

THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1124

AN ORDINANCE OF THE BOROUGH OF AMBLER THAT AMENDS ORDINANCE 1083 REGULATING TOWER-BASED AND NON-TOWER BASED WIRELESS COMMUNICATION FACILITIES, BY ADDING A DEFINITION OF SMALL WIRELESS FACILITIES, AND ADDING OBJECTIVE AESTHETIC CRITERIA TO THE DESIGN REGULATIONS FOR ALL SUCH FACILITIES; LEAVING THE REMAINDER OF ORDINANCE 1083, CODIFIED IN CHAPTER 27 OF THE ZONING ORDINANCE, IN FULL FORCE AND EFFECT; INCLUDING A SAVINGS CLAUSE AND REPEALER; EFFECTIVE ON THE EARLIEST DATE PROVIDED FOR IN THE BOROUGH CODE

WHEREAS, Borough ordinance 1083, adopted April 21, 2015, amended Chapter 27 of Title 27 of the Borough zoning ordinance by adopting various criteria applicable to wireless communication facilities, and

WHEREAS, in January of 2019, the Federal Communications Commission issued an order that, among other things, requires that any aesthetic requirements sought to be imposed by a municipality must be objective and formally adopted, such that a facilities applicant may know at the time of application the particular aesthetic requirements that must be met,

NOW THEREFORE, Ordinance 1083, Codified at 27-2700 et. Seq., Wireless Communication Facilities, is amended as follows:

1. Ordinance 27-2702 of the Codified Ordinances is amended by adding the following definition to the existing list of definitions:

*"18. Small Wireless Facility.* A facility mounted on a structure 50 feet or less in height, including antennas; or, is mounted on a structure not more than ten percent taller than other adjacent structures; or, does not extend existing structures on which they are located to a height of more than 50 feet or by more than ten percent, whichever is greater.

2. Ordinance 27-2703(D) is amended by the addition of the following language:
  - a. Section "(1)c)vii", Design Regulations, is modified by adding a new subsection (3), "Aesthetic Criteria)", the text of which is: "Non-Tower WCF shall be consistent with the design and aesthetic criteria which are attached to this Ordinance as Appendix #1."
  - b. Section "(4)b)", Design Regulations, is modified by adding a new subsection "v)", "Aesthetic Criteria)", the text of which is: "Tower-Based WCF shall be consistent with the design and aesthetic criteria which are attached to this Ordinance as Appendix #1."
  - c. Section "(5)d)", Design Regulations, is modified by adding a new subsection "v)", "Aesthetic Criteria)", the text of which is: "Tower-Based WCF shall be consistent with the design and aesthetic criteria which are attached to this Ordinance as Appendix #1."

The remainder of Ordinance 1083 remains in full force and effect. If any portion of this ordinance is found invalid by a court of competent jurisdiction, then to the extent possible the portion of the ordinance found invalid shall be severed from the remainder of the ordinance, which shall continue in full force and effect. Any provision of any existing ordinance that is inconsistent with this ordinance is, to the extent of such inconsistency, repealed.

This ordinance is effective on the earliest applicable date identified in the Pennsylvania Borough Code as it relates to ordinance adoption.

SO ORDAINED this 19<sup>th</sup> day of October, 2021.

  
Frank DeRuosi, Council President

Attest:   
Mary Aversa, Secretary