

HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PA  
ORDINANCE #165-2013

**AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003, AS AMENDED, TO AMEND STANDARDS FOR PLACEMENT OF DECKS, KEEPING OF ANIMALS, BED AND BREAKFAST REQUIREMENTS AND COMMUNICATION TOWER STANDARDS; AND AMENDING THE HONEY BROOK TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2004, AS AMENDED, TO ADJUST SUBMISSION REQUIREMENTS FOR SKETCH PLANS, PRELIMINARY PLANS, AND FINAL PLANS FOR REVIEW;**

**SECTION 1.** Amend §27-202 to add the following definition: “*Wireless Telecommunications Facility* – the set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure.”

**SECTION 2.** Amend §27-402.2.D to add the following at the end of the subsection:

“Applications for the collocation, modification or replacement of wireless telecommunications facilities previously approved by the Township shall not require a special exception when in accordance with the requirements of Section 27-1603.B.(5).”

**SECTION 3.** Amend §27-502.2.D to add the following at the end of the subsection:

“Applications for the collocation, modification or replacement of wireless telecommunications facilities previously approved by the Township shall not require a special exception when in accordance with the requirements of Section 27-1603.B.(5).”

**SECTION 4.** Amend §27-602.2.B to add the following at the end of the subsection:

“Applications for the collocation, modification or replacement of wireless telecommunications facilities previously approved by the Township shall not require a special exception when in accordance with the requirements of Section 27-1603.B.(5).”

**SECTION 5.** Delete §27-602.3.D and renumber sections 27-602.3.E & F as D & E respectively.

**SECTION 6.** Amend §27-702.2.B to add the following at the end of the subsection:

“Applications for the collocation, modification or replacement of wireless telecommunications facilities previously approved by the Township shall not require a special exception when in accordance with the requirements of Section 27-1603.B.(5).”

**SECTION 7.** Amend §27-802.2.B to add the following at the end of the subsection:

“Applications for the collocation, modification or replacement of wireless telecommunications facilities previously approved by the Township shall not require a special exception when in accordance with the requirements of Section 27-1603.B.(5).”

**SECTION 8.** Amend §27-902.2.B to add the following at the end of the subsection:

“Applications for the collocation, modification or replacement of wireless telecommunications facilities previously approved by the Township shall not require a special exception when in accordance with the requirements of Section 27-1603.B.(5).”

**SECTION 9.** Amend §27-1002.2.F to add the following at the end of the subsection:

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“Applications for the collocation, modification or replacement of wireless telecommunications facilities previously approved by the Township shall not require a special exception when in accordance with the requirements of Section 27-1603.B.(5).”

**SECTION 10.** Amend §27-1602.D by replacing the existing text with the following:

“Except as otherwise noted, the following standards shall apply to the keeping of animals on residential properties containing no greater than 10 acres, with specific terms applying to the various zoning districts as indicated herein. **Animals, twelve (12) months or less in age, shall not be counted towards the maximum number of animals permitted in order to allow sufficient time for weaning.** However, these standards shall not apply to animal shelters, animal hospitals, or veterinary offices/clinics.”

**SECTION 11.** Amend §27-1602.H.(10) as follows:

“(10) Guests shall not remain in the same bed-and-breakfast establishment for more than thirty (30) consecutive days.”

**SECTION 12.** Amend §27-1603.B as follows:

1. In subsection 27-1603.B.(1) Communications Antenna, add at the end of the section, “This section shall not apply to the placement of wireless telecommunications equipment meeting the requirements outlined in Section 27-1603.B.(5).”
2. Renumber subsections (1)-(3) as (2)-(4) and subsections (4)-(13) as (6)-(15).
3. Add subsection 27-1603.B.(1) to read as follows:  
“(1) The following definitions shall apply only within the context of Section 27-1603.B:

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

Antenna – telecommunications equipment that transmits and received electromagnetic radio signals used in the provision of all types of wireless telecommunications services.

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

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

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

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

Substantial change or Substantially change –

- (1) Any increase in the height of the 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 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas.
- (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 in accordance with the provisions of this Section shall not occur without Township approval.

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

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

4. Add subsection 27-1603.B.(5) to read as follows:

*“(5) Collocation, Modification, or Replacement of Wireless Telecommunications Facilities*

- (a) The process under Section 27-1603.B.(5) shall apply to all applications for collocation, replacement or modification of antennas, accessory equipment, or wireless telecommunication facilities upon an existing wireless support structure or within an existing compound that meet all of the following requirements:
  - i. The proposed collocation, modification or replacement may not substantially change the physical dimensions of the wireless support structure to which the wireless telecommunications facilities are to be attached.

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- ii. The proposed collocation, modification or replacement may not further increase the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array; provided, however, that nothing herein shall preclude an applicant from further increasing the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array if permitted and approved by the Township.
  - iii. The proposed collocation, modification, or replacement may not increase the dimensions of the equipment compound approved by the Township.
  - iv. The proposed collocation, modification or replacement complies with applicable conditions of approval applied to the initial wireless telecommunications facilities, equipment compound and wireless support structure.
  - v. The proposed collocation, modification, or replacement may not exceed the applicable wind loading and structural loading requirements for the wireless support structure.
- (b) Notwithstanding the Pennsylvania Municipalities Planning Code or other land use or zoning ordinances or regulations, applications for replacement, collocation or modification, meeting the above-noted requirements, shall be reviewed for conformance with the Township's applicable building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment, but shall not be subject to the issuance of new zoning or land use approvals or review beyond the initial zoning or land use approvals issued for the previously approved wireless support structure or wireless telecommunications facility.
- (c) Replacement of wireless telecommunication facilities, meeting the requirements of Section 27-1602.B.(5)(a), on existing wireless support structures or within existing equipment compounds may be performed by the applicant without obtaining building or zoning permits from the Township.
- (d) A zoning permit fee related to any application complying with this Section shall not be charged a fee in excess of the Township's actual, reasonable costs to review and process the application, or \$1,000, whichever is less.
- (e) Within 30 calendar days of the date an application for modification or collocation is filed with the municipality, the municipality shall notify the applicant in writing of any information required to complete the application. If additional information is required to complete the application, the time required by the application to provide the information shall not be counted toward the 90 calendar day review period noted below.
- (f) Within 90 calendar days of the date an application for modification or collocation of a wireless telecommunications is filed with the municipality, unless another date is specified in a written agreement between the municipality and applicant, the Township shall do all of the following:
- i. Make its final decision to approve the application.
  - ii. Advise the applicant in writing of its final decision.

- (g) If the Township fails to act upon an application for the modification or collocation of wireless telecommunication facilities within 90 calendar days as provided above, the application shall be deemed approved. If the Township advised the applicant in writing that additional information is required to complete the application, per section (e) above, the time required by the applicant to provide the information shall not be counted toward the 90-day period within which the Township's failure to act shall result in a deemed approval.

**SECTION 13.** Amend §27-1704.1 to add the word "decks;" after "from any side or rear lot line:" and before "patios; steps and ...".

**SECTION 14.** Section 22-403.3 shall be amended to read as follows:

"3. Where a sketch plan is submitted, 2 full-size copies and 10 reduced (11" x 17") copies of the plan shall be submitted to the Subdivision Officer for distribution a minimum of five (5) business days prior to the public meeting at which the plan will be presented."

**SECTION 15.** Section 22-405.2.B.(3) shall be amended to read as follows:

"3. Ten reduced sets (11" x 17") of the title sheet, lot layout sheet, grading sheet, landscaping sheet, and other appropriate sheets as determined by the Subdivision Officer. Applicants are encouraged to contact the Township in advance to determine the appropriate sheets for submission."

**SECTION 16.** Section 22-405.2.B.(4) shall be amended to read as follows:

"4. Five (5) sewer planning modules (as necessary for on-lot systems) with accompanying plot plan for each module."

**SECTION 17.** Section 22-407.3.B.(2) shall be amended to read as follows:

"3. Ten reduced sets (11" x 17") of the title sheet, lot layout sheet, grading sheet, landscaping sheet, and other appropriate sheets as determined by the Subdivision Officer. Applicants are encouraged to contact the Township in advance to determine the appropriate sheets for submission."

**SECTION 18.** Section 22-407.3.B shall be amended by adding subsection 22-407.3.B.(4) to read as follows:

"4. For Minor Subdivision and Minor Land Development Plans, five (5) sewer planning modules (as necessary for on-lot systems) with accompanying plot plan for each module."

**SECTION 19. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 20. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

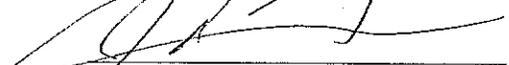
**SECTION 21. EFFECTIVE DATE.** This Ordinance shall become effective five days after enactment as provided by law.

SO IT IS ENACTED AND ORDAINED this 12 day of June, 2013.

ATTEST:

  
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Secretary

HONEY BROOK TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Joseph O. Fenstermacher, Chairman

  
\_\_\_\_\_  
John McHugh, Vice Chairman

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Lewis M. Wertley, Member