

**BOROUGH OF ELLWOOD CITY, PENNSYLVANIA
ORDINANCE #2523**

AN ORDINANCE OF THE BOROUGH OF ELLWOOD CITY AMENDING THE CODIFIED ORDINANCES OF THE BOROUGH OF ELLWOOD CITY, PART TWELVE – PLANNING & ZONING CODE, TITLE SIX – ZONING, CHAPTER 1260 – GENERAL PROVISIONS AND DEFINITIONS, SECTION 1260.08 – DEFINITIONS, CHAPTER 1266 – DISTRICT REGULATIONS AND ZONING MAP, SECTION 1266.02 – ZONING DISTRICTS, SECTION 1266.04 – DISTRICT REGULATIONS (PERMITTED USES, SPECIAL EXCEPTIONS, CONDITIONAL USES), CHAPTER 1272 – SUPPLEMENTARY REGULATIONS.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Ellwood City, PA that the Codified Ordinances of the Borough of Ellwood City, Part Twelve – Planning and Zoning, Title Six – Zoning, be amended as follows:

Section 1260.08 Definitions

Eliminate all present definitions

Amend to read as follows:

- (1) Adult Oriented Businesses: Refer to Chapter 806.
- (2) Antique Shop: Any premises used for the sale or trading at a negotiated price or fee of articles which are over 50 years old or have collected value at the time of the sale.
- (3) Appliance Store: An establishment that specializes in the retail sale of portable devices or instruments used for domestic functions, including but not limited to vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, radios, food processors, washers, dryers, refrigerators and the like.
- (4) Auto Essential Services: A business establishment devoted to the repair and service of automobiles, including maintenance and reconstruction of motor vehicles, conducted within a completely-enclosed building.
- (5) Automobile Dealership: A business establishment devoted to the retail sales or leasing of motor vehicles. As a secondary function, the dealership may provide on-site facilities for the repair and service of vehicles sold or leased by the dealership.
- (6) Automobile Dominant Use: a business, establishment and/or activity that is commonly frequented by customers or visitors arriving by motor vehicles and needs limited dedicated off-street parking areas and specialized loading/dock areas and typically does not generate additional visits to nearby pedestrian dominant uses. Said use may be any size GFA and can be located on any floor of a building or structure.
- (7) Bakery: A facility where baked goods are prepared and baked which may utilize an open flame and/or commercial grade kitchen.
- (8) Banks and Financial Establishments: Businesses including, but not limited to, savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents and developers of real estate.
- (9) Bar/Tavern/Public House/Pub: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises.
- (10) Bed and Breakfast: A single-family, owner-occupied dwelling, where between one (1) and six (6) sleeping accommodations are rented to overnight guests on a daily basis for periods not exceeding two (2) weeks. Breakfast may be offered only to registered overnight guests.
- (11) Bookstore: A retail establishment specializing in the sale of books and magazines, and potentially the buying or trading of second-hand books, as well as accessory merchandise such as stationary, journals, and the like.
- (12) Building Facade: The relationship of a building's various exterior parts to each other. Facade composition helps to establish the visual interest of a building and determine how it blends with its surroundings.
- (13) Check Cashing Facility: An establishment that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money

- orders, or other commercial paper serving the same purpose.
- (14) Civic-Oriented Use: An area developed or to be developed that may contain one of the following public buildings or uses, including offices, libraries, playgrounds, parks, assembly halls, or first responder stations.
 - (15) Coffee Shop/Café: A restaurant that primarily serves coffee, tea and other drinks as well as well as foods as a secondary focus.
 - (16) Commercial Recreation: Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or are free. Commercial recreation does not include movie theatres.
 - (17) Compatible Uses Not Otherwise Listed: A use which is not specifically listed in a particular zoning district, but which is determined by the Borough, in accordance with the express standards and criteria set forth in this chapter, to be similar in characteristics and impacts to another use which is specifically listed in the same zoning district as a permitted use, conditional use or use by special exception.
 - (18) Consignment/Second-Hand Store: An enclosed facility in which used personal items such as clothes, jewelry, or artifacts, or small furniture is resold through a broker for the owner at an agreed-upon price.
 - (19) Convenience Store: A retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.
 - (20) Copy Shop: A retail establishment that provides duplicating services using photocopying, blueprint, and printing equipment and may include the collating and binding of booklets and reports.
 - (21) Cultural and Recreation Services: Establishments including, but not limited to, libraries, museums and similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interests in one or more of the arts or sciences.
 - (22) Department Store: A business establishment which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and exhibited and sold directly to the customer for whom the goods and services are furnished.
 - (23) Drive-Through: A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.
 - (24) Fast Food Restaurant: A business establishment that offers quick food service for consumption on or off the premises which is accomplished through a limited menu of items already prepared and held for service or prepared, fired or grilled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.
 - (25) Financial Service: An establishment that serves as a financial consultant to its customers that specializes in services such as accounting, tax consulting, and similar financial intervention or alleviation, for a fee.
 - (26) Fitness/Health Club: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.
 - (27) Flex Space: Structures which can be periodically converted from one use to another, typically for the purpose of office space, light industrial, or research.
 - (28) Funeral Home: Establishments engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals.
 - (29) Gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.
 - (30) Green Grocer: An establishment that sells primarily fresh fruits and vegetables for an advertised price.
 - (31) Grocery Store: A business establishment that sells produce, dry goods, meats, baked goods, dairy items, frozen foods and the like. This includes supermarkets, food stores, dairies, delicatessens, but does not include convenience stores.
 - (32) Gross Floor Area: The sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings.
 - (33) Group Care Facility (Youth/Adult): A facility licensed and/or approved by the Pennsylvania Department of Public Welfare that provides shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9)

but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

- (34) Group Home: A facility licensed by the Pennsylvania Department of Public Welfare which houses six (6) to nine (9) residents and provides twenty-four (24) hour supervision and rehabilitation services for developmentally disabled individuals (mental disability, autism, cerebral palsy, epilepsy or other similar conditions).
- (35) Hardware Store: A business establishment where items such as plumbing, heating, electrical supplies, and paints are sold.
- (36) Health Services: Medical care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.
- (37) Hospital: A public, private, and/or philanthropic institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such as attached laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facility.
- (38) Hotel/Motel: A business establishment inclusive of a building or portion thereof designed or used for transient rental for sleeping purposes. All room access is through interior hallways or courtyards. Individual rooms may contain kitchen and dining rooms. Accessory shops and services catering to the general public can be provided. The structure may include a restaurant as an accessory use. Kitchens not located in rental rooms shall not be accessible to occupants. Supervision is provided in shifts by on-site management.
- (39) Material Personal Services: A business establishment providing non-medically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats; shoes repair stores, etc. The uses may also include accessory retail sales of products related to the services provided.
- (40) Materials: The substance(s) of which an or product is made, composed, or constructed of.
- (41) Medical Practice/Clinic, Large-Scale: An enterprise where one (1) or more licensed medical professionals provide diagnostic services, medical, dental, and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and may include the administration of prescription and/or surgical treatments.
- (42) Medical Practice, Small-Scale: An enterprise less than 2,500 square feet where one (1) or more licensed medical professionals provide consultation in relation to diagnostic services, medical, dental, and/or psychiatric services and/or treatment diagnosis and may prescribe but not administer any prescription and/or surgical treatments.
- (43) Micro-Brewery: A business establishment where beer, ale, etc. are brewed, typically in conjunction with a bar, tavern, or restaurant use. The maximum brewing capacity shall not exceed 20,000 gallons per year.
- (44) Mixed Use: Any building that combines the following: any use classified as a Pedestrian Dominant Use on the ground floor of a building or structure; and for the remaining floors of the building or structure, any other use(s) classified as a Pedestrian Dominant Use or a Pedestrian Supportive Use.
- (45) Multi-Family Dwelling: A building and lot are occupied by more than one (1) family.
- (46) Multi-Family Dwelling – Apartment: A building containing three (3) or more dwelling units, at least one (1) of which must be located above or below the remaining units.
- (47) Multi-Family Dwelling – Townhouse: A building containing between three (3) and eight (8) dwelling units, arranged in a side-by-side configuration with two (2) or

- more common party walls.
- (48) Multi-Purpose Workshop/Studio: An establishment either operated as a for-profit, non-for-profit, or public enterprise, that provides building space, tools, equipment and materials for a nominal fee and which can be used to fabricate artwork, goods, etc., for sale or personal use.
 - (49) Off-Street Parking: An outdoor area that is used solely for the purpose of patron vehicle parking.
 - (50) Pedestrian Dominant Use: A business, establishment and/or activity that is commonly supported by customers or visitors arriving by foot or by using available on-street parking spaces and has no need for dedicated off-street parking areas or specialized loading/dock facilities.
 - (51) Pedestrian Supportive Use: A business, establishment and/or activity that is often frequented by customers or visitors arriving by motor vehicles and needs limited dedicated off-street parking areas but typically generates street walking and additional visits to nearby pedestrian dominant uses.
 - (52) Pharmacy: A business establishment which primarily sells prescription drugs, patent medicines and legal surgical, medicinal and sickroom supplies. A pharmacy may be within a retail establishment.
 - (53) Place of Worship/Place of Assembly: An institution and/or lot that is designed for the assembly or collection of persons, for civic, political, educational, social or religious purposes, and where recreation, amusement, dining, or religious worship may occur as accessory activities. A place of assembly does not include a private club.
 - (54) "Pop-Up" Retail Store: A temporarily operated business establishment, either reoccurring or non-reoccurring, that specializes in the retail sale of specialty products, seasonal and/or holiday related merchandise.
 - (55) Print Shop: A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, oversized plotting, screen printing, and including offset printing.
 - (56) Professional Office: The workplace or studio of a lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher, or similar occupation.
 - (57) Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumptions and rendering services incidental the sale of such goods.
 - (58) Sandwich Shop: A restaurant where lunches are primarily served, specializing in sandwiches or take-out style meals.
 - (59) School: A place of instruction operated by a public, private, non-profit or religious organization, having regular sessions, with regularly employed instructors and meeting all of the requirements of the Pennsylvania Department of Education for providing primary, secondary, post-secondary, undergraduate and/or graduate collegiate education.
 - (60) Single-Family Dwellings: A dwelling unit and lot designed and intended to be occupied by one (1) family that is not attached to another dwelling unit.
 - (61) Sit Down Restaurant: An establishment maintained, operated, and /or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools.
 - (62) Social Services: Establishments providing assistance and aid to those persons requiring counseling for psychological problems, employment, learning disabilities and physical disabilities, and residential care such as child day care and nurseries.
 - (63) Studio: a business establishment used by an artist, photographer, or artisan or used for radio or television broadcasting.
 - (64) Transportation Services: A business establishment furnishing services incidental to transportation, such as forwarding and packing services and the arranging of passenger or freight transportation.
 - (65) Theater: A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

- (66) Transparency: The degree to which a surface is transparent, as in, how clearly the surface is able to be seen through. A non-colored glass window would be highly transparent, while a stone wall would not be transparent.
- (67) Veterinary Clinic: An enterprise for the medical care and treatment of small animals, including household pets.
- (68) Wine and Spirit Shop: A state-owned and operated establishment specializing in the retail sale of beer, wine, or other alcoholic beverages for on- or off-premise consumption.
- (69) Wine Bar/ Winetasting Room: A business enterprise focusing on the sale of wine, and possibly beer as a secondary product, for on-site consumption, but additionally the retail sale of wine intended to be consumed off-site.

Section 1266.01 Zoning Map - **amend**

Section 1266.02 Zoning Districts – amend as follows:

**Add Base District C-3 Downtown Commercial
Overlays**

C-3: CC – Core Commercial

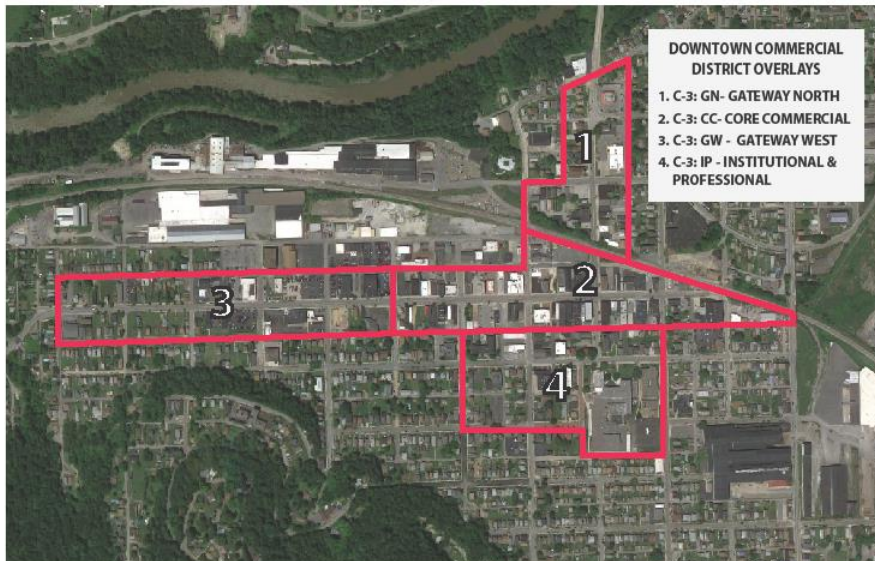
C-3: GN – Gateway North

C-3: GW – Gateway West

C-3: IP – Institutional and Professional

Zoning Map
DOWNTOWN COMMERCIAL DISTRICT OVERLAYS
ELLWOOD CITY BOROUGH
12/4/15

EPD, LLC



Section 1266.04 (A)

R-2 High-Density Residential District (B-Residential District)

Add under Special Exception:

- 8. Group Care Facility (Youth/Adult)
- 9. Group Home

C-2 Central Business District (General Business District)

Change name to “General Business District”

I-Industrial District

Add under Special Exception:

- 2. For all provisions and regulations related to Adult Businesses, please refer to Chapter 806.

Add:

C-3 Downtown Commercial District

1. Purpose Statement: C-3 Downtown Commercial District

In context of the provisions permissible by Article VII-A Traditional Neighborhood Development of the PA Municipalities Planning Code, the following land uses and development scales are specified to continue the established character of the Borough's Downtown neighborhoods.

2. Pedestrian Dominant Uses

Said uses shall be 2,500 sq. ft. or less total gross floor area (GFA) situated on the ground floor of a building or structure and, whereas, 60% of the GFA shall be used for the public display of merchandise or goods or used for public dining or the delivery of services. (See also Sections E, Said uses shall include the following:

- a. Sandwich Shop
- b. Coffee Shop/Cafe
- c. Sit Down Restaurant
- d. Bar/Tavern/Public House/Pub
- e. Micro-Brewery
- f. Multi-purpose Workshop/Studio
- g. Gallery
- h. Studio
- i. Copy Shop
- j. Antique Shop
- k. Retail Business (such as an antique shop, card/gift shop, shoe/clothing/hat store, phone/electronics store, jeweler, florist, etc.)
- l. Consignment/Secondhand Store
- m. Material Personal Service (such as salon, barber/hairdresser, tattoo, nails, travel, etc....)
- n. Civic-Oriented Use
- o. Green Grocer (Conditional)
- p. Hardware/Variety/Department Store (Conditional)
- q. Commercial Recreation
- r. Bookstore
- s. Bakery
- t. Compatible Uses Not Otherwise Listed which meet the above dimensional criteria (Conditional)
- u. Wine Bar/ Winetasting Room
- v. "Pop-Up" Retail Store

3. Pedestrian Supportive Uses – Said use may be any size GFA and can be located on any floor of the building or structure except the ground floor. Said uses shall include the following:

- a. Fitness/Health Club
- b. Medical Practice, Small-Scale
- c. Professional Office
- d. Financial Services (accounting, tax, bail bonds, etc....)
- e. Multi-Family Dwelling
- f. Compatible Uses Not Otherwise Listed which meet the general character or function of the above uses

4. Automobile Dominant Land Uses – Said uses can be any size GFA and can be located on any floor of a building or structure. Said uses shall include the following:

- a. Auto Essential Services
- b. Automobile Dealership
- c. Convenience Store
- d. Fast Food Restaurant (with/without Drive-Through)
- e. Pharmacy (with/without Drive-Through)
- f. Bank (with/without Drive-Through)
- g. Financial Establishments (with/without Drive-Through)
- h. Check Cashing Facility

- i. Appliance Store
 - j. Grocery Store
 - k. Retail Business
 - l. Medical Practice, Small-Scale
 - m. Medical Practice/Clinic, Large-Scale
 - n. Professional Office
 - o. Financial Service
 - p. Hardware/Variety/Department Store
 - q. Funeral Home
 - r. Social Services
 - s. Flex Space
 - t. Print Shop
 - u. Wine and Spirits Shop
 - v. Compatible Uses Not Otherwise Listed which meet the general character or function of the above uses
- E. Downtown District Design and Performance Standards

The following design and performance standards apply to all districts:

1. Building Access Orientation:

- a. The front of every building intended or used for human occupancy (including, but not limited to, commercial, personal service, professional service and any and all governmental uses) shall face Lawrence Ave.
- b. To avoid an inharmonious or undesirable orientation of building fronts, the front of each main building shall face Lawrence Ave. On a corner lot, the front façade of the main building shall be oriented so as to be most compatible with adjacent buildings and uses.
- c. For the purpose of this Part, the front façade of the building shall be considered that wall which faces the greatest street right-of-way width and which carries the highest volume of traffic in a 24-hour period.

2. Exterior Amenities: The following criteria shall apply to all commercial uses in the C-3: CC, C-3: GW, C-3: GN, and C-3: IP districts.

- a. Exterior merchandise display. An occupant of a building may display merchandise on the exterior of its business location subject to the following conditions:
 - i. An application for such display has been submitted and approved as required herein.
 - ii. Merchandise may not be displayed on the exterior of a business location for more than 14 days during any calendar year.
- c. Authorization for exterior merchandising shall be subject to any and all regulations and restrictions as may be imposed from time-to-time by Borough Council.
- d. Exterior merchandising is only permitted during the hours of operation of the subject business.
- e. A minimum of 20% of the square footage of the front face of the building shall be two-way glass to permit a view of goods and services offered.

3. Building Infill/Redevelopment Standards

- a. Recommended Materials
The following materials are encouraged, though not exclusively restricted, to be used on any building facade visible from a public right-of-way:
 - 1) Natural Stone
 - 2) Brick
 - 3) Milled Natural Wood Siding
 - 4) Non-Reflective Glass (as a secondary material)
- b. Prohibited Materials

The following materials are prohibited from use on any building facade visible from a public right-of-way:

- 1) Particle board, plywood's, and plastic sheathing
 - 2) Asphalt and fiberglass shingles as siding
 - 3) Mirrored glass; that is glass coated in such a way that it prevents view to the building's interior
 - 4) Industrial metal panels
 - 5) Exterior finish insulation systems (EFIS)
 - 6) Simulated brick
- c. Additional Materials
- The following materials may be used on the non-ground floor of the building facade to the extent of their corresponding percentages (the percentages reflect total percentage of non-ground floor building façade' square footage or surface area):
- 1) Vinyl and aluminum siding: 20%
 - 2) Concrete masonry units, including prefinished surfaces: 15%
 - 3) Exposed aggregate pre-cast concrete block: 10%
- d. Building Materials as Public Hazards
- 1) No reflective materials shall be used as roofing that causes distractions and/or visual interferences to drivers.
- e. Transparency
- 1) All ground floor facades shall have a minimum transparency of 40% of the gross square footage of the ground floor facade.
 - 2) On each facade above the ground floor, each story shall have a transparency of at least 25% of the gross square footage of the facade of that story.
 - 3) If the degree of transparency is not appropriate or applicable to the nature of the proposed land uses, then the Borough Council may grant a modification to the required transparency.

F. C-3: CC - Core Commercial Overlay

Purpose Statement – to preserve the historic character, building scale and building patterns of a traditional downtown by principally accommodating retail uses, services and ancillary activities that are pedestrian dominant and support the pedestrian-orientation of Lawrence Avenue as well as the vitality and attractiveness of a walkable public realm.

Permitted Uses

- a. Pedestrian Dominant Uses equal to or less than the defined requirements enumerated in Section E1
- b. Residential Uses on the second floor or above (not the ground floor)

Conditional Uses

- a. Pedestrian Dominant Uses exceeding the defined maximum requirements enumerated in Section E1
- b. Banks and Financial Services
- c. Cultural and Recreational Services
- d. Theaters
- e. Commercial Recreation
- f. Off-street Parking
- g. Hotel/Motel

Accessory Uses

- a. Those uses customarily incidental to principal permitted uses.

Dimensional Standards

- a. Minimum Lot Area:
 - i. Nonresidential -3,000 square feet.
- b. Minimum Lot Width:

- i. Nonresidential -25 feet.
 - ii. Residential – 30 feet.
- c. Minimum Yard Widths (Setbacks):
- i. Front yard - 0 feet.
 - ii. Side yard - 0 feet.
 - iii. Rear yard- 0 feet.
- d. Maximum Yard Widths (Setbacks):
- i. Front yard - 10 feet.
- e. Maximum Lot Coverage -100%.
- f. Maximum Building Height - 50 feet.

G. C-3: GW - Gateway West Commercial Overlay

Purpose Statement – to provide for a mix of retail uses and services that are largely automobile dominant and require larger scale lots and buildings than found in the Core Commercial District.

Permitted Uses

- a. Automobile Dominant Land Uses
- b. Hotel/Motel

Conditional Uses

- a. Flex-Space
- b. Medical Practice/Clinic, Large Scale
- c. Multi-Family Dwellings
- d. Off-street Parking
- e. Social Services
- f. Transportation Services
- g. Veterinary Clinics

Accessory Uses

- a. Drive-throughs
- b. Those uses customarily incidental to principal permitted uses.

Dimensional Standards

- a. Minimum Lot Area:
 - i. Nonresidential - 4,000 square feet.
- b. Minimum Lot Width:
 - i. Nonresidential - 30 feet.
 - ii. Residential - 40 feet.
- c. Minimum Yard Widths (Setbacks):
 - i. Front yard - 0 feet.
 - ii. Side yard - 10 feet.
 - iii. Rear yard - 20 feet.
- d. Maximum Yard Widths (Setbacks):
 - i. Front yard - 20 feet.
- e. Maximum Lot Coverage - 90%.
- f. Maximum Building Height - 50 feet.

H. C-3: GN - Gateway North Commercial Overlay

Purpose Statement– to accommodate a mix of pedestrian and automobile dominant uses

and activities as well as lot and building scales that complement the uses and activities found in the other downtown commercial districts.

Permitted Uses

- a. Pedestrian Supportive Use
- b. Multi-Family Dwelling – Apartments
- c. Multi-Family Dwelling – Townhouse
- d. Hotel/Motel

Conditional Uses

- a. Multi-Family Dwelling – Duplexes
- b. Single Family Dwellings
- c. Off-street Parking Lots
- d. Automobile Dominant Land Uses

Accessory Uses

- a. Drive-Throughs
- b. Those uses customarily incidental to principal permitted uses.

Dimensional Standards

- a. Minimum Lot Area:
 - i. Nonresidential - 3,000 square feet.
 - ii. Residential or service - 5,000 square feet.
- b. Minimum Lot Width:
 - i. Nonresidential - 30 feet.
 - ii. Residential - 40 feet.
- c. Minimum Yard Widths (Setbacks):
 - i. Front yard -10 feet.
 - ii. Side yard -10 feet.
 - iii. Rear yard -20 feet.
- d. Maximum Yard Widths (Setbacks):
 - i. Front yard – On 5th Street: 20 ft.
Everywhere else: 5 ft.
- e. Maximum Lot Coverage - 80%.
- f. Maximum Building Height - 50 feet.

I. C-3: IP - Institutional and Professional Overlay

Purpose Statement - to provide for residential, institutional, office and medical uses while respecting the area's existing building scale and character.

Permitted Uses

- a. School
- b. Bed and Breakfast
- c. Place of Worship/Place of Assembly
- d. Professional Office
- e. Medical Practice, Small-Scale
- f. Single-Family Dwellings

Conditional Uses

- a. Multi-Family Dwellings
- b. Off-street Parking
- c. Hospital

Accessory Uses

- a. Those uses customarily incidental to principal permitted uses.

Dimensional Standards

- a. Minimum Lot Area:
 - i. Nonresidential - 3,000 square feet.
 - ii. Residential or service - 5,000 square feet.
- b. Minimum Lot Width:
 - i. Non-residential - 30 feet.
 - ii. Residential - 40 feet.
- c. Minimum Yard Widths (Setbacks):
 - i. Front yard -10 feet.
 - ii. Side yard -10 feet.
 - iii. Rear yard -20 feet.
- d. Maximum Yard Widths (Setbacks):
 - i. Front yard - 20 feet.
- e. Maximum Lot Coverage - 85%.
- f. Maximum Building Height - 40 feet.

Section 1266.04 (B) Table – **amend**

Eliminate requirement for C-1 and C-2

Add J. Downtown Commercial District Overlay Dimensional Table

	C-3: CC	C-3: GWC	C-3: GNC	C-3: IP
Minimum Lot Area Per Family (sq. ft.)	5,000	5,000	5,000	5,000
Minimum Lot Size Per Non-Residential (sq. ft.)	3,000	3,000	3,000	3,000
Maximum Lot Coverage	100%	90%	80%	85%
Minimum Lot Width (ft.)	30	Non-residential: 30 Residential: 40	Non-residential: 30 Residential: 40	Non-residential: 30 Residential: 40
Minimum Depth of Front Yard (ft.)	0	0	10	10
Maximum Depth of Front Yard (ft.)	10	20	On 5th Street: 20 Everywhere else: 5	20
Minimum Depth of Rear Yard (ft.)	0	20	20	20
Minimum Total Width of Side Yards (ft.)	N/A	N/A	N/A	N/A
Minimum Width of Side Yard (ft.)	0	10	10	10
Maximum Height of Structure (ft.)	50	50	50	40
Minimum Number of Stories	N/A	N/A	N/A	N/A

Chapter 1272 Supplementary Regulations

Add Section 1272.14 Group Homes as a Special Exception

The following standards shall apply to Group Homes as Special Exceptions:

- (a) The minimum area and bulk regulations for a Group Home or Care Facility shall be the same as those required for all uses in the Zoning District in which the facility is located.
- (b) No Group Home or Care Facility shall be established within one thousand (1,000) feet of another Group Home or Care Facility.
- (c) A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.

- (d) Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- (e) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs. All open space areas shall be secured by a fence with a self-latching gate.
- (f) When applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Borough Zoning Office in January of each year.

Add Section 1272.15 Group Care Facility (Youth/Adult) as a Special Exception
The following standards shall apply to Group Care Facility (Youth/Adult) as Special Exceptions:

- (a) The minimum area and bulk regulations for a Group Care Facility shall be the same as those required for all uses in the Zoning District in which the facility is located.
- (b) A Group Care Facility shall have direct vehicular access to an arterial or collector road as defined by this Ordinance.
- (c) No Group Care Facility shall be established within one thousand (1,000) feet of another Group Care Facility.
- (d) A twelve (12') wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- (e) Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.

Add Section 1272.16 Pedestrian Dominant Uses as a Conditional Use
The following standards shall apply to Pedestrian Dominant Uses as a Conditional Use:

- (a) Land Uses may not exceed 150% of the maximum Dimensional Standards as put forth by this Ordinance.

Add Section 1272.17 Banks and Financial Services as a Conditional Use
The following standards shall apply to Banks and Financial Services as a Conditional Use:

- (a) No drive-thru facilities shall be permitted at Banks and Financial Service establishments within the Core Commercial District.

Add Section 1272.18 Cultural and Recreational Services as a Conditional Use
The following standards shall apply to Cultural and Recreational Services as a Conditional Use:

- (c) In order to ensure that any proposed development does not create adverse conditions to the public right-of-way, a traffic impact study, in accordance with the Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hours.

Add Section 1272.19 Theaters as a Conditional Use
The following standards shall apply to Theaters as a Conditional Use:

- (c) In order to ensure that any proposed development does not create adverse conditions to the public right-of-way, a traffic impact study, in accordance with the Institute of

Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hours.

Add Section 1272.20 Commercial Recreation as a Conditional Use

The following standards shall apply to Commercial Recreation as a Conditional Use:

- (a) Within the Core Commercial District, the recreational activity space must be located on the non-ground floor of the building.
- (b) Activities in the space may not obstruct the function or vitality of an adjacent business or residential dwelling.

Add Section 1272.21 Off-Street Parking Lots as a Conditional Use

The following standards shall apply to Off-Street Parking Lots as a Conditional Use:

- (a) Ingress and egress points must be located on side streets, not main thoroughfares.
- (b) Parking spaces must be oriented and angled so that vehicle lights do not shine directly into establishments, residents, or cause driving hazards for other drivers, in compliance with Section C.
- (c) All off-street parking lots shall have a bufferyard between the parking spaces and right-of-way. This bufferyard shall be a minimum of three (3) feet tall, be at least 80% opaque, and may be comprised of landscaping, fencing, or a structure, or a combination of these. If a structure or fence, the more finished side shall face the right-of-way.

Add Section 1272.22 Flex Space as a Conditional Use

The following standards shall apply to Flex Space as a Conditional Use:

- (a) Within the Core Commercial District, the flex space must be located on the non-ground floor of the building.
- (b) Activities in the space may not obstruct the function or vitality of an adjacent business or residential dwelling.

Add Section 1272.23 Multi-Family Dwellings as a Conditional Use

The following standards shall apply to Multi-Family Dwellings as a Conditional Use:

- (a) The dwellings must be located on the non-ground floor of the building.
- (b) The access point to the dwellings shall not be through a ground floor establishment.

Add Section 1272.24 Social Services as a Conditional Use

The following standards shall apply to Social Services as a Conditional Use:

- (a) The facility shall not be located within three hundred (300) feet of another Social Services facility.

Add Section 1272.25 Transportation Services as a Conditional Use

The following standards shall apply to Transportation Services as a Conditional Use:

- (a) Parking spaces must be oriented and angled so that vehicle lights do not shine directly into establishments, residents, or cause driving hazards for other drivers.

Add Section 1272.26 Veterinary Clinic as a Conditional Use

The following standards shall apply to Veterinary Clinic as a Conditional Use:

- (a) Animal holding areas shall be within an enclosed building.
- (b) There shall be no overnight animal housing unless deemed necessary by the licensed

veterinarian.

- (c) The clinic shall not serve as a kennel.

Add Section 1272.27 Multi-Family Dwelling – Duplex as a Conditional Use

The following standards shall apply to Multi-Family Dwelling – Duplex as a Conditional Use:

- (a) Parking shall be provided on the same lot upon which the dwelling is located.
- (b) Parking shall not be oriented in the front lawn of the lot.
- (c) In order to ensure that any proposed development does not create adverse conditions to the public right-of-way, a traffic impact study, in accordance with the Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hours.

Add Section 1272.28 Single-Family Dwelling as a Conditional Use

The following standards shall apply to Single-Family Dwelling as a Conditional Use:

- (a) Parking shall be provided on the same lot upon which the dwelling is located.
- (b) In order to ensure that any proposed development does not create adverse conditions to the public right-of-way, a traffic impact study, in accordance with the Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hours.

Add Section 1272.29 Automobile Dominant Land Uses as a Conditional Use

The following standards shall apply to Automobile Dominant Land Uses as a Conditional Use:

- (a) Principal structure GFA shall not exceed 20,000 square feet.
- (b) Off-Street parking spaces shall not be located within the ten feet of the public right-of-way.

Add Section 1272.30 Medical Practice/Clinic, Large Scale as a Conditional Use

The following standards shall apply to Medical Practice/Clinic, Large Scale as a Conditional Use:

- (a) The medical clinic shall not allow overnight treatment or stay of patients.
- (b) If the medical clinic dispenses dolophine opioid analgesics or similar rehabilitation medications, the treatment must be performed on-site, and the patient shall remain at the facility until the temporary treatment is complete and the patient is deemed able to function in public.

Add Section 1272.31 Hospital as a Conditional Use

The following standards shall apply to Hospital as a Conditional Use:

- (a) In order to ensure that any proposed development does not create adverse conditions to the public right-of-way, a traffic impact study, in accordance with the Institute of Transportation Engineers (ITE) standards, shall be required to be submitted as part of any proposed development to determine peak hours.

Add Section 1272.32 Green Grocer as a Conditional Use

The following standards shall apply to Green Grocer as a Conditional Use:

- (a) A delivery zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

- (b) No outdoor storage of products or equipment shall be permitted on the lot.

Add Section 1272.33 Hardware/Variety/Department Store as a Conditional Use
The following standards shall apply to Hardware/Variety/Department Store as a Conditional Use:

- (a) A delivery zone plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- (b) No outdoor storage of products or equipment shall be permitted on the lot.

Add Section 1272.34 Hotel/Motel
The following standards shall apply to Hotel/Motel as a Conditional Use:

- (a) Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.
- (b) A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- (c) Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.
- (d) Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania Liquor Control Board.
- (e) The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

Add Section 1272.35 Compatible Uses Not Otherwise Listed
The following standards shall apply to Compatible Uses Not Otherwise Listed as a Conditional Use:

- (a) A land use not expressly delineated as a permitted use, conditional use, or special exception may be permitted as a conditional use upon the applicant's demonstration that the proposed use:
 1. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
 - a. The number of employees.
 - b. The floor area of the building or gross area of the lot devoted to the proposed use.
 - c. The type of products, materials, equipment and/or processes involved in the proposed use.
 - d. The magnitude of walk-in trade.
 - e. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Ordinance.

Add Section 1272.36 Wireless Communication Facilities

The following standards shall apply to all Tower-Based and Non-Tower Based Wireless Communication Facilities:

SECTION I. Definitions

1. *Antenna* — any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities as defined below.
2. *Co-location*—the mounting of one or more WCFs, including antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.
3. *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.
4. *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 rights-of-way to be unusable and result in loss of the services provided.
5. *FCC*—Federal Communications Commission.
6. *Height of a Tower-Based WCF* - the vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including antennae mounted on the tower and any other appurtenances.
7. *Monopole*—a WCF or site which 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.
8. *Non-Tower Wireless Communications Facility (Non-Tower WCF)*—all Non-Tower Wireless Communications Facilities, including but not limited to, antennae and Related Equipment. Non-Tower WCF shall not include support structures for antennae or any Related Equipment that is mounted to the ground or at ground-level.
9. *Related Equipment*—any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, Related Equipment includes generators and base stations.
10. *Stealth Technology*—camouflaging methods applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
11. *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.

12. *Tower-Based Wireless Communications Facility (Tower-Based WCF)*—any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-Based WCF.
13. *WBCA - Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)*
14. *Wireless*—transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
15. *Wireless Communications Facility (WCF)*—the antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
16. *Wireless Communications Facility Applicant (WCF Applicant)*—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Borough owned land or property.
17. *Wireless Support Structure*—a freestanding structure, such as a Tower-Based wireless communications facility or any other support structure that is constructed primarily to support the placement or installation of a wireless communications facility if approved by the Borough.

SECTION II. REPEALER AND ADOPTION OF NEW WIRELESS COMMUNICATIONS FACILITIES PROVISIONS

Wireless Communications Facilities

A. Purposes and Findings of Fact.

- 1) The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Communications Facilities in the Borough of Ellwood City (referred to herein as the “Borough”). While the Borough recognizes the importance of Wireless Communications Facilities in providing high quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- 2) By enacting these provisions, the Borough intends to:
 - a. Accommodate the need for Wireless Communications Facilities while regulating their location and number so as to ensure the provision for necessary services;
 - b. Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations;
 - c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both Tower-Based and Non-Tower based Wireless

Communications Facilities in the Borough, including facilities both inside and outside the public rights-of-way;

- d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other Wireless Communications Facilities;
- e. Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services co-locate their commercial communications antennas and related facilities on existing towers;
- f. Promote the health, safety and welfare of the Borough's residents.

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

1) The following regulations shall apply to all Non-Tower WCF:

- a. Permitted in all zones as an accessory use subject to regulations. Non-Tower WCF are permitted in all zones as an accessory use subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Borough.
- b. Non-conforming Wireless Support Structures. Non-Tower WCF shall be permitted to co-locate upon non-conforming Tower-Based WCF and other non-conforming structures. Co-location of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.
- c. Non-commercial usage exemption. Borough residents utilizing satellite dishes and antennae for the purpose of maintaining television, phone, radio and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this section of the Zoning Ordinance.
- d. Standard of care. Any Non-Tower WCF 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 WCF 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 Borough.
- e. Wind. All Non-Tower WCF structures shall be designed to withstand the effects of wind gusts of at least (one hundred) 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended).
- f. Aviation safety. Non-Tower WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- g. Public safety communications. Non-Tower WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

- h. Radio frequency emissions. A Non-Tower WCF shall not, by itself or in conjunction with other WCFs, 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.
- i. Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - (1) All abandoned or unused WCFs and accessory facilities shall be removed within two (2) months of the cessation of operations at the site unless a time extension is approved by the Borough.
 - (2) If the WCF or accessory facility is not removed within two (2) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and/or associated facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.
- j. Insurance. Each Person that owns or operates a Non-Tower WCF shall provide the Borough 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 WCF. The Borough shall be named as an additional insured and shall be provided of proof of such insurance on an annual basis.
- k. Indemnification. Each person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, 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 WCF. Each person that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Non-Tower WCF. 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.
- l. Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - (1) The Non-Tower WCF 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 Borough's residents.

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

2) The following regulations shall apply to all collocated Non-Tower WCF 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:

- a. Permit required. WCF Applicants proposing the modification of an existing Tower-Based WCF shall obtain a building permit from the Borough. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Borough in accordance with applicable permit policies and procedures.
- b. Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Borough, the Borough shall notify the WCF 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 Borough shall make its final decision on whether to approve the application and shall advise the WCF Applicant in writing of such decision. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.
- c. Related Equipment. Ground-mounted Related Equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use or zoned residential.
- d. Permit fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.

3) The following regulations shall apply to all Non-Tower WCF that do Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act:

- a. Prohibited on Certain Structures. No Non-Tower WCF shall be located on single-family detached residences, single-family attached residences, or any residential accessory structure.
- b. Special Exception Required. Any WCF Applicant proposing the construction of a new Non-Tower WCF, or the modification of an existing Non-Tower WCF, shall first obtain a special exception from the Borough Zoning Hearing Board. New constructions, modifications, and replacements that do fall under the WBCA shall not be subject to the special exception process. The special exception application shall demonstrate that the proposed facility complies with all applicable provisions in the Ellwood City Zoning Ordinance and shall be submitted by the Applicant to the Ellwood City Borough Zoning Hearing Board.
- c. Historic Buildings. No Non-Tower WCF 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, or is listed on the official historic structures and/or historic districts list maintained by the Borough, or has been designated by the Borough to be of historical significance.

- d. Retention of Experts. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- e. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.
- f. Development Regulations. Non-Tower WCF shall be located on Borough-owned poles, structures, and land to the greatest extent possible. If such location is not economically or practically feasible, Non-Tower WCF shall be co-located on existing Wireless Support Structures, such as existing buildings or Tower-Based WCF, subject to the following conditions:
 - (1) The total height of any Wireless Support Structure and mounted WCF shall not exceed 20 feet above the maximum height permitted in the underlying zoning district, unless the WCF Applicant applies for, and subsequently obtains, a variance.
 - (2) In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Borough justifying the total height of the Non-Tower WCF. Such documentation shall be analyzed in the context of such justification on an individual basis.
 - (3) If the WCF Applicant proposes to locate the Related Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
- a. A security fence having a minimum height of six (6) feet and a maximum height 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.
- g. Design Regulations. Non-Tower WCF 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 WCF Applicant shall be subject to the approval of the Borough.
- h. Removal, Replacement and Modification.
 - (1) The removal and replacement of Non-Tower WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not Substantially Change the overall size of the WCF or the numbers of antennae.
 - (2) Any material modification to a WCF shall require notice to be provided to the Borough, and possible supplemental permit approval to the original permit or authorization.
- i. Inspection. The Borough reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions

found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

4) Regulations Applicable to all Non-Tower WCF located in the Public Rights-of-Way.

In addition to the Non-Tower WCF provisions listed in Section B, the following regulations shall apply to Non-Tower WCF located in the public rights-of-way:

- a. Location. Non-Tower WCF in the ROW shall be located on existing poles owned by the Borough. If such location is not technologically feasible, the WCF Applicant shall locate its Non-Tower WCF on existing poles or freestanding structures that are not owned by the Borough.
- b. Design Requirements:
 - (1) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and Borough-owned poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - (2) Antenna and Related Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- c. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
- d. Related Equipment Location. Non-Tower WCFs and Related 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 ROW as determined by the Borough. In addition:
 - (1) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within an easement extending onto a privately-owned lot;
 - (2) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
 - (3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
 - (4) Any graffiti on any Wireless Support Structures or any Related Equipment shall be removed at the sole expense of the owner.

(5) Any proposed underground vault related to Non-Tower WCF shall be reviewed and approved by the Borough.

e. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, 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 the following circumstances:

- (1) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way;
- (2) The operations of the Borough or other governmental entity in the Right-of-Way;
- (3) Vacation of a street or road or the release of a utility easement; or
- (4) An emergency as determined by the Borough.

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

- 1) The following regulations shall apply to all Tower-Based Wireless Communications Facilities.
 - a. Standard of Care. Any Tower-Based WCF 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 WCF 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 Borough.
 - b. Notice. Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within five hundred (500) feet of the proposed facility. The WCF Applicant shall provide proof of the notification to the Borough.
 - c. Special Exception Required. Tower-Based WCF are permitted by special exception, at a height necessary to satisfy their function in the WCF Applicant's wireless communications system. No WCF 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 WCF Applicant shall demonstrate that the antenna/tower/pole for the Tower-Based WCF is the minimum height necessary for the service area.
- (1) Prior to the Zoning Hearing Board's approval of a special exception authorizing the construction and installation of Tower-Based WCF, it shall be incumbent upon the

WCF Applicant for such special exception approval to prove to the reasonable satisfaction of the Zoning Hearing Board that the WCF Applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable alternative location exists.

- (2) The special exception 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 WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
 - (3) The special exception application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
 - (4) Where the Tower-Based WCF is located on a property with another principal use, the WCF Applicant shall present documentation to the Zoning Hearing Board that the owner of the property has granted an easement for the proposed WCF and that vehicular access will be provided to the facility.
 - (5) The special exception application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions in this section.
 - (6) In determining the location of a proposed Tower-Based WCF, preference shall be given to municipally owned property on the northern and southern ends of the Borough.
- d. Engineer Inspection. Prior to the Borough's issuance of a permit authorizing construction and erection of a Tower-Based WCF, the Applicant shall employ a Pennsylvania-registered structural engineer to issue to the Zoning Hearing Board a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association. Such engineer shall also certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the special exception proceedings, 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 WCF shall employ Stealth Technology which may include the tower portion to be painted silver or another color approved by the Borough Zoning Hearing Board, or shall have a galvanized finish. All Tower-Based WCF and Related 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 Zoning Hearing Board 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. Co-location and siting. An application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or sited on land owned by the Borough of Ellwood City. The Borough Zoning Hearing Board may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the commercial communications antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one quarter (¼) 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 Related 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 Related 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 WCF Applicant proposing the modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain a permit from the Borough. Non-routine modifications and modifications that Substantially Change the Wireless Support Structure shall be prohibited without a permit.
- h. Gap in Coverage. A WCF Applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to all wireless operators in the applicable area and that the type of WCF 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 shall be a factor in the Borough Zoning Hearing Board's decision on an application for approval of Tower-Based WCF.
- i. Additional Antennae. As a condition of approval for all Tower-Based WCF, the WCF Applicant shall provide the Borough with a written commitment that it will allow other service providers to co-locate antennae on Tower-Based WCF where technically and economically feasible. To the extent permissible by law, the owner of a Tower-Based WCF shall not install any additional antennae without obtaining the prior written approval of the Borough.

- j. Wind. Any Tower-Based WCF structures shall be designed to withstand the effects of wind gusts of at least 100 miles per hour in addition to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
- k. Height. Any Tower-Based WCF shall be designed at the minimum functional height and shall not exceed more than two hundred (200) feet in height. Tower-Based WCF sited in the public rights-of-way shall not exceed forty (40) feet in height.
- l. Related 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 10 feet by 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.
- m. Public Safety Communications. No Tower-Based WCF 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) Any Tower-Based WCF 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 WCF in order to promote the safety and security of the Borough's residents, and utilize the best available technology for preventing failures and accidents.
- o. Radio Frequency Emissions. A Tower-Based WCF shall not, by itself or in conjunction with other WCFs, 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. A Tower-Based WCF 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, or eligible to be so listed, or is included in the official historic structures and/or historic districts list maintained by the Borough.
- q. Signs. All Tower-Based WCFs 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 WCF shall be those required by the FCC, or any other federal or state agency.
- r. Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF 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 WCF Applicant shall

promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Borough Manager.

- s. Noise. Tower-Based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Borough Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only, as delineated in the Federal Communications Commission October 2014 Order and Report.
- t. Aviation Safety. Tower-Based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- u. Retention of Experts. The Borough Zoning Hearing Board may hire any consultant and/or expert necessary to assist the Borough in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- v. Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Borough, the Borough shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Borough shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Borough to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
- w. Non-Conforming Uses. Non-conforming Tower-Based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location to its original condition or better, but must otherwise comply with the terms and conditions of this section.
- x. Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
 - (1) All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Borough. The site shall be restored to its original condition or better, following the removal of the WCF.
 - (2) If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.

- (3) Any unused portions of Tower-Based WCF, including antennae, shall be removed within six (6) months of the time of cessation of operations.
- y. Permit Fees. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring, and related costs.
- z. FCC License. Each person that owns or operates a Tower-Based WCF 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 a Tower-Based WCF greater than forty (40) feet in height shall provide the Borough 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 WCF. Each Person that owns or operates a Tower-Based WCF forty (40) feet or less in height shall provide the Borough 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 each Tower-Based WCF. The Borough shall be named as an additional insured and shall be provided of proof of such insurance on an annual basis.
- bb. Indemnification. Each person that owns or operates a Tower-Based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, 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 WCF. Each person that owns or operates a Tower-Based WCF shall defend any actions or proceedings against the Borough 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 WCF. 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 a Tower-Based WCF 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 a Tower-Based WCF, the WCF Applicant shall provide to the Borough financial security sufficient to guarantee the removal of the Tower-Based

WCF. Said financial security shall remain in place until the Tower-Based WCF is removed.

2) The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Public Rights-of-Way:

a. Development Regulations.

- (1) Tower-Based WCF shall not be located in, or within one hundred (100) feet of, an area in which utilities are located underground.
- (2) Tower-Based WCF are permitted in the following zoning districts by special exception, with preference given to municipally owned property on the northern and southern ends of the district, subject to the above prohibition:
 - i. R-1 A-Residential District
 - ii. R-2 B-Residential District
 - iii. I Industrial District
- (3) Sole use on a lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot is a minimum of 6,000 square feet. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall equal one hundred percent (100%) of the proposed WCF structure height.
- (4) Combined with another use. A Tower-Based WCF 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:
 - (a) The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the WCF.
 - (b) 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 WCF and guy wires (if necessary), the equipment building, security fence, and buffer planting if the proposed WCF is greater than forty (40) feet in height.
 - (c) Minimum setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street right-of-way line shall be equal to the total height of the Tower-Based WCF plus thirty (30) feet or the minimum setback of the underlying zoning district, whichever is greater. Where the site on which a Tower-Based WCF is proposed to be located is contiguous to an educational use, child day-care facility, or agriculture or residential use, the minimum distance between the base of a Tower-Based WCF and any such adjoining uses shall equal two hundred fifty (250) feet, regardless of the height of the Tower-Based WCF, unless it is demonstrated to the reasonable satisfaction of the Zoning Hearing Board that in the event of failure the WCF is designed to collapse upon itself within a setback area less than

the required minimum setback without endangering such adjoining uses and their occupants.

b. Design Regulations.

- (1) The WCF 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 WCF Applicant shall be subject to the approval of the Borough.
- (2) To the extent permissible by law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Borough Zoning Hearing Board.
- (3) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.
- (4) Any Tower-Based WCF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

c. Surrounding Environs.

- (1) The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
- (2) The WCF Applicant shall submit a soil report to the Borough Zoning Hearing Board complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

d. Fence/Screen.

- (1) A security fence with a minimum height of six (6) feet and a maximum height of eight (8) feet shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.
- (2) Landscaping shall be required to screen as much of a newly constructed Tower-Based WCF as possible. The Borough Zoning Hearing Board may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Zoning Hearing Board, they achieve the same degree of screening. Existing vegetation shall be preserved to the maximum extent possible. Will replace as necessary any existing trees and shrubs damaged.....

e. Accessory Equipment.

- (1) Ground-mounted Related Equipment associated to, or connected with, a Tower-Based WCF shall be placed underground or screened from public view using Stealth Technologies, as described above.

(2) All Related 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 WCF. Such access road shall be constructed and maintained, in conformance with the standards issued by the Pennsylvania Department of Transportation. 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 WCF owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.
- g. Parking. For each Tower-Based WCF greater than forty (40) feet in height, there shall be two off-street parking spaces.
- h. Inspection. The Borough reserves the right to inspect any Tower-Based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within the Borough Code or state or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

3) The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Public Rights-of-Way.

- a. Location and development standards.
 - (1) Tower-Based WCF are prohibited in areas in which utilities are located underground.
 - (2) Tower-Based WCF shall not be located in the front façade area of any structure.
 - (3) Tower-Based WCF forty (40) feet or shorter in height shall be permitted along certain collector roads and arterial roads throughout the Borough, regardless of the underlying zoning district. A map of such permitted roads is kept on file at the Borough Secretary's Office.
- b. Time, Place and Manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.
- c. Equipment Location. Tower-Based WCF and Related 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 ROW as determined by the Borough. In addition:

- (1) In no case shall ground-mounted Related Equipment, walls, or landscaping be located within twenty-four (24) inches of the face of the curb.
- (2) Ground-mounted Related Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough. Maintained and replaced as necessary by the WCF owner.
- (3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
- (4) Any graffiti on the tower or on any Related Equipment shall be removed at the sole expense of the owner
- (5) Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Borough.

d. Design regulations.

- (1) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Borough.
- (2) Tower-Based WCF sited in the public ROW shall not exceed forty (40) feet in height.
- (3) To the extent permissible under state and federal law, any height extensions to an existing Tower-Based WCF in the ROW shall require prior approval of the Borough Zoning Hearing Board, and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.
- (4) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's antennae and comparable antennae for future users.

e. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

- (1) The construction, repair, maintenance or installation of any Borough or other public improvement in the Right-of-Way;
- (2) The operations of the Borough or other governmental entity in the right-of-way;
- (3) Vacation of a street or road or the release of a utility easement; or
- (4) An emergency as determined by the Borough.

- f. Reimbursement for ROW Use. In addition to permit fees as described in this section, every Tower-Based WCF in the ROW is subject to the Borough's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Borough. The owner of each Tower-Based WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above.

SECTION III. Miscellaneous

- A. Police powers. The Borough, 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 Borough under applicable federal, state and local laws and regulations.
- B. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
- C. Effective Date. This Ordinance shall become effective thirty (30) days after enactment by the Borough Council of Ellwood City

ADOPTED this 15th day of August, 2016.

/s/ Connie R. MacDonald
Connie R. MacDonald
President of Council

ATTEST:

/s/ Linda M. List
Linda M. List
Borough Secretary

Examined and approved this 16th day of August, 2016.

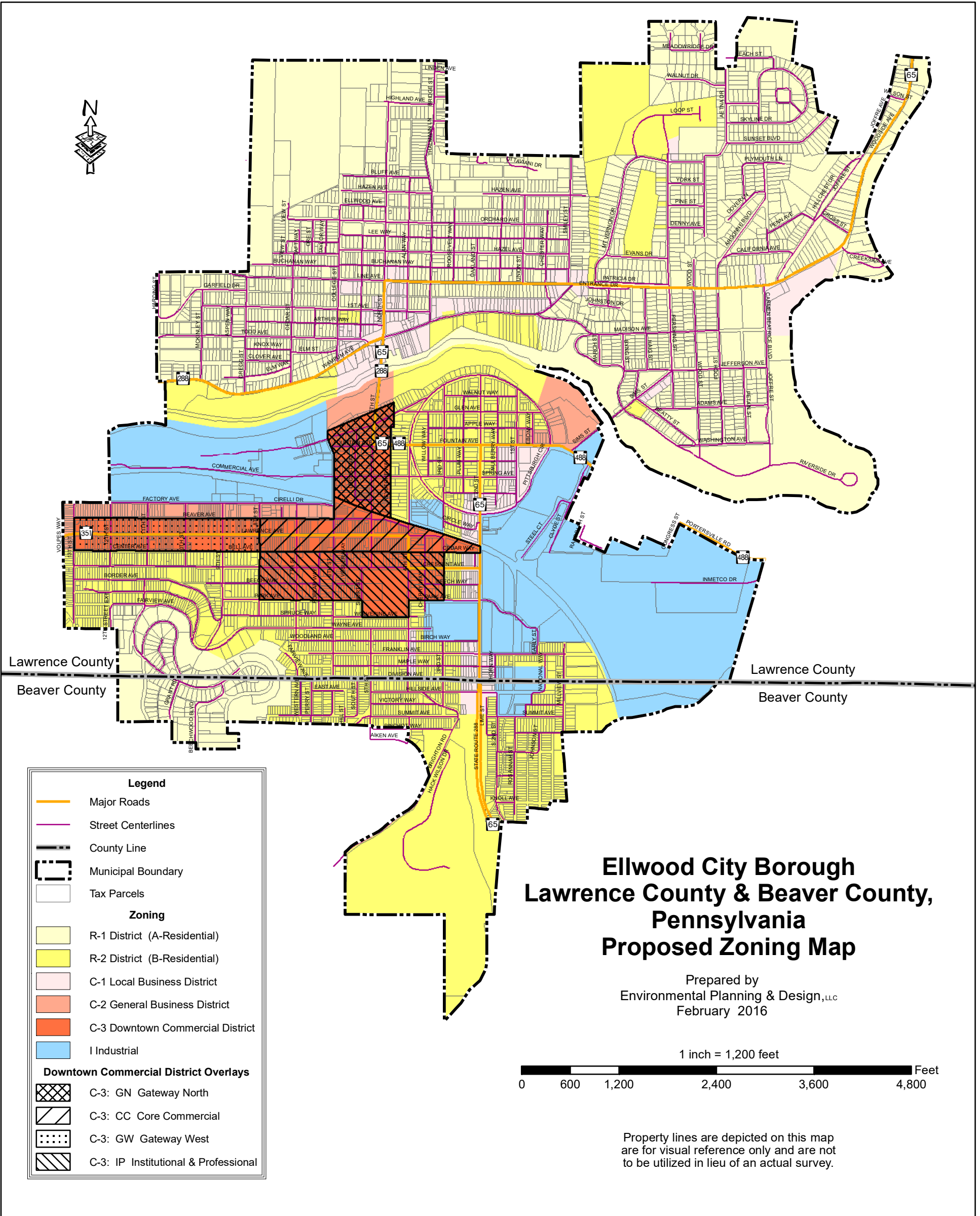
/s/ Anthony J. Court
Anthony J. Court
Mayor

Examined as to form this 15th day of August, 2016.

/s/ Edward Leymarie, Jr.
Edward Leymarie, Jr.
Borough Solicitor

I, Linda M. List, Secretary of the Borough of Ellwood City, do hereby certify that the above is a true and correct copy of an ordinance adopted by the Borough Council at their regular meeting of August 15, 2016 and that the same has been approved and recorded in the Borough Ordinance Book and has been advertised as required by law.

Linda M. List
Borough Secretary



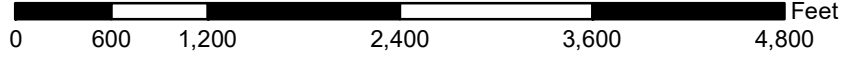
Legend

- Major Roads
- Street Centerlines
- County Line
- Municipal Boundary
- Tax Parcels
- Zoning**
- R-1 District (A-Residential)
- R-2 District (B-Residential)
- C-1 Local Business District
- C-2 General Business District
- C-3 Downtown Commercial District
- I Industrial
- Downtown Commercial District Overlays**
- C-3: GN Gateway North
- C-3: CC Core Commercial
- C-3: GW Gateway West
- C-3: IP Institutional & Professional

**Ellwood City Borough
Lawrence County & Beaver County,
Pennsylvania
Proposed Zoning Map**

Prepared by
Environmental Planning & Design, LLC
February 2016

1 inch = 1,200 feet



Property lines are depicted on this map
for visual reference only and are not
to be utilized in lieu of an actual survey.