
Planning Commission

Public Meeting Packet



CITY OF
LANCASTER



CITY OF LANCASTER **PLANNING**
COMMISSION
PUBLIC MEETING **AGENDA**

Meeting Agenda— Lancaster City Planning Commission

Wednesday, March 16, 2022

6:00 PM

City Council Chambers

City Hall Annex

120 North Duke Street, Lancaster City, Pennsylvania

1. **Call to Order**
2. **Approval of Minutes of Meeting of the March 2, 2022 Meeting**
3. **Subdivision and Land Development**
 - A. **SALDO Modification Request for 640 S. Franklin St.**

The applicant, Thaddeus Stevens, has requested a modification to § 265-28 to allow demolition of the building on 640 S. Franklin St. preceding unconditional final plan approval due to hazardous conditions of the building.
 - B. **SALDO Modification Request for 802 and 806 S. Duke St.**

The applicant, SACA Development, has requested a modification to § 265-28 to allow demolition of the building on 802/806 S. Duke St. preceding unconditional final plan approval due to hazardous conditions of the building.
 - C. **Proposed Zoning Text Amendments by City Staff to address housing and wireless communication facilities**
4. **Annual Reorganization Meeting**
 - A. Election of Officers
 - B. Review of 2021
 - C. Upcoming Program
5. **Housing Subcommittee**
6. **Comprehensive Plan Report**
7. **Other Business**
8. **Public Participation**
9. **Adjournment**



CITY OF LANCASTER **PLANNING**
COMMISSION
AGENDA **DOCUMENTS**

3. Subdivision and Land Development

A. SALDO Modification Request

Office of the Executive Director



**THADDEUS STEVENS
FOUNDATION**

A charitable working Foundation for the
Thaddeus Stevens College of Technology.

March 1, 2022

Douglas Smith, Chief Planner
Bureau of Planning
120 North Duke Street
Lancaster, PA 17608

RE: 640 South Franklin Street Demo

Dear Doug:

I would like to request a modification to §265-28 to allow demolition preceding unconditional final plan approval due to hazardous conditions of the building.

Enclosed is a check in the amount of \$300 to the City of Lancaster for this modification, which will be added to the March 16 Planning Commission agenda.

Thank you.

Sincerely,



Gene Duncan
Construction Projects Manager



B. SALDO Modification Request for 802 and 806 S. Duke St..

C. Proposed Zoning Text Amendments by City Staff to address housing.



**Lancaster City Planning Commission
Memorandum on Proposed Zoning Changes**

TO: Planning Commission

FROM: Douglas Smith, Chief Planner
Bureau of Planning

DATE: March 2, 2021

RE: Proposed Technical Amendments to Zoning Text No. 2

BACKGROUND

On January 19, the Planning Commission began discussing possible zoning text amendments, including matters of housing, parking, short-term rentals, and wireless communications. The Planning Staff convened a subcommittee of three Commissioners on two occasions to workshop the amendments. The Planning Commission made formal motions of recommendations on four proposed amendments on February 2 and three proposed amendments on March 2. Seven more amendments are proposed by staff. All but two of them have been discussed at previous Planning Commission meetings.

City Planning Staff is requesting a motion of recommendation for the below proposed amendments.

PROCEDURE

The Pennsylvania Municipalities Planning Code mandates the Planning Commission as the recommending body for amendments to the Zoning Ordinance text and accompanying zoning map. In accordance with the MPC, the City Planning Bureau is requesting the Planning Commission consider amendments to the Zoning Ordinance, which are further described in this memo below.

Previously, the City Administration had requested that the amendments be reviewed and approved by the March 22 City Council meeting. The schedule has been adjusted due to new amendments for consideration.

- January 19 – 1st Review by Planning Commission
- February 2 – 2nd Review by Planning Commission & Recommendation
- February 16 – 3rd Review by Planning Commission of additional amendments
- March 2 – 4th Review by Planning Commission & Recommendation
- March 16 – Review by Planning Commission & Possible Recommendation
- March 17 – Submission to Lancaster County Planning Commission
- April 4 – Possible Introductory Presentation to Council Committee
- April 12 – 1st Reading by City Council
- April 26 – Public Hearing, 2nd Reading, and Possible Adoption

PROPOSED AMENDMENTS

Amendment #6

Explanation: Traffic impact studies are a common requirement of the Subdivision & Land Development Ordinance, Chapter 265. The ordinance also regulates other traffic related items such as pedestrian/bike infrastructure, street configuration, driveways, access drives, and other related transportation matters. The Zoning Ordinance, Chapter 300, does not regulate these transportation related items. Furthermore, the requirements of §300-18 and §300-35 have been interpreted to exclude projects that require a submission of land development and subdivisions plans for the reasons stated above. Therefore, it is recommended that the below sections are amended to align with the transportation reviews in land development and with the City's historical interpretation. **These sections have been adjusted per Planning Commission questions about exemptions and the complexity of the language.**

Amend §300-18 Traffic Impact Study Required by deleting existing text and replacing with the following text:

~~*For any development, including that includes an expansion or change of use that does not require the submission of a land development or subdivision plan, a traffic impact study in accordance with Article VII, Supplementary District Regulations, § 300-35, Traffic impact study, shall be submitted at the time of zoning application for any if the development that will generate 50 new vehicle trips in the peak direction (inbound or outbound) during the site's peak traffic hour.*~~

If the proposed development would generate 50 or more new vehicle trips in the peak direction (inbound or outbound) during the site's peak traffic hour, a traffic impact study prepared and conducted in accordance with Article VIII, Traffic and Transportation, Section 265, Subdivision & Land Development Ordinance, Article VII, Supplemental District Regulations, Section 300-35, Traffic Impact Study, must be submitted at the time of the zoning application, unless the development is exempted by the criteria set forth in Section 265-44 300-35; however, developments, expansions, or changes in use that require the submission of a land development plan are exempt from this zoning requirement.

Amend §300-35 Traffic Impact Study Required as follows:

~~*For any development, including expansion, that includes an expansion or change of use that does not require the submission of a land development or subdivision plan, a traffic impact study, including proposed improvements and mitigation measures to be installed, shall be undertaken for any if the project that generates 50 new vehicle trips in the peak direction (inbound or outbound) during the site's peak traffic hour in accordance with the provisions of the SLDO, the following shall be exempt from the requirement of a traffic impact study: residential development with less than 75 units; nonresidential development not exceeding 5,000 square feet of gross floor area; and development within that area of the City bounded on the north by James Street, on the east by Lime and Church Streets, on the south by Conestoga Street, and on the west by Water, West Strawberry and Charlotte Streets.*~~

If the proposed development would generate 50 or more new vehicle trips in the peak direction (inbound or outbound) during the site's peak traffic hour, a traffic impact study prepared and conducted in accordance with Article VIII, Traffic and Transportation, Section 265, Subdivision & Land Development Ordinance, Article VII, Supplemental District Regulations, Section 300-35, Traffic Impact Study, must be submitted at the time of the zoning application, unless the development is exempted by the criteria set forth in Section 265-44 300-35; however, developments, expansions, or changes in use that require the submission of a land development plan are exempt from this zoning requirement.

Amendment #9

Explanation: The Planning Bureau has received many concerns from residents about the proliferation of short-term rentals in the City, as many other communities across the world move to understand their possible impacts and regulate them. Specifically, the neighborhood concerns are focused on the potential for inflation of housing values, lack of long-term neighbors, parking impacts, and the regulation around number of people allowed within a permitted short-term rental. Essentially STR's are commercial uses within residential districts. Therefore, Planning Staff is recommending that the Planning Commission exercise prudence in the near-term by considering zoning amendments and further study of this issue for better long-term policy. This recommended amendment would regulate STRs as commercial units and prohibit them in the R3 and R4 residential districts, which is a cautious approach while the City further studies the issue; however, the Zoning Hearing Board could still provide a use variance to permit them. Existing STRs would be grandfathered in and be allowed to continue operating according to the Zoning Ordinance that was in effect at the time of their application. **Planning staff is also recommending the "Visitor House Rental" language be substituted with "Short-Term Rental" to be consistent with common vocabulary, which will also assist with general understanding and usability of the ordinance.** ¹

Amend §300 Attachment 2:12, Commercial—Services by removing the by-right use for visitor house rental from the R3, R4, and MU zoning districts, as shown below in final form:

Use	R1	R2	R3	R4	RO	MU	CB1	CB	C1	C2	C3 ²	CM ³	SM	HC
Short-term rental					X	X	X	X	X	X				

¹ This is a change from the staff recommended amendments presented on March 2, 2022.

² This was incorrectly shown as by-right in previous memos. Intended to align with existing STR zones.

³ This was incorrectly shown as by-right in previous memos. Intended to align with existing STR zones.

Amendment #10

Explanation: Short-term rentals are defined as a single-family structure rented for less than 30 days, which are often rented on platforms like HomeAway, Vrbo, and AirBnB. Short-term rentals are sometimes confused with “Homestays,” as some communities call them, which may be a bedroom (or multiple bedrooms) rented within a homeowner occupied structure. The City Zoning Ordinance does not currently address homestays, and the Planning Staff is recommending that we add a definition for homestay and also permit that use in both residential and commercial districts.

Amend §300-83B(9), Word Usage; Terms Defined to include the following new definition:

*Homestay - A **single-family**⁴ dwelling unit wherein a maximum of two bedrooms are rented on a short-term basis and where the dwelling unit is concurrently occupied by ~~a permanent long-term resident who owns or leases the unit.~~ a property owner.*

Amendment #11

Explanation: This amendment builds on those above and provides zoning districts where Homestays can operate. The districts chosen here are the ones where STRs can currently operate per the City Zoning Ordinance.

Amend §300 Attachment 2:12, Commercial—Services by adding a new use called “Homestay” and permit them by-right in the districts as shown below:

Use	R1	R2	R3	R4	RO	MU	CB1	CB	C1	C2	C3	CM	SM	HC
Homestay (9)			X	X	X	X	X	X	X	X				

Amendment #12

Explanation: This amendment continues to build on those above and provides conditions for the permittance of Homestays. These conditions are similar to those in footnote (8) for Short-Term Rentals.

Amend §300 Attachment 2:13, Commercial—Services by adding a footnote (9) along with the subsequent lettering and text.

(9)(a) The homeowner shall serve as the sole property manager and provide contact information to the City’s Housing Unit.

(b) The property owner must be residing in the dwelling unit for the duration of the rental.

(c) The maximum length of stay per registered party shall not exceed 30 consecutive days.

(d) The number of guests in one party shall not exceed 2 adults per bedroom.

(e) No exterior or interior sign intended to be seen by the public shall be permitted.

(f) Guests must have use of a bathroom and kitchen for the duration of the rental.

(g) Structures with only 2 bedrooms may only dedicate one bedroom as a homestay.

⁴ This is a change from the staff recommended amendments presented on March 2, 2022.

Amendment #13

Explanation: Amendment #9 and #14 above seeks to change the language from “Visitor house rental” to “short-term rental” because it is more understandable by the general public. This amendment recommends changing the language in the definitions section of the ordinance too by renaming Visitor House Rental to Short-Term Rental.

Amend §300-83B(9), Word Usage; Terms Defined to remove the word Visitor House Rental and replace it with Short-Term Rental, while keeping the same definition, as follows:

~~VISITOR HOUSE RENTAL~~ SHORT-TERM RENTAL

A fully furnished single-family dwelling that is rented on a short-term basis to registered guests visiting the Lancaster area and that is not occupied by an owner or manager. Guests have use of the facilities as provided for in any contract or agreement with the owner or management company, and no services, such as meals or house cleaning, are provided to the guests.

[Added 7-11-2017 by Ord. No. 10-2017]

Amendment #14

Explanation: Amendment #9 and #14 above seeks to change the language from “Visitor house rental” to “short-term rental” because it is more understandable by the general public. This amendment recommends changing this language within the parking requirement section. Furthermore, Lancaster City has the lowest parking requirement out of all the following municipalities: Lititz requires 1 per unit or one per every two people (whichever is greater), Columbia Borough requires 2 per unit, Gettysburgh Borough requires 1 per unit, and Lehigh Township requires 1 per bedroom and 1 per 2 day guests.

Amend §300-41A. Parking Requirement by renaming Visitor House Rental to Short-Term Rental within the Commercial Service section of the table as follows:

Visitor house rental Short-term rental	1 per dwelling, except that dwellings with 4 or more bedrooms shall provide 1 additional space per bedroom
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Amendment #15

Explanation: With “Homestay” being a new use in the Zoning Ordinance, a parking requirement should be considered. It can be safely assumed that most people renting a Homestay are from out of town and would be arriving by car. A single homestay bedroom may not create parking impacts beyond a single-family home occupied by two adults; however, two homestay bedrooms may bring an additional car. A nonfamily unit allows more than three unrelated people to live together and requires 2 parking spaces. It is recommended that a Zoning for homestays follow this logic and require 1 additional parking space for 2 homestay bedrooms.

Amend §300-41A. Parking Requirement by adding Homestay within the Commercial Service section of the table as follows:

Homestay	1 per 2 bedrooms dedicated as Homestay
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Amendment #16

Explanation: The State of PA passed House Bill No. 1621 amending regulations for the provision of wireless facilities deployment. This requires municipalities to also amend their regulations as to not be in conflict with State law. The attached draft ordinance and design guidelines aim to accomplish a few things: 1) maximize local control over wireless facilities, 2) remove public right of way regulations on wireless facilities from zoning and instead move those regulations to the public right of way ordinance §263, 3) create a design guide that preserve the aesthetic and historic character of Lancaster City. Please see the attached draft ordinance and design guidelines for more information.

**CITY OF LANCASTER
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF CHAPTER 300, ARTICLE XIX OF THE ZONING ORDINANCE OF THE CITY OF LANCASTER; PROVIDING FOR CERTAIN DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF SMALL WIRELESS COMMUNICATIONS FACILITIES; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Council of the City of Lancaster, Lancaster County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I. AMENDMENT OF CERTAIN DEFINITIONS

Section 300-86 “Definitions” of Article XIX of the City of Lancaster Zoning Ordinance is hereby amended by repealing the definitions of “Co-location” and “Substantially Change or Substantial Change” and adding the following definitions:

1. *Co-location* – the mounting of one or more WCFs, including antennas, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.
2. *Substantially Change* or *Substantial Change* – A modification substantially changes the physical dimensions of an support structure if it meets the criteria established by 47 CFR §1.6100.
3. *Underground Area* – An area of the City in which all utility installations are required to be installed underground on a non-discriminatory basis and have been required to be so placed by a date certain that is at least three months prior to the submission of the application for the proposed Small WCF.

Commented [MR1]: Definition is established by federal law and cited to for brevity. The full definition is:

[1]A modification substantially changes the physical dimensions of a wireless support structure if it meets any of the following criteria:

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A)Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

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

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

(iv) It entails any excavation or deployment outside of the current WCF site, except that, for Tower-Based WCFs other than WCFs in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current WCF site by more than 30 feet in any direction. The WCF site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the WCF site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner ...

SECTION II. AMENDMENT OF CERTAIN WIRELESS COMMUNICATIONS FACILITIES PROVISIONS

Section 300-87 “Requirements for telecommunications antennas and towers” of Article XIX of the City of Lancaster Zoning Ordinance is hereby amended by repealing Section 300-87A(4) in its entirety.

SECTION III. AMENDMENT OF CERTAIN WIRELESS COMMUNICATIONS FACILITIES PROVISIONS

Section 300-87 “Requirements for telecommunications antennas and towers” of Article XIX of the City of Lancaster Zoning Ordinance is hereby amended by repealing Section 300-87B(3) in its entirety.

SECTION IV. AMENDMENT OF CERTAIN WIRELESS COMMUNICATIONS FACILITIES PROVISIONS

Section 300-87A(1)(b) “General and specific requirements for telecommunications antennas. Historic Areas.” of Article XIX of the City of Lancaster Zoning Ordinance is hereby amended by revising the section as follows:

(b) Historic areas. No telecommunications antenna may be located upon any property, or on a building or structure, that is listed on either the National or the Pennsylvania Register of Historic Places, or eligible to be listed. All applications for telecommunications antennas that do not fall under the provisions of the Pennsylvania Wireless Broadband Collocation Act¹ and are located in the Heritage Conservation District shall be reviewed by the City of Lancaster Historic Preservation Specialist to ensure that the stealth technology chosen for the proposed structure is appropriate and conforms to City requirements.

Section 300-87 “Requirements for telecommunications antennas and towers” of Article XIX of the City of Lancaster Zoning Ordinance is hereby amended by adding a new Section 300-87C as follows:

C. Small Wireless Communications Facilities

- (1) Small Wireless Communications Facilities that are located inside the public Rights-of-Way shall be a permitted use in all City zoning districts subject to the requirements of Chapter 263 of the Code of the City of Lancaster and generally applicable permitting.
- (2) Small Wireless Communications Facilities that are located outside the public Rights-of-Way shall be a permitted use in the following zoning districts, subject to the prohibitions contained herein:

- (a) C3 Regional

(b) CM Central Manufacturing

(c) SM Suburban Manufacturing

(3) The following requirements shall apply to all Small WCFs that are located outside the public Rights-of-Way:

(a) An application for a Small WCF shall include the following:

[1] The location of the proposed Small WCF, including latitudinal/longitudinal coordinates and street address;

[2] Evidence that the owner of the property and/or Wireless Support Structure on which the proposed Small WCF will be located has authorized construction of the proposed Small WCF.

[3] Documentation demonstrating compliance with the requirements of this Section 300-87C, including construction and engineering drawings;

[4] Self-certification that the filing and approval of the application is required by the Applicant to provide additional capacity or coverage for wireless services;

[5] Documentation demonstrating compliance with the requirements of the *Small Wireless Communications Facility Design Manual* and a completed *Small Wireless Communications Facility Design Checklist*;

[6] If the Small WCF will require the installation of a new Wireless Support Structure, documentation showing that the Applicant has made a good faith determination that it cannot meet the service reliability and functional objectives of the application by Collocating on an existing Wireless Support Structure. Such determination shall be based on whether the Applicant can meet the service objectives of the application by Collocating on an existing Wireless Support Structure on which:

[a] The Applicant has the right to Collocation;

[b] The Collocation is Technically Feasible and would not impose substantial additional cost; and

[c] The Collocation would not obstruct or hinder travel or have a negative impact on public safety.

[7] A report prepared by a qualified engineering expert which shows that the Small WCF will comply with all applicable FCC regulations, including but not limited to those relating radiofrequency emissions.

- (b) Standard of care. Any Small 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 Pennsylvania Uniform Commercial Code, American National Standards Institute (ANSI) Code, Electrical Code, as well as the industry standard applicable to the Wireless Support Structure. Any Small 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 City.
- (c) Underground utilities. Small WCFs requiring the installation of a new Wireless Support Structure shall not be located in an Underground Area.
- (d) Engineer inspection. Prior to the issuance of a building permit and/or a pole permit authorizing construction and erection of a Small WCF, a structural engineer registered in Pennsylvania shall issue to the City a written certification of the proposed Wireless Support Structure's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided to the Zoning Officer, 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) Design. All Small WCFs shall comply with the applicable requirements of the City of Lancaster *Small Wireless Communications Facility Design Manual*.
- (f) Visual appearance.
- [1] The Applicant shall ensure that existing vegetation, trees and shrubs located within proximity to the Small WCF shall be preserved to the maximum extent possible. All applications for Small WCFs that are located in the Heritage Conservation District shall be reviewed that are located in the Heritage Conservation District shall be reviewed by the City of Lancaster Historic Preservation Specialist to ensure that the stealth technology chosen for the proposed structure is appropriate and conforms to City requirements.
- [2] Small WCFs shall employ stealth technology. All Small WCFs and related equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall be designed to blend with the existing surroundings and neighboring buildings to the greatest extent possible. Any utilities extending to the Small WCF shall be placed underground.

[3] Ground-mounted Related Equipment associated with, or connected with, a Small WCF shall be placed underground or screened from public view using Stealth Technology, as described herein.

[3][4] All necessary tree permits shall be obtained in accordance with City ordinances

- (g) Permit required for modifications. To the extent permissible under applicable state and federal law, any Applicant proposing the modification of an existing Small WCF, which increases the overall height of the Small WCF, shall first obtain a building permit from the City. Nonroutine modifications shall be prohibited without such permit.
- (h) Historic Buildings. No Small WCF may be located within one hundred (100) feet of any property, 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.
- (i) Graffiti. Any graffiti on a Small WCF, including the Wireless Support Structure and any Related Equipment, shall be removed at the sole expense of the owner within thirty (30) days of notification by the City.
- (j) Minimum setbacks. The minimum distance between the base of a Small WCF requiring the installation of a new Wireless Support Structure shall be equal to 100% of the height of the Small WCF, unless the Applicant provides evidence to the satisfaction of the City that a lesser setback will have no negative effect on public safety.
- (k) **Timing of Approval.**

[1] Within ten (10) calendar days of the date that an application for a Small WCF is filed with the City Zoning Officer, the City shall notify the Applicant in writing of any information that may be required to complete such application.

[2] Within sixty (60) days of receipt of an application for Collocation of a Small WCF on a preexisting Wireless Support Structure, and subject to applicable tolling procedures as established by federal law, the City Zoning Officer shall make a final decision on whether to approve the application and shall notify the Applicant in writing of such decision.

[3] Within ninety (90) days of receipt of an application for a Small WCF requiring the installation of a new or replacement Wireless Support Structure, and subject to applicable tolling procedures as established by federal law, the City Zoning Officer shall make a final decision on

THE CITY OF LANCASTER

**SMALL WIRELESS COMMUNICATIONS FACILITY
DESIGN MANUAL**

SECTION I. DEFINITIONS

The following terms are defined as follows:

1. *Adjacent Lot Area* – The lot area directly in front or beside a structure that is visible from the public right-of-way.
2. *Antenna* – An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.
3. *Collocation or Collocate* – To install, mount, maintain, modify or replace Small Wireless Communication Facilities (WCFs) on an existing utility pole or other Utility Pole.
4. *Decorative Pole* – A City-owned pole that is specially designed and placed for aesthetic purposes.
5. *Front Façade Area* – The area of the public right-of-way directly in front of a structure, identified by drawing a perpendicular line from each corner of structure to the public right-of-way.
6. *Prior Approved Design* – A design for a Small WCF that has been reviewed and deemed to be in accordance with this Design Manual and approved for construction by the City.
7. *Related Equipment*—Any equipment serving or being used in conjunction with a wireless communications facility (WCF) or Utility Pole, including but not limited to utility or transmission equipment, power supplies, generators, batteries, or cables.
8. *Small WCF* -- A Wireless Communications Facility that meets the following criteria:
 - (1) The Utility Pole on which antenna facilities are mounted—
 - (i) is 50 feet or less in height, or
 - (ii) is no more than 10 percent taller than other adjacent structures, or
 - (iii) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities, whichever is lesser; and
 - (2) Each antenna associated with the deployment (excluding the related equipment) is no more than three cubic feet in volume; and

(3) All related equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.

9. *Stealth Technology*—Camouflaging methods applied to Wireless Communications Facilities and Related Equipment which render them more visually appealing or blend, conceal, or screen 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 antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
10. *Technically Feasible* -- By virtue of engineering or spectrum usage, the proposed placement for a small wireless facility or its design or site location can be implemented without a material reduction in the functionality of the small wireless facility.
11. *Underground Area* – An area of the City in which all utility installations are required to be installed underground on a non-discriminatory basis and have been required to be so placed by a date certain that is at least three months prior to the submission of the application for the proposed Small WCF.
12. *Utility Pole* – A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, signage or a similar function or for collocation. The term includes the vertical support structure for traffic lights but does not include Utility Poles or horizontal structures to which signal lights or other traffic control devices are attached.

SECTION II. GENERAL STANDARDS FOR SMALL WIRELESS COMMUNICATIONS FACILITIES

1. All Small WCFs shall be installed in and maintained in a workmanlike manner in compliance with the latest version of the National Electric Safety Code and all applicable laws, ordinances and regulations for the protection of underground and overhead utility facilities.
2. All Small WCFs shall comply with the Americans with Disabilities Act guidelines adopted by the City and all applicable requirements relating to streets and sidewalks as established by Chapter 262 the City Code.
3. Small WCFs shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way by the City and public utilities.

4. All Small WCFs shall be designed and constructed in an effort to minimize aesthetic impact.
5. No Small WCFs shall extend beyond the boundaries of the rights-of-way unless approved on a case-by-case basis by the City Zoning Officer in accordance with the City Zoning Ordinance. Such approval shall be contingent upon the provision of evidence by the Applicant that the owner of the property onto which the Small WCF extends has granted permission for the construction of the Small WCF.
6. All Small WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Communications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
7. If Collocation of a Small WCF on an existing Utility Pole cannot be achieved in accordance with the zoning and right-of-way ordinance, a Small WCF may be installed on a new or replacement Utility Pole. New or replacement poles must follow applicable regulation and permitting requirements.
8. If a Small WCF is proposed for location in a historic district or on a historic building, the City may require additional design or concealment measures to the extent such design or concealment measures are Technically Feasible. Such design or concealment measures shall be tailored to the proposed location of the Small WCF.
9. Small WCF and related equipment shall employ stealth technology.

SECTION III. ANTENNA AND RELATED EQUIPMENT STANDARDS

1. Antenna Standards

- a. Any Antenna associated with a Small WCF shall not exceed three (3) cubic feet in volume.
- b. The Collocation of a Small WCF on an existing Utility Pole shall not extend more than five (5) feet above the existing Utility Pole.
- c. All pole-top Antennas shall be flush-mounted as closely to the top of the Utility Pole as Technically Feasible.

- d. All Antennas shall be of a design, style, and color that matches the Utility Pole or other Utility Pole upon which they are attached.
- e. Any necessary pole-top extension shall be of the minimum height necessary to achieve necessary separation from the existing pole attachments.
- f. Any Antenna mounted on a lateral standoff bracket shall protrude no more than necessary to meet clearances from the pole and existing pole attachments.
- g. If mounted on an existing structure, no Antenna shall impair any function of said structure.
- h. Antenna placement shall not materially impair light, air, or views from adjacent windows.

2. **Related Equipment Standards**

- a. Related Equipment shall not exceed twenty-eight (28) cubic feet in volume. Equipment utilized solely for the minimization or mitigation of the aesthetic impact of the Small WCF shall not be included in the Related Equipment volume calculation.
- b. Related Equipment shall be mounted flush to the side of the Utility Pole, or as near flush to the side of the Utility Pole as Technically Feasible.
- c. Related Equipment shall be mounted so as to provide a minimum of eight (8) feet vertical clearance from ground level.
- d. Related Equipment shall be of a color that reasonably matches the Utility Pole upon which such Related Equipment is mounted.
- e. All Related Equipment shall be contained within a single equipment shroud or cabinet. Such equipment shroud or cabinet shall be of the smallest dimensions Technically Feasible. Electric utility equipment, such as an emergency shutoff, shall be permitted to be located outside of such equipment shroud or cabinet if necessary for access by the utility.
- f. All Small 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 shall be that required by the FCC or any other federal or

state agency. All signage associated with a Small WCF shall be approved by the City Zoning Officer.

- g. Related Equipment placement shall not materially impair light, air, or views from adjacent windows. To the extent Technically Feasible, all Related Equipment shall be placed facing away from adjacent windows.
- h. No Related Equipment shall feature any lighting, including flashing indicator lights, unless required by state or federal law.

3. Wiring Standards

- a. Exposed wiring is prohibited on any Small WCF.
- b. Transmission, fiber, power cables and any other wiring shall be contained within any Utility Pole for which such concealment is Technically Feasible. If wiring cannot be contained within the Utility Pole, all wiring shall be contained within conduit or U-guard that is flush-mounted to the Utility Pole.
- c. All wiring shall be installed without excessive slack or extra cable storage on the Utility Pole.
- d. Any conduit or U-guard shall be of a color that matches the Utility Pole to which the Small WCF is attached.

Loops of extra wiring shall not be attached to any Utility Pole for the purposes of providing for future installations. Loops of wiring shall be limited to the maximum extent possible and should only be slack wire.

SECTION IV. UTILITY POLE STANDARDS

1. Replacement Utility Poles

- a. Replacement Utility Poles shall be permitted only upon a showing by the Applicant that Collocation on an existing Utility Pole is not Technically Feasible.
- b. The maximum height of any proposed replacement Utility Pole shall be fifty (50) feet above ground level.
- c. Any replacement Utility Pole shall be of comparable materials and design to the existing Utility Pole being replaced.

Any replacement Utility Pole shall comply with applicable regulations and be permitted through the Department of Public Works.

- d. Any replacement Utility Pole shall be designed to accommodate all uses that existed on the Utility Pole being replaced.
- e. As part of an application for a Small WCF, the Applicant shall provide documentation from a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the replacement Utility Pole, Small WCF, and prior existing uses shall be structurally sound.
- f. Any replacement Utility Pole shall not deviate from the predominant pattern of existing Utility Poles.

2. New Utility Poles

- a. New Utility Poles shall be permitted only upon a showing by the Applicant that Collocation on an existing Utility Pole or replacement of an existing Utility Pole is not Technically Feasible.
- b. The maximum height of any new Utility Pole shall be fifty (50) feet above ground level.
- c. Any new Utility Pole shall be installed in accordance with the predominant pattern of existing Utility Poles.
- d.
- e. Any new Utility Pole shall comply with applicable regulations and be permitted through the Department of Public Works.
- f. To the extent Technically Feasible, no new Utility Pole shall be installed:

i. In the Front Façade Area of any residential building;

i.ii. In the Adjacent Lot Area within a City Historic District;

ii.iii. Within ten (10) feet of the edge of any driveway;

iii.iv. In the public rights-of-way directly opposite any driveway; or

iv.v. In violation of the design standards contained herein.

3. Decorative Poles:

- a. No Small WCF shall be permitted on an existing Decorative Pole unless the Applicant provides documentation showing that such Decorative Pole is the only Technically Feasible location for placement and that no suitable alternative sites exist.
- b. Decorative Poles shall be required:
 - i. For the replacement of any existing Decorative Pole;
 - ii. In any historic district, as established by the Code of the City of Lancaster; and
 - iii. In any residential district.
- c. For any replacement Decorative Pole, the replacement Decorative Pole shall match the existing Decorative Pole in shape, design, color, and material.

SECTION V. APPROVAL

- 1. The Department of Public Works shall determine whether a proposed Small WCF design complies with the requirements of this Design Manual.
- 2. Any requests for relief from the requirements of this Design Manual shall be considered by the Department of Public Works and shall be approved upon a determination by the Department of Public Works that there is no other Technically Feasible means of providing the wireless service proposed by the WCF Applicant

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SECTION VI. PRIOR APPROVED DESIGNS

- 1. A record of Prior Approved Designs shall be kept on file at the City .

Commented [MC1]: Is the City able to make this determination? This verbage is confusing.

Commented [MR2R1]: The City is able to make this determination. The language in the draft reviewed is directly from federal law, which states that local governments may not "have the effect of prohibiting" the provision of wireless service.

I have proposed alternate language here, which may be clearer.

Small WCF Design Checklist

The information detailed in the following checklist shall be included with any application for a Small WCF:

Item	Description	Included in Application?	
		Yes	No
Cover Letter	<ul style="list-style-type: none"> The application shall include a cover letter detailing the location of the proposed site, all equipment being proposed, and a certification that the Applicant has included all information required by the City Code. 		
Site Plan	<ul style="list-style-type: none"> Site plan shall show all proposed equipment associated with the Small WCF. The site plan shall meet the following criteria: the survey must be produced by a professional surveyor, be drawn to a common plan scale, and shall be based on the PA South Zone State Plane Coordinate System (NAD83 for horizontal and NAVD88 for vertical) The manufacturer and model, proposed location, and dimensions of each piece of equipment should be clearly shown. Before and after diagrams of the proposed site showing the dimensional changes shall be included. If the proposed Utility Pole supports existing attachments, the site plan shall show the location and dimensions of all such attachments. If installation of a new Utility Pole is being proposed, the site plan shall include the location with state plane coordinates, color, dimensions, material and type of Utility Pole proposed. The site plan shall show the location of any existing structures within one hundred (100) feet of the proposed location, including but not limited to residential structures, commercial structures, light poles, traffic signals, traffic signage, and existing Utility Poles. 		

	<ul style="list-style-type: none"> • If relevant, the 100 ft. buffer from a historic property or building and its address, shall be drawn on the plan in accordance with the Zoning Ordinance. 		
Photo Simulations	<ul style="list-style-type: none"> • Photo simulations shall depict the Small WCF from at least two locations near the proposed site. • The photo simulations should reflect the proposed design and location of all Related Equipment associated with the Small WCF. 		
Paint	<ul style="list-style-type: none"> • Related Equipment shall be painted a color that matches the Utility Pole upon which such Related Equipment is mounted. • Application shall detail the proposed painting of any Related Equipment necessary to achieve aesthetic uniformity of the site. 		
Wiring	<ul style="list-style-type: none"> • All proposed wires associated with the Small WCF shall be clearly shown. • A depiction and description of the concealment methods to be utilized for the wiring shall be included. • No exposed wiring is permitted. 		
Signage	<ul style="list-style-type: none"> • Signage shall be posted in a readily visible location and identify the owner's permit number and the name and phone number of a party to contact in the event of an emergency. • If required, FCC-mandated signage is permitted. Applicant shall identify such signage in its application. 		