

1181.05 - GENERAL REQUIREMENTS.

- (a) Wireless communications facilities, where permitted, shall be subject to administrative review or conditional use review in the zoning districts specified in this Code of Ordinances, contingent upon meeting the requirements of this chapter and other applicable ordinances of the City.
- (b) Each Wireless Communications Facility must be issued all necessary permits and authorizations as may be required by the Codified Ordinances, which shall include, but may not be limited to having at least: one zoning permit and one building permit, each of which shall be issued by the City of Gahanna in accordance with this Chapter.
- (c) The following tables summarize the City's zoning districts and approval procedures applicable to the facilities regulated by this chapter.
  - (1) Administrative review: See § 1181.06.
  - (2) Conditional use review: See § 1181.07.

Base Zoning District Residential	Co-Location <sup>1</sup>	New Tower	Alternative Structure <sup>2</sup>	Temporary Facilities
Estate Residential 1 & 2	Administrative	Not Permitted	Conditional Use	See 1181.10
Single Family Residential 1,2,3; R-4 Residential	Administrative	Not Permitted	Conditional Use	See 1181.10
Two Family Residential	Administrative	Not Permitted	Conditional Use	See 1181.10
Planned Unit Residential	Administrative	Not Permitted	Conditional Use	See 1181.10
Planned Residential District	Administrative	Not Permitted	Conditional Use	See 1181.10
Olde Gahanna 1,2, <u>and 3</u>	Administrative	Not Permitted	Conditional Use	See 1181.10
Multi-Family Residential	Administrative	Not Permitted	Conditional Use	See 1181.10

Base Zoning District Commercial	Co-Location <sup>1</sup>	New Tower	Alternative Structures	Temporary Facilities
Planned Commercial Center	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10
Office, Commerce, Technology	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10
Select Commercial Planned District	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10
Community Service	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10
Suburban Office and Institutional	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10
Neighborhood Commercial	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10
Community Commercial	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10
Community Commercial Modified	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10
Neighborhood Commercial Mixed Use	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10
<u>Planned Corporate Mixed Use District</u>	<u>Administrative</u>	<u>Conditional Use</u>	<u>Administrative<sup>3</sup></u>	<u>See 1181.10</u>
<u>Planned Industrial Park Districts</u>	<u>Administrative</u>	<u>Conditional Use</u>	<u>Administrative<sup>3</sup></u>	<u>See 1181.10</u>
Planned Industrial Development	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10

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Planned Residential Commercial Mixed Use District	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10
Base Zoning District	Co-Location	New Tower	Alternative Structures	Temporary Facilities
Restricted Institutional	Administrative	Conditional Use	Administrative <sup>3</sup>	See 1181.10

<sup>1</sup> Co-location on existing antenna support structures or towers.

<sup>2</sup> The intent of alternative tower structures is to camouflage the tower/antenna installation ("stealth").

<sup>3</sup> If the Director determines that the essential criterion of footnote 2, above, has not been met, the application for administrative review and certificate of zoning plan approval shall be denied. The applicant may submit an application for conditional use review by the Planning Commission. (See § 1181.07)

(d) General requirements. The following requirements shall apply to all wireless communications facilities in any zoning district including all City rights-of-way. These requirements shall be in addition to the regulations of the specific zoning districts in § 1181.05(C).

(1) Application. The following information must be submitted for all applications required by this chapter unless deemed unnecessary by the Director. An application is not considered complete until all materials required by this chapter have been submitted and accepted by the City in accordance with this chapter. If an application is determined to be incomplete, the Director shall promptly notify the applicant of the information necessary to complete the application. The Director or the ART may request additional information if deemed reasonably relevant to the consideration of the application.

A. Completed application form and application fee.

B. A scaled and dimensioned site plan (not less than one inch equals 50 feet) clearly indicating the following:

1. Location, type and height of the proposed wireless communications facility;
2. The existing or proposed lease area and parcel boundaries for the site;
3. On-site land uses and zoning, and adjacent land uses and zoning (including land in other municipalities);
4. Adjacent roadways and rights-of-way;
5. Any buildings within 100 feet of the property boundaries;
6. Proposed means of pedestrian and/or vehicular access as applicable to the type of facility;
7. The setback distance between the proposed wireless communications facility, equipment shelters and/or cabinets, and the nearest property line;
8. Elevation drawings of the proposed wireless communications facilities, including material specifications for all associated site improvements; and

9. Any other proposed improvements, including but not limited to structures, grading, tree removals and replacement, topography, parking, and other information necessary to determine compliance with this chapter.
- C. Legal description and/or property survey of the parent tract and leased parcel (if applicable).
  - D. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, the separation distance from other existing and planned wireless communications facilities shall be shown on a map, and shall include latitudinal and longitudinal location coordinates. There must be a written description of how the proposed facility fits into the Applicant's telecommunications network. The applicant shall also identify the type of construction of the existing wireless communications facilities and the owner/operators of the existing facilities, if known.
  - E. A landscape plan showing proposed landscape materials and quantities, locations, installation sizes, and other information necessary to determine compliance with the landscape requirements of Part Nine of this Code of Ordinances.
  - F. Location and method of screening structures, if any, including height, material, style, and color; and, if applicable, the method of camouflage and illumination. Specification sheets shall be required for all prefabricated site elements.
  - G. A statement of compliance with the requirements of this chapter and all applicable federal, state or local laws, including those of the FCC and FAA that certifies that Applicant agrees to bring Tower and Equipment Shelters into compliance with any new federal, state, or local laws or regulations concerning electromagnetic radiation and other electronic emissions applicable to the Tower and Equipment Shelter within 120 days of the effective date of the regulations.
  - H. Twenty-four hour emergency contact information and contact information for the entities providing the backhaul network for the wireless communications facilities described in the application and other wireless communications sites owned or operated by the applicant in the municipality. Contact information for the tower owner, operator, and emergency contact shall be kept current and on file with the City at all times.
  - I. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, a statement by the applicant and/or a structural analysis sealed by an engineer affirming that the construction of the wireless communications facility will accommodate co-location of additional antennas for future users as applicable.
  - J. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, a statement from an engineer of the ability or inability to use existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services planned for the use of the proposed wireless communications facility.
  - K. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, an inventory of existing and approved towers, antennas, alternative tower structures, and antenna support structures that are either within the jurisdiction or within two miles of the border of the City, with latitudinal and longitudinal location coordinates. The City may share this information with other applicants under this chapter or other organizations seeking to locate towers or antennas within the jurisdiction of Gahanna or other communities. However, the City is not, by sharing this information, in any way representing or warranting that the sites are available or suitable. The inventory of each tower and antenna shall include:
    1. A map showing each location, by address and/or parcel identification number, including straight-line distances between each facility;
    2. Facility height and design;

3. Facility owner(s)/operator(s); and
  4. Co-location capability of each facility, including alternative tower structures and antenna support structures.
- (2) *Application procedures.*
- A. Applications for all wireless communications facilities shall be submitted in accordance with §§ 1181.06 or 1181.07, as applicable.
  - B. The applicant shall pay a non-refundable fee as established by the City.
  - C. When practicable, application for approval of multiple towers and/or antenna sites by a single owner of towers and antennas shall be submitted as a single application or multiple applications submitted at the same time.
  - D. *Public property.* Approval by the Director shall be required for any applications involving structures to be located on property owned by the City, including rights-of-way.
- (3) *Wireless communications facility support structures.* Towers, antennas, antenna support structures, and all other improvements associated with a wireless communications facility shall meet the following requirements:
- A. *Design.* All wireless communication facility support structures shall have a monopole, or similar non-lattice/guyed single vertical structure design and shall be further designed to accommodate at least two wireless communication arrays of antennas or panels, unless otherwise required by the required reviewing body. The applicant shall submit an affidavit by an engineer licensed in the State of Ohio attesting that these requirements are met.
  - B. *Color and finish.* Towers, antennas, other wireless communications facility support structures, and supporting electrical and mechanical equipment shall either maintain a non-contrasting gray or similar color or have a galvanized steel finish and is stealth in nature, unless otherwise required by the required reviewing body or any applicable standards of the FAA and/or the Ohio Department of Transportation. Alternative tower structures may maintain another color or finish if determined by the required reviewing body to be necessary to establish a stealth appearance and be aesthetically and architecturally compatible with the surrounding environment.
  - C. *Compatible design.* The design of buildings and related structures for the wireless communications facility shall use materials, colors, textures, and screening so as to be aesthetically and architecturally compatible with the surrounding environment, as approved by the required reviewing body and is stealth in nature.
  - D. *Antenna color.* If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as practicable, as determined by the required reviewing body and is stealth in nature.
  - E. *Lighting.* Facilities shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting fixtures and installation must cause the least disturbance to views from surrounding properties. Alternative tower structures may be lighted if determined by the required reviewing body to be necessary to establish a stealth appearance and to be aesthetically and architecturally compatible with the surrounding environment.
  - F. *Maximum height.* Wireless communications facilities shall meet the following height requirements:
    1. In Estate Residential 1,2; Single Family 1,2,3; R-4 Single Family; Planned Residential District; Two Family; Multiple Family; Olde Gahanna Single Family; and Olde Gahanna

- Mixed Use Neighborhood districts, up to 80 feet. If the WCF is in the right-of-way then a maximum height of 50 feet.
2. In Restricted Institutional Districts, up to 100 feet, provided that the facility is designed to be co-locatable for more than one additional carrier. In no case shall a wireless communications facility, including antenna, exceed 100 feet, as measured from grade at the base of the tower.
  3. In all other zoning districts, up to 120 feet, provided that the facility is designed to be co-locatable for more than one additional carrier. In no case shall a wireless communications facility, including antenna, exceed 120 feet, as measured from grade at the base of the tower
  4. For wireless communications facilities locating on a structure or building, antenna shall not extend more than 20 feet above the highest point of the main roof deck or supporting structure if the antenna is located on a structure other than a roofed building.
  5. Unless otherwise required herein, alternative tower structures may exceed 120 feet if determined by the required reviewing body to be necessary to establish a stealth or camouflaged appearance that is aesthetically and architecturally compatible with the surrounding environment.
  6. Unless otherwise specified, maximum height exceeding the provisions of division (d)(3)F.1-4 of this section shall require conditional use review under the provisions of § 1181.07.
  7. As an exception to division (d)(3)F.1-5 of this section, users locating on a City water tank are exempt from the height requirements of this chapter, but facilities shall be no taller than functionally necessary.
- G. *Co-location.* Unless physically or technically infeasible, all wireless communications facilities shall be constructed or reconstructed to accommodate two or more users.
1. In connection with any application for certificate of zoning plan approval, in order to encourage co-location, an existing tower meeting co-location requirements that are lower than the height permitted above may be reconstructed to meet the maximum heights permitted after receiving approval from the required reviewing body. Additionally, reconstructed towers may be required to be brought into conformance in whole or in part if the existing tower is determined by the Director to be nonconforming.
  2. A wireless communications facility which is being rebuilt to accommodate the location of additional antennas may be relocated on the same site, after receiving approval from the required reviewing body, provided it meets the setback requirements of this chapter.
  3. Co-location requirements may be waived if the required reviewing body determines that the fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs that would exceed new tower development are an example of what may be determined to be unreasonable. Satisfactory and substantial information must be submitted by the applicant demonstrating that the costs are unreasonable.
- (4) *Site requirements.* Wireless Communications Facilities and associated site improvements shall be sited and developed in accordance with the following requirements:
- A. *Setback and siting requirements.*
1. The setback requirements shall be met for all elements of the wireless communications facility, supporting structure, and equipment.
  2. Proposed towers located within Restricted Institutional Districts must provide a minimum setback of 300 feet for all elements of the wireless communications facility, supporting structures, and equipment from the property lines of properties zoned

residential as defined in section 1181.05(c). Setbacks from commercial property lines as defined in section 1181.05(c) shall provide a minimum setback equal to the height of the tower.

3. For all remaining zoning districts, a minimum setback of the height of the proposed tower in feet from all property lines, and principal structures shall apply to new towers and/or alternative tower structures unless a greater setback for principal structures is required by the zoning district in which the tower is to be located, or the proposed installation is in the right-of-way. In determining the required setbacks and lot area, the entire site, including all lots or parcels used for the tower, supporting structures, and equipment, shall be considered, even though the antennas or towers may be located on leased portions within the prescribed lot area. (Setback wording clarification).
  4. Refer to division (d)(5) of this section for regulations pertaining to the siting of equipment associated with wireless communications facilities.
- B. *Screening.* Screening shall comply with applicable requirements of Part Eleven of this Code of Ordinances. Fencing or other materials used for screening of wireless communications facilities or associated equipment shall be at least one foot higher than the structure(s) it is intended to screen, but shall not exceed 12 feet.
- C. *Landscaping.* Buffer plantings shall be located on the site to screen adjacent properties and the base of the wireless communications facility and associated equipment from adjacent properties and rights-of-way in accordance with the landscape requirements of this chapter and Part Eleven of this Code of Ordinances.
- D. *Sign.* One sign shall be posted in a visible location on the tower, alternative tower structure, fence, equipment shelter, or other associated equipment indicating the owner of the facility, and an emergency contact and phone number. The sign shall not exceed two square feet and shall be approved as part of the building permit or certificate of zoning plan approval. All other signs shall comply with the requirements of Part Eleven of this Code of Ordinances.
- (5) *Equipment shelters and cabinets.*
- (a) *Use, Design and Screening.*
1. Accessory Equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Wireless Communication Facility or Antenna Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.
  2. Equipment cabinets or structures used in association with antennas shall be designed and/or painted to minimize visual impact.
  3. Evergreen plant material shall be used for screening and shall be planted to ensure that the equipment ..... will be screened to its full height within three years of planting.
  4. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the required reviewing body may determine that natural growth around the property may be a sufficient buffer.
  5. At the required reviewing body's determination, alternative screening materials may be used in cases where plant material is not appropriate.
- B. *Underground equipment shelters.* Underground equipment shelters are always preferred but will be mandated by the required reviewing body where equipment shelters are located on properties that are readily visible from adjacent streets and lots and where landscape screening is not effective.
- C. *Roof- and/or structure-mounted antennas.* The equipment cabinet or structure used in association with antennas shall comply with applicable building codes. Additionally,

equipment shall be sited, designed, and/or painted to minimize visual impact and be screened so that it is not visible from ground level.

D. *Utility or light pole-mounted antennas.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

1. In all zoning districts, the equipment cabinet or structure shall comply with all applicable setbacks required by the zoning district in which it is located, unless located in the right-of-way.
2. If the proposed antenna mounted on a utility or light pole is located within an existing City easement, the applicant shall obtain a separate easement encroachment agreement as required by the City Engineer.
3. If the proposed antenna mounted on a utility or light pole is located within the City's right-of-way, the applicant shall obtain a right-of-way permit as required by the City Engineer.

E. *Tower-mounted antennas.* As an exception to division (d)(5)D of this section, where the required reviewing body determines that underground equipment shelters are not feasible due to site conditions or other considerations, equipment shelters designed using materials permitted for principal structures within the zoning district shall be provided where applicable. The unmanned equipment structure shall not exceed the maximum height for principal structures and comply with setbacks required by the zoning district in which the shelter is located.

(6) *Code compliance and permit requirements.*

A. *Construction permits.* The installation of any wireless communications facility shall require compliance with all applicable federal, state, and local regulations and the securing of all applicable zoning and building permits and inspections. All towers and wireless communications facilities require a certificate of zoning plan approval and applicable building permits prior to installation.

B. *State or federal requirements:*

1. All wireless communications facilities shall meet or exceed current standards and regulations of the National Electrical Safety Code, National Electrical Code, FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
2. If state or federal standards and regulations are amended, the owners of the wireless communications facilities governed by this chapter shall bring any facilities into compliance with the revised standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the regulating agency. Failure to bring wireless communications facilities into compliance with any revised standards and regulations shall constitute grounds for removal at the owner's expense.

C. *Building codes and safety standard:*

1. To ensure the structural integrity of towers, the owner of a tower and/or antenna support structure shall ensure that it is designed, constructed, and maintained in compliance with requirements contained in applicable state or local building codes and the applicable requirements for towers and antenna support structures that are published by the Electronics Industries Association, as amended from time to time.
2. If, upon inspection, the City concludes that a wireless communications facility fails to comply with any applicable codes and requirements and constitutes a danger to persons or property, after written notice to the owner, the owner shall have not more than 30 days to bring the facility into compliance with those requirements. Failure to



bring the facility into compliance within the required time shall be grounds for removal at the owner's expense.

- D. *License to operate.* Owners and/or operators of wireless communications facilities shall maintain and submit copies of all approved franchises, certifications, licenses, and permits required by law for the design, construction, location, and operation of wireless communications facilities in Gahanna. Evidence of renewal or extensions shall be promptly provided to the Director.
  - E. *Certification.* Any information of an engineering nature required by this chapter, whether civil, mechanical, or electrical, shall be certified by a licensed engineer.
- (7) *Wireless Communication Facilities (WCFs) in the public right-of-way:*
- A. The Director may impose impact minimizing conditions on any WCF's to mitigate potential noise or aesthetic impact.
  - B. WCF's permits shall be reviewed every ten years to determine whether the equipment is no longer needed or useful, or whether new means exist to further reduce noise and or aesthetic impacts that are materially greater than those that would have existed when the WCF was installed as originally permitted. The Director may require facility upgrades and/or additional mitigations to reduce impact of such facilities unless the Applicant demonstrates that the mitigations are not feasible.
  - C. When the right-of-way abuts or is adjacent to a residential zone, the Director, in granting an Application must find that:
    - 1. The WCF is necessary to address a significant gap in coverage.
    - 2. The WCF is necessary because no feasible less intrusive alternate is available.
  - D. These requirements are in addition the others contained in this Chapter.
- (8) *Timing for decisions of Applications:*
- A. 90 days for Applications for collocations.
  - B. 150 days for all other applications.
  - C. The City reserves the right to negotiate alternative timelines with Applicants on a case by case basis.
  - D. If the City notifies an Applicant within 30 days of filing that the Application is incomplete, the time taken by the Applicant to respond does not count towards the 90 and 150 day timelines and the City may restart the process.
  - E. Any denial will be in writing and based on substantial evidence contained in a written record.
  - F. The specific reasons for any denial which constitute the substantial evidence will be accompanied with the actual denial.
- (9) *City's responsibilities when evaluating Applications:*
- A. The City will not:
    - 1. Unreasonably discriminate among providers of functionally equivalent services.
    - 2. Prohibit or have the effect of prohibiting the provisions of wireless services.
    - 3. Prohibit or have the effect of prohibiting the ability of an entity to provide telecommunications service.
    - 4. Regulate or deny an Application for the placement, construction, and modification of Wireless Communications Facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations governing such emissions.

5. Deny an application solely because one or more carriers serve the geographic market.

(Ord. No. [0068-2016](#), § 1(Exh. A), 8-15-16)