reliable standards for the permitting, construction, operation, inspection, maintenance, repair, modification, removal and replacement of wireless communications facilities;

WHEREAS the Township desires to regulate Wireless Communications Facilities in accordance with and subject to the rules and regulations set forth in the Federal Telecommunications Act of 1996, the Federal Communications Commission (FCC) and the Pennsylvania Wireless Broadband Collection Act;

WHEREAS, the Township's regulation of Wireless Communications Facilities is being implemented for the protection of the public health, safety, and general welfare of the residents of Lehigh Township.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania, and as hereby ordained and enacted by adding the following to the Lehigh Township Zoning Ordinance. The below language is hereby added to the ordinance.

1. Section 180-15 entitled "**WORD USAGE AND DEFINITIONS**" shall be modified by adding the below definitions set forth below:

Accessory Equipment: Any equipment serving or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, Base Stations, cabinets and storage sheds, shelters or similar equipment.

Antenna: Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services. An antenna shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

Base Station: A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower.

i. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services (i.e., wifi) and fixed wireless services (i.e. point to point microwave transmissions) such as microwave backhaul.

ii. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

iii. The term includes any structure other than a tower that, at the time the relevant application is filed with Lehigh Township under Section 180-71, supports or houses equipment described in sub-paragraphs (i) and (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

iv. The term does not include any structure that, at the time the relevant application is filed with the Lehigh Township under Section 180-71, does not support or house equipment described in sub-paragraphs (i) or (ii) of this section.

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Distributed Antenna System (DAS): A small network of antennas that are connected to a common source that provides coverage in a building or a small geographic area.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

Eligible Support Structure: Any tower or base station, provided that it is existing at the time the relevant application is filed.

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

Ft. Worth Attachment: A non-freestanding pole which is attached to an electrical transmission tower which is used to support antennas and accessory equipment and which is anchored to the ground and obtains lateral bracing by direct attachment to the electrical transmission tower.

Minimum Functional Height: Minimum height necessary for a WCF to function satisfactorily.

Modification: The improvement, upgrade or expansion of existing wireless telecommunications facilities, accessory equipment or base stations on an existing wireless support structure or the improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimension of the wireless support structure.

Monopole: A tower which consists of a single pole structure without any guy wires, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances.

Replacement: The replacement of existing wireless telecommunications 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 telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

Right-of-Way: The surface of and space above and below any real property in the municipality in which the federal government, Commonwealth, municipality or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the federal government, Commonwealth, municipality or municipal authority, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Private rights-of-way and other government-owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.

The following Right-of-Way definition currently set forth in Section 180-15 is hereby deleted. The deleted language is crossed out.

~~Right-of-Way—A corridor of publicly owned or leased land for the purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also “street line.”)~~

Site: For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Stealth Technology: State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications towers, antennas and other facilities which blend the proposed WCF into the existing structure or visual backdrop in such a manner as to

render it less visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, utility poles or flag poles.

Substantial Change OR Substantially Change: (Applies only to Wireless Communication Facilities). A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

i. for towers other than towers in the public rights-of-way, it increases the original height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other existing towers or base stations, it increases the original height of the structure by more than 10% or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

ii. for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other existing towers or base stations, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

iii. for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure; it entails any excavation or deployment outside the current site.

Tower: Any structure that exceeds ten feet (10') in height and is built and/or installed for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services (i.e. wifi) and fixed wireless services (i.e. point to point microwave transmission) such as microwave backhaul, and the associated site. A building, water tower, electrical transmission tower, utility pole, light pole, traffic signal pole, flag pole or other similar structure designed and constructed for a sole or primary purpose other than supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, as well as a Ft. Worth Attachment shall not be considered a tower.

Tower-Based Wireless Communications Facilities (Tower-Based WCF): Wireless communications facilities that include the installation of a tower to support the transmission equipment.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

WCF on Existing Structure: Wireless communications facilities located on existing structures such as, but not limited to 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 WCF.

Wireless: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, personal communications service (PCS), microwave, satellite, or radio signals.

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

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, including but not limited to buildings, light poles, utility poles, traffic signals and other similar structures that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.

2. Section 180-71 entitled "Communication towers, antennas, and equipment" shall be modified. The current language in Section 180-71 is hereby repealed and deleted in its entirety and replaced with the below language.

A. **Section 180-71 A. PERMITTED AND PROHIBITED ZONING DISTRICTS FOR WIRELESS COMMUNICATION FACILITIES (WCF).**

Proposed Section 180-71 (A):

Table A.1

Zoning District	Tower Based WCF in ROW	Tower Based WCF out of ROW/ 40' height or less	Tower Based WCF/out of ROW/ >40'	WCF on Existing Structure	Eligible Facilities Request
A/RR	C*	NP	C	P	P
VR	C*	NP	NP	P	P
GC	C*	C*	C*	P	P
NC	C*	C*	NP	P	P
RC	C*	C*	NP	P	P
I	C*	C*	C*	P	P
OB	C*	C*	NP	P	P
BMC	C*	C*	C	P	P
PRRC	C*	NP	NP	NP**	NP**

**Table A.2
Prohibited Zoning**

	WCF TYPE	PROHIBITED ZONING DISTRICTS
A	Tower-Based WCF Located Out of the ROW	Residential lots or properties in Residential Zoning Districts
B	Tower-Based WCF located in the ROW	Residential Zoning Districts where all public service utilities are primarily located underground within one hundred (100) feet of the proposed Tower or Base Station

B. Section 180-71(B) BULK AND AREA REQUIREMENTS:

Section 180-71 (B): Bulk and Area Requirements.

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C. Section 180-71 (C) DESIGN, CONSTRUCTION AND OPERATIONS:

Section 180-71 (C) Design, Construction and Operations.

1. All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, modified, removed and replaced in strict compliance with all current applicable federal and state technical and safety codes.

2. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property. Land Development plan is required.

3. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.

4. Collocation. All Tower-Based WCFs where the Tower is more than 40 feet in height, located outside of the Right-of-Way, shall be designed to accommodate both the applicant's Antennas and comparable Antennas for future users. As a condition of approval for all Tower-Based WCFs where the Tower is more than 40' in height, the applicant shall agree to allow other service providers to collocate Antennas on the Tower where technically and economically feasible.

5. Signage. All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and Federal Communications Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the municipality.

6. Lighting. Towers shall not be lighted, unless required by regulations of the Federal Aviation Administration. Towers required to be lighted by the Federal Aviation Administration shall be prohibited within the A/RR Zone. Compound lighting shall be limited to a single residential-style porch light, located on any necessary equipment shelter.

7. Noise. All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the municipality. The use of a backup generator in emergency situations and periodic maintenance and testing by the wireless communications provider's technicians shall be permitted, where such noise standards may be exceeded on a temporary basis

8. Vehicular Access.

a. An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all Tower-Based WCFs located outside of the Right-of-Way. Access to these facilities shall be from a driveway leading to a public road,

which driveway shall not be less than 12 feet nor more than 20 feet in width. Paving of this driveway with an asphaltic or Portland concrete cement will be required for the first 50 feet from the edge of the intersecting pavement. Paving of the remaining access driveway may be required as part of conditional use review.

b. Maximum use of existing roads, whether public or private, shall be made to the extent practicable.

c. Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.

d. Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.

e. An applicant shall present documentation to the Township that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.

f. Any required access easement shall be a minimum of 20 feet in width or as required to accommodate the proposed driveway and drainage facilities.

g. Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.

9. Fencing. A security fence, which may include barbed wire, with a minimum height of eight (8') feet with a self-locking gate shall be required to surround any Tower-Based WCF located outside the Right-of-Way, where the Tower is more than 40 feet in height, or less than or equal to 40 feet in height when the WCF has ground based equipment including guy wires, associated equipment, and buildings.

10. Safety in Rights-of-Way.

a. Schedule of operations. The Township shall determine the time, place and manner of siting, design, construction, maintenance, repair, modification, removal and/or replacement of all WCFs located in the Right-of-Way, based on public safety, traffic management, physical burden on the Right-of-Way and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

b. Alteration of a WCF. Within 60 days following written notice from the Township, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the Right-of-Way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public

Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under any one of the following circumstances:

- i. The construction, repair, maintenance or installation of any municipal or other public improvement located in the Right-of-Way.
- ii. The operations of the Township or other governmental entity in the Right-of-Way.
- iii. Vacation of a street or road or the release of a utility easement.
- iv. An emergency as determined by the Township.
- v. No permit is required for such removal, relocation, change or alteration ordered by the Township.

c. Visual obstruction. All WCFs and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the Right-of-Way as determined by the Township. In no case shall ground-mounted equipment, walls, screening or landscaping be located within (18) inches of the face of the curb, or in an area in which there are no curbs, within (3) feet of the edge of cartway.

11. Maintenance. An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the traffic, safety and noise impacts of such maintenance.

12. Soil report. An applicant for a Tower-Based WCF where the new Tower is more than 40 feet in height, shall submit a soil report complying with the standards of geotechnical investigations, ANSI/EIA-222-G, as amended, shall be submitted to the Township Engineer prior to construction to document and verify the design specifications of the foundation for the Wireless Support Structure and anchors for the guy wires, if used.

13. Aviation safety. All WCFs shall comply with federal and state laws and regulations concerning aviation safety.

14. Inspections for all WCFs where the new Tower is more than 40 feet in height.

a. A copy of any required inspection report shall be provided to the Township following the inspection. Any repairs advised by report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Township.

15. Equipment Storage. The storage of unused equipment or supplies is prohibited on any WCF site.

D. Section 180-71 (D) AESTHETICS, LANDSCAPING, AND SCREENING.

Section 180-71 (D). Aesthetics, Landscaping, and Screening.

1. Stealth Technology - All WCFs shall employ the most current Stealth Technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.

2. Landscaping and Screening - An applicant for Tower-Based WCF where the new Tower is more than 40 feet in height, or less than or equal to 40 feet in height with ground based equipment located outside of the Right-of-Way, shall submit a landscaping and screening design including the following:

a. The applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF support structure shall be preserved to the extent practicable.

b. Ground mounted equipment may be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by Lehigh Township.

c. All fences required by this section shall be landscaped with an evergreen buffer. Trees within this buffer shall be spaced at intervals not to exceed 20 feet, shall be not less than 6 feet in height when planted, and shall reach a mature height of not less than 15 feet. The buffer shall be designed so that the evergreen plantings, when mature, shall fully block the view of the fence.

3. Any other buffer requirement set forth in the Zoning Ordinance shall apply.

E. Section 180-71(E) REPLACEMENT, COLLATION, OR MODIFICATION.

Section 180-71 (E). Replacement, Collocation, or Modification

1. Notwithstanding the requirements for all Tower-Based WCFs and WCFs on Existing Structures, as set forth in this sub-section, an application for Replacement, Collocation or Modification of a previously approved Wireless Support Structure or WCF shall be reviewed for conformance with the Township building permit requirements, including requirements applicable to the added structural loading of the proposed Antennas and Accessory Equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no Substantial Change.

2. Replacement of WCFs on existing Wireless Support Structures or within existing Equipment Compounds may be performed by the applicant without obtaining building or zoning permits from the Township.

3. Any Substantial Change to an existing Tower-Based WCF shall require approval of the Township in accordance with the terms of this Section.

4. If Collocation is to occur a sketch plan of the existing Tower-based WCF and WCF's with the proposed transmission equipment to be mounted on an eligible support structure showing its location and size shall be provided to the Lehigh Township Planning Commission. The applicant who intends to mount the existing facility shall be required to submit a written agreement with the owner of the existing structure allowing a shared use.

F. Section 180-71(F) PERMIT REQUIREMENTS.

Section 180-71(F). Permit Requirements

1. Collocation Analysis. An application for a new Tower-Based WCF where the new Tower is more than 40 feet in height and located outside of the Right-of-Way, shall not be approved unless the applicant demonstrates that the Wireless communications equipment planned for the proposed Tower-Based WCF cannot be collocated on an existing structure or building within a [1/4 or 1/2] mile radius of the proposed Tower-Based WCF location to achieve the coverage or capacity objectives of the applicant.

2. Gap in Coverage or Lack of Adequate Capacity. An applicant for a Tower-Based WCF where the new Tower that is more than 40 feet in height, located outside of the Right-of-Way, must demonstrate that a significant gap in Wireless coverage exists or lack of adequate capacity is likely to exist within one (1) year of the filing of its application with respect to the applicant in the area and that the proposal is the least intrusive means to fill that gap.

3. Authorization. An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and maintain the proposed WCF on the subject lot or property.

4. Licensing and applicable regulations. If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.

5. Emissions. The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic emissions.

6. Insurance. The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.

7. Review timeframes.

Table C.1

WCF Review Timeframes

		Municipality shall notify the applicant in writing of any information that may be required to complete application,	Municipality shall approve or deny the application unless a shorter time period is applicable under the PA MPC.
A	New Tower-Based WCFs	Within 30 calendar days of the date the application was filed with the Municipality,	Within 150 days* of submission of a complete application for a WCF.
B	WCF on Existing Structures	Within 30 calendar days of the date the application was filed with the Municipality,	Within 90 days* of submission of a complete application for a WCF.
C	Eligible Facilities Requests** (as defined)	Within 30 calendar days of the date the application was filed with the Municipality,	Within 60 days* of submission of a complete application for a WCF.
<p>*The time period may be tolled by mutual agreement or in cases where the Municipality informs the applicant in a timely manner that the application is incomplete. If an application is considered incomplete, the time period begins running again as soon as the applicant makes a supplemental submission, but may be tolled again if the Municipality provides written notice to the applicant within 10 days that the application remains incomplete and specifically delineates which of the deficiencies specified in the original notice of incompleteness have not been addressed.</p>			
<p>**The Municipality shall only require the applicant to provide documentation that is reasonably related to determining whether the request is for an Eligible Facility.</p>			

8. Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the actual reasonable cost to review and process the application.

G. SECTION 180-71 (G) DISCONTINUANCE, ABANDONMENT AND REMOVAL AND POSTING OF FINANCIAL SECURITY.

Section 180-71(G). Discontinuation, Abandonment and Removal

1. Determination and posting of security.

a. At the time of application for a conditional use hearing, the applicant shall provide a copy of a certified estimated cost for removal of all tower(s), equipment shelter(s), fence(s) and any and all other improvements and complete restoration of the site to its preconstruction condition. During the consideration of the conditional use, the applicant shall provide, from an expert in the area of construction costs, testimony concerning the reasonableness and accuracy of the certified estimate.

b. Prior to the issuance of a building permit, the applicant shall provide, in a form acceptable to the Township Solicitor, financial security in an amount of 110% of the cost established during testimony, inflated to the estimated cost in the final year of the initial term of the proposed lease or license. The minimum term for such security shall be 18 months longer than the term of the initial lease or license.

c. Not fewer than 90 days prior to the expiration of each term of the proposed lease or license, the applicant shall submit an updated certified estimate of the cost of removal as stated above. This estimate shall be reviewed, and revised as necessary, by the Township. Not fewer than 30 days prior to the expiration of the proposed lease or license, the applicant shall provide, in a form acceptable to the Township Solicitor, financial security in an amount of 110% of the cost of such accepted estimate, inflated to the estimated cost in the final year of the proposed new term of the lease term or license. The minimum term for such security shall be 18 months longer than the new term of the lease or license.

d. In those cases where there is fee ownership of the premises by the owner of the proposed facility, security, estimated and secured as indicated above, shall be provided to the Township prior to the issuance of a building permit. The minimum term for such security shall be 42 months. Costs shall be reestimated by the owner, reviewed and approved by the Township, and security shall be posted biannually beginning on the second anniversary of the establishment of the initial instrument of financial security. The term of each subsequent instrument of financial security shall be not fewer than 42 months. In each case, the form of financial security shall be reviewed and approved by the Township solicitor.

2. Discontinuation. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner/operator shall provide written notice to the Township of its intent to discontinue the use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

a. All unused or abandoned WCFs and accessory facilities shall be removed within (6- 12) months of the cessation of operations at the Site unless a time extension is approved by the Township.

b. If the WCF and/or accessory facility is not removed within (6-12) months of the cessation of operations at a Site, or within any longer period approved by the municipality, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

c. Any unused portions of WCFs, including Antennas, shall be removed within (6-12) months of the time of cessation of operations.

3. **ADDITIONAL USES ADDED:**

Each of the below shall be added to the appropriate subsection in each Zoning District:

1. 180-16 Agricultural/Rural Residential (A/RR)

B. Permitted uses-

1. WCF on existing structure;
2. Eligible Facilities Request

Adding New C. Conditional Uses:

1. Tower Based WCF in ROW
2. Tower Based WCF out of ROW 40 feet height or less;
2. 180-17 Village Residential Zone (VR)
 - B. Permitted uses-
 1. WCF on existing structure;
 2. Eligible Facilities Request
 - D. Conditional Use
 1. Tower based WCF in ROW
3. 180-18 Resort Commercial Zone (RC)
 - B. Permitted uses-
 1. WCF on existing structure;
 2. Eligible Facilities Request;

New Subsection D. Conditional Use

1. Tower Based WCF in ROW
2. Tower Based WCF out of ROW/40 feet height or less.
4. 180-19 Neighborhood Commercial Zone (NC)
 - B. Permitted uses-
 1. WCF on existing structure;
 2. Eligible Facilities Request

New Section D Conditional Uses-

1. Tower Based WCF in ROW
2. Tower Based WCF out of ROW /40 feet height or less.

5. General Commercial Zone (GC)

B. Permitted uses-

1. WCF on existing structure;
2. Eligible Facilities Request

D. Conditional Uses:

1. Tower based WCF in ROW;
2. Tower base WCF out of ROW/40' height or less;
3. Tower based WCF/out of ROW/greater than 40 feet;

6. 180-21 Office Business Zone (OB)

D. Permitted uses-

1. WCF on existing structure;
2. Eligible Facilities Request;

F. Conditional uses

1. Tower based WCF in ROW;
2. Tower based WCF out of ROW/40 feet height or less;

7. 180-22 Industrial (I)

B. Permitted uses-

1. WCF on existing structure;
2. Eligible Facilities Request;

D. Conditional uses

1. Tower based WCF in ROW;
2. Tower based WCF out of ROW/40 feet height or less;
3. Tower base WCF/out of ROW/greater than 40 feet.

8. 180-23 Blue Mountain Conservation (BMC)

B. Permitted uses-

1. WCF on existing structure;
2. Eligible Facilities Request;

D. Conditional uses

1. Tower based WCF in ROW;
2. Tower based WCF out of ROW/40 feet height or less;
3. Tower base WCF/out of ROW/greater than 40 feet.

9. Planned Resort Residential Community (PRRC)

Permitted uses-

1. WCF on existing structure;
2. Eligible Facilities Request;

Conditional uses-

1. Tower based WCF in ROW;

4. **CONFLICT-** Whenever the requirements of this Ordinance are in conflict with other requirements of the Ordinances of Lehigh Township, the most restrictive, or those imposing the highest standards shall govern. Privileges granted by this Ordinance do not constitute a waiver or impairment of the rights of the Township at law or equity now or henceforth existing to enforce the Ordinance or violation of this Ordinance or Ordinances of the Township.
5. **SEVERABILITY-** If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.
6. **REPEALER-** All ordinances and parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

7. EFFECTIVE DATE:

This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED this _____ day of _____, 2017.

ATTEST

LEHIGH TOWNSHIP

Secretary.

Chairman, Board of Supervisors