

CITY OF GAHANNA CODIFIED ORDINANCES

Chapter 1181

Ordinance No. _____

**AN ORDINANCE OF THE CITY OF GAHANNA, OHIO,
ENACTING PART ELEVEN, TITLE THREE, SECTION 1181 OF THE
CODIFIED ORDINANCES OF THE CITY OF GAHANNA, OHIO
ENTITLED**

PERSONAL WIRELESS SERVICE FACILITIES

Section 1181.01. Purpose and Intent. The purpose and intent of this Chapter of the Codified Ordinances is to establish standards for the location, siting and design of PWSFs, and the goals of this Chapter of the Codified Ordinances are to:

- A. Allow for alternative types of PWSFs in any location subject to standards.
- B. Expedite the review process for those applications choosing the least intrusive alternative of deploying PWSFs
- C. Encourage users of monopoles and antennas to locate, site and design them in a way that minimizes the adverse visual impact of the monopoles and antennas.
- D. Enhance the ability of the providers of personal wireless services to provide such services to the community without delay, effectively, and efficiently.
- E. Promote PWSFs' compatibility with surrounding land uses, as well as protect the health, safety and general welfare of the community.

Section 1181.02. This Chapter of the Codified Ordinances may be cited as the City of Gahanna Personal Wireless Service Facilities Ordinance.

Section 1181.03. Permits Required. Each personal wireless service facility (PWSF) 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 of the Codified Ordinances..

Section 1181.04. Definitions.

- A. **AGL (above ground level).** The actual height of the PWSF from the ground to the highest part of the mount or the antenna, whichever is higher. Beacons, lightning rods and other appurtenances are included in this calculation of mount plus antenna.
- B. **Antenna.** A whip (omni-directional antenna), panel (direction antenna), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency signals. An antenna alone is not a PWSF.
- C. **Antenna Array.** An antenna array is a set of one or more whips, panels, discs, or similar devices used for the transmission and/or reception of radio frequency signals, which may include omni-directional antennas, directional antennas, and parabolic antennas. The antenna array does not include the mount as defined herein.
- D. **Applicant.** A person or entity with an application before the City for a PWSF permit. The applicant must be a carrier, a landowner where the facility will be located or the proposed owner of the facility.
- E. **Application.** The actions taken as required and proscribed by this Chapter and the Codified Ordinances whereby a person or entity requests to be granted a PWSF permit and seeks approval for the location of a PWSF within the City.
- F. **Application Form.** Form referenced in Section 1181.08.G and required to be completed by an Applicant pursuant to this Chapter and the Codified Ordinances.
- G. **Assignee (or Transferee).** An entity that may not own a PWSF but that has been assigned or transferred a lease or other indicia of ownership, control or interest in a PWSF on a third party's property. For purposes of this Chapter and where lawful, an assignee or transferee shall be accountable to the same extent as the original owner of the PWSF.
- H. **Board of Zoning and Building Appeals (BZBA).** The Board of Zoning and Building Appeals of the City, as created and empowered by Article XII of the Charter of the City of Gahanna, Ohio
- I. **Camouflage.** A way of painting and mounting a PWSF that requires minimal changes to the host structure in order to accommodate the facility and to allow the facility to blend in with the host structure's appearance.
- J. **Carrier.** A Person who transmits electromagnetic signals to provide personal wireless services under license issued by the Federal

Communications Commission (FCC) or a Person who transmits personal wireless services using unlicensed frequencies, (e.g., WiFi) within the City.

- K. **Cellular.** A mobile telephone service defined and regulated by the FCC and generally operating in the 800 MHz spectrum range.
- L. **Charter.** The Charter of the City of Gahanna, Ohio.
- M. **City.** City of Gahanna, Ohio.
- N. **City Council.** The duly elected City Council of the City of Gahanna, Ohio.
- O. **City Engineer.** The duly appointed City Engineer of the City of Gahanna, Ohio.
- P. **Clerk.** The duly appointed Clerk of Council of the City of Gahanna, Ohio.
- Q. **Co-Applicant.** A person or entity that joins with an applicant in an application before the City for a PWSF permit.
- R. **Codified Ordinances.** Gahanna Codified Ordinances or the Codified Ordinances of the City of Gahanna.
- S. **Co-Location.** The use of a common structure or common site by two or more PWSFs or by one carrier for more than one range of frequencies. Any non-personal wireless service carrier on the same mount as a PWSF would be a co-location.
- T. **Commercial Mobile Radio Services (CMRS).** Per Section 704 of the Telecommunications Act of 1996, which amended Section 332(c)(7)(A) of the Communications Act of 1934, any of several technologies using radio signals at various frequencies to send and receive voice, data and video. These services include Cellular PCS, paging, Enhanced Specialized Mobile Radio and Specialized Mobile Radio, as well as unlicensed wireless services (e.g., WiFi).
- U. **Common Carrier Wireless Exchange Services.** Those services that initiate, relay or terminate a Local Exchange Carrier's or Competitive Local Exchange Carrier's telephonic message via a wireless connection.
- V. **Concealment.** The enclosing of a PWSF within a natural or man-made feature resulting in the facility being either invisible or made part of the feature enclosing it.

- W. **Department of Planning and Development.** The Department of Planning and Development of the City of Gahanna, Ohio.
- X. **Design.** The appearance of PWSFs such as its material, colors and shape.
- Y. **Development Fee Schedule.** Fee Schedule annually established by Council pursuant to ordinance in accordance with Section 148.12 of the Code.
- Z. **Disguise.** To design a PWSF to appear to be something other than a PWSF.
- AA. **Distributed Antenna System (DAS).** A network of spatially separated antenna nodes (PWSFs) connected to a common source via a transport medium that provides wireless service within a geographic area or structure which also may or may not contain fiber optic transport and/or landline components. The parts of a DAS that transmit or receive a personal wireless service carrier's signal may for application and review purposes be treated as a single complex PWSF under this Chapter.
- BB. **Elevation.** The measurement of height above sea level. Also AMSL, or above mean sea level.
- CC. **Enhanced Specialized Mobile Radio (ESMR).** Private land mobile radio with telephone services.
- DD. **Equipment Cabinet/Equipment Shelter.** An enclosed structure at the base of the mount within which are housed the equipment for the PWSF such as batteries and electrical equipment.
- EE. **Fall Zone.** The area on the ground within a prescribed radius from the base of a PWSF. The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material.
- FF. **Federal Communications Commission (FCC).** The Federal Communications Commission of the United States or any successor thereto.
- GG. **Findings of Fact.** Written findings compiled by the Planning Commission following a public hearing held in accordance with Section 1181.11 of the Code.
- HH. **Functionally Equivalent Services.** Cellular, PCS, Enhanced Specialized Mobile Radio and Specialized Mobile Radio..

- II. **Height.** The distance measured from ground level to the highest point of a PWSF, including the antenna array, lighting equipment or lightning rods. For purposes of measuring height, all antennas or other attachments mounted on a structure shall be included in the measurements to determine overall (i.e. combined) height.
- JJ. **Lattice Tower.** A type of mount that is usually ground-mounted and self-supporting with multiple legs and cross-bracing of structural steel.
- KK. **Location.** The property on which a PWSF is located or proposed to be located.
- LL. **Mitigation.** The reduction or elimination of visual impacts by the use of one or more methods:
1. Camouflage.
 2. Concealment.
 3. Disguise.
- MM. **Modification.** The act of altering, amending or modifying the placement of, look of, location of, or control over, a PWSF from its approved description and/or design in a previously granted permit. Anything that materially changes the externally visible physical configuration of a PWSF or adds a co-locator is considered a modification for purposes of this Chapter.
- NN. **Monopole.** The shape of mount that is self-supporting with a single shaft of wood, steel or concrete and antennas at the top and/or along the shaft.
- OO. **Mount.** The structure or surface upon which antennas are mounted, e.g.:
1. Roof-mounted. Mounted on the roof of a building.
 2. Side-mounted. Mounted on the side of a building.
 3. Ground-mounted. Mounted on the ground.
 4. Structure-mounted. Mounted in or on a structure other than a building, which may include, but shall not be limited to a tower, light stanchion, carillon, steeple, belfry, or water tower.
- PP. **Notice of Abandonment.** Written notice provided to the City by a PWSF owner in accordance with Section 1181.15.C.

- QQ. **Notice of Application Completion.** Written notice provided to the City by a PWSF owner in accordance with Section 1181.11.C.2.
- RR. **Notice of Incomplete Application.** Written notice provided to an applicant by the City in accordance with Section 1181.11.C.4.
- SS. **Pre-Application Conference.** The conference held between the Planning and Zoning Administrator or designee and an Applicant pursuant to Section 1181.11.A.
- TT. **PWSF Application Fee.** Fee required to be deposited with the City in accordance with Section 1181.08.G.
- UU. **Permit.** A Building Permit, PWSF Permit or any other permit as may be required by the Codified Ordinances.
- VV. **Person.** Any natural or corporate person, business association or other business entity excluding any federal, state or local government agency, but including and not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.
- WW. **Personal Wireless Service Facility (PWSF).** Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996, which amended Section 332(c)(7)(A) of the Communications Act of 1934. A PWSF shall include, but not be limited to, a facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, coaxial cables, equipment shelter and a mount.
- XX. **Personal Wireless Services.** Any personal wireless service defined in the Federal Telecommunications Act which includes Federal Communications Commission (FCC) licensed commercial wireless communications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wireless services, and common carrier wireless exchange access services.
- YY. **Planning and Zoning Administrator.** The duly appointed Planning and Zoning Administrator of the City of Gahanna, Ohio.
- ZZ. **Planning Commission.** The Planning Commission of the City, as created and empowered by Article XI of the Charter of the City of Gahanna, Ohio.

- AAA. **Professional Engineer.** Person registered and certified as a professional engineer in Ohio in accordance with the requirements of O.R.C. Chapter 4733.
- BBB. **Radio Frequency Radiation (RFR).** The part of the electromagnetic spectrum characterized by electromagnetic waves with frequencies in the range of 3 kilohertz (kHz) to 300 Megahertz (MHz) and 300 MHz to 300 gigahertz (GHz) respectively. (Microwaves are a specific category of radio waves used for specific point to point communications and are included within the scope of this definition.)
- CCC. **Radio Frequency (RF) Signal.** The actual beam or radio waves sent and received by a PWSF. A signal is the deliberate product of a PWSF and a RF emission is part of that signal.
- DDD. **Request for Information and Completion.** Written request provided to an applicant by the City in accordance with Section 1181.11.C.
- EEE. **Request for Previously Approved Co-Location.** Written request provided to the City by person for approval to co-locate in accordance with Section 1181.14.B.
- FFF. **Right(s) of Way.** Shall be as defined in Section 931.01.c.45 of the Codified Ordinances.
- GGG. **Security Barrier.** A secure wall, fence or other barrier with a lockable point of access which is designed to prohibit unauthorized entry or trespass.
- HHH. **Site.** That portion of a subject property where a PWSF is to be placed. Any acceptable location may have several potential sites within it.
- III. **Siting.** The method and form of placement of PWSFs on a specific area of a subject property. Siting is neither location nor design.
- JJJ. **Specialized Mobile Radio (SMR).** A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.
- KKK. **Staff Report.** Information provided to the Planning Commission by the Planning and Zoning Administrator in accordance with Section 1181.12 of the Code.

- LLL. **Standards.** Rules or measures by which acceptability is determined. PWSFs shall be measured by reasonable standards that include, but shall not be limited to visibility, safety, location, and site design.
- MMM. **Transferee.** See Section 1181.04.G -Assignee.
- NNN. **Tower.** A self-supporting lattice, guyed or monopole structure constructed from grade that is designed and constructed primarily for the purpose of supporting one or more PWSFs or other antennas for telephone, radio and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like. The term also shall include the structure and any support thereto. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.
- OOO. **Unlicensed Wireless Services.** Commercial mobile services that can operate on public domain frequencies and therefore need no FCC license for their sites. Examples of such services shall include, but not be limited to, WiFi and garage door openers.
- PPP. **Utility Pole.** For purposes of this Chapter of the Codified Ordinances, vertical elements in the City originally intended to be used for activities unrelated to wireless communications, such as a distribution pole for electricity, a cable pole, a traffic signal stanchion or a light pole. The placement and use of any such poles placed in the public rights of way shall additionally be governed by the requirements of Chapter 931 of the Codified Ordinances.

Section 1181.05. Other Facilities and Previous Construction.

- A. **Exclusion for Amateur Radio Facilities.** This Chapter of the Codified Ordinances shall not govern the installation of any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for non-commercial, receive-only antennas. No amateur radio facility shall include a PWSF without complying with this Chapter of the Codified Ordinances.
- B. **Relationship to PWSFs Not Approved Under this Chapter of the Codified Ordinances.**
1. A PWSF for which a permit has been issued prior to the effective date of this Chapter of the Codified Ordinances shall be deemed a permitted use, subject to the conditions of that permit. The issuance of permit renewals or other new permits for such facilities

after this Chapter of the Codified Ordinances is adopted shall be in accordance with the provisions of this Chapter of the Codified Ordinances.

2. Damaged or destroyed facilities may be rebuilt and all such facilities may be replaced by facilities of the same type and height at the same location unless more than fifty percent (50%) of the value of the PWSF is to be replaced. All replacements and repairs shall conform to this Chapter of the Codified Ordinances. Value of the PWSF shall be determined by the Department of Planning and Development and shall consist of the then current replacement cost of the PWSF excluding electronics, radios or software.
3. Placement of any attached array, single antenna or any other portions of a PWSF on an existing structure, whether legally non-conforming or conforming, shall require a permit to be obtained for the PWSF under the terms of Chapter 1181 of the Codified Ordinances. Normal maintenance involving replacement of then existing previously permitted and approved equipment or components at the same height and identical location shall not require prior notice or approval by the City.

Section 1181.06. Standards. The approval of PWSFs shall be subject to meeting or exceeding the following standards.

A. **Siting Standards.** PWSFs should meet the following siting standards.

1. Wherever reasonably possible, PWSFs should be concealed within existing structures or where camouflaged conditions surround them, or on inconspicuous mounts.
2. Placement within trees should be encouraged.
3. Placement on existing roofs or non-wireless structures should be favored over ground-mounted PWSFs, except for Tier One facilities which can be ground mounted.
4. Roof-mounted PWSFs should not project more than five (5) additional feet above the highest point of the building, but in no way above the height limit of the zoning district within which the PWSF is located.
5. Side-mounted PWSFs should not project more than twenty inches (20") from the face of the mounting structure.

B. **Design Standards.** PWSFs should meet the following design standards.

1. Color. All PWSFs should be painted, complementary with natural tones (including trees and sky), or camouflaged to match the host structure color.
2. Size. The silhouette of the PWSF should be reduced to minimize visual impact.
3. PWSFs within residential districts should:
 - a. Be appropriately screened and employ equipment shelters as required and approved by the City in accordance with this Chapter.
4. Antennas, which may include but not be limited to: panels, whips, dishes and any array holding several antennas, should be kept as close to the mount as technologically practicable. Where and if economically reasonable and technologically possible, such antennas should be internal in design and application.
5. The following height limitations shall apply to a PWSF its mount and any other attachments or equipment including lightning equipment or lightning rods for each zoning district as listed within the City and such heights shall be considered maximum PWSF heights acceptable under this Chapter:
 - a. A PWSF and its mount in an Olde Gahanna District shall not be of a height greater than Seventy Five Feet (75') total.
 - b. A PWSF and its mount in a Residential District shall not be of a height greater than One Hundred Feet (100') total.
 - c. A PWSF and its mount in a Commercial, Corporate or Institutional District shall not be of a height greater than One Hundred and Twenty Five Feet (125') total.
 - d. A PWSF and its mount in an Industrial or Manufacturing District shall not be of a height greater than One Hundred and Fifty Feet (150') total.

C. **Safety Standards.** PWSFs shall at a minimum meet the following safety standards.

1. All generally accepted industry safety and construction standards regarding wind load, ice load and structural design.
2. All Ohio Building Code (OBC) standards and EIA-TIA 222 (Version G), the American National Standards Institute (ANSI) standard for radio-television towers.
3. All applicable Occupational Safety and Health Administration (OSHA) standards.

Section 1181.07. Fall Zone and Setback Requirements. A fall zone is different from a setback. Both can occur on the same property.

A. **Fall Zone.** The following are the minimally acceptable fall zones within the City.

1. In an Olde Gahanna district, no habitable (for living, working or any other purpose) structure may be located within a fall zone of one (1) times the height of a ground-mounted PWSF or its mount.
2. In a residential district, no adjoining or adjacent property line may be within the fall zone of one (1) times the height of a ground-mounted PWSF or its mount.
3. In a commercial, corporate, industrial, institutional, or manufacturing district, no habitable (for living, working or any other purpose) structure may be located on an adjacent or adjoining parcel within a fall zone of one (1) times the height of a ground-mounted PWSF or its mount.

B. **Setback.**

1. All PWSFs, including mounts and equipment shelters or cabinets, shall comply with the most stringent setback requirement for the subject lot in the applicable zoning district as set forth in the Codified Ordinances. If the fall zone requires a PWSF to be located farther back than the setback, then the fall zone shall govern and control placement.
2. The antenna array for an attached PWSF is exempt from the setback requirements of this Chapter of the Codified Ordinances and from the setback for the zoning district in which they are located,

provided that no such antenna array shall extend more than five feet (5') horizontally from the attachment structure at the point of attachment, nor shall such array extend over the lot line.

3. On parcels with a main building housing a primary use, all components of the PWSF shall be located behind the main building line in the front yard. For example, a setback may be twenty feet (20'), while the existing building is thirty feet (30') back from the front property line. Therefore, a PWSF cannot be closer to the front property line than thirty feet (30').
4. No portion of any PWSF shall project into a required setback except for the antenna array described in Section 1181.07.B.2 above.

Section 1181.08. Submittal Requirements. An applicant shall submit the following information to the City as part of an application for a PWSF.

A. Application Information.

1. Name, address and telephone number of applicant and all co-applicants as well as any agents for the applicant or co-applicants. Assignees must be identified to the same extent, whether co-applicants or not.
2. Each application for the co-location must show a mount with a designed position for the other carriers that are applying for co-location.
3. Original signatures for the applicant and all co-applicants applying for the PWSF must be submitted. If an agent will represent the applicant or co-applicant, an original signature must be provided or alternatively a certified copy of an appropriate legal verification that is satisfactory to the City and granting such authority to the agent to represent the applicant and/or co-applicant in the process must be submitted.

B. Location Information.

1. Identify the subject property by including the name of the nearest street or streets, and street address, if any. If there is no street address assigned, then the applicant before applying should contact the City Engineer to get a number assigned.

2. Franklin County Parcel Identification (PID) number of subject property or, in the case of an existing or new utility pole in the right-of-way, the nearest property.
3. An aerial image/ map to scale showing the subject property and all properties within three hundred feet (300') and the location of all buildings, including accessory structures, on all properties shown.
4. A City-wide map showing the other existing PWSFs owned or operated by this carrier in the City and outside the City within one (1) mile of its corporate limits.
5. [The latitude and longitude coordinates of the other existing PWSFs owned or operated by this carrier in the City and outside the City within one \(1\) mile of its corporate limits.](#)
56. An applicant shall provide the City with the names and mailing addresses of all owners of record of properties that are contiguous to the subject property.

C. Siting Information.

1. A one inch (1") equals-forty feet (40') vicinity plan showing the following (not required for a existing or new utility pole in the right-of-way):
 - a. Property lines for the subject property.
 - b. Property lines of all properties adjacent and/or contiguous to the subject property.
 - c. Tree cover on the subject property and all properties adjacent to the subject property, listing average height.
 - d. Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all properties adjacent to the subject property.
 - e. Proposed location of antenna, mount and equipment shelter(s) and/or cabinet(s).
 - f. Cabinets and other equipment marked "future" or "growth" cannot be approved as part of any application, but may be shown to demonstrate that there is sufficient expansion space.

- g. Location of all streets, public and private, on the subject property and on all properties adjacent to the subject property including driveways proposed to serve the PWSF.
 - h. Distances, at grade, from the proposed PWSF to each building on the vicinity plan.
 - i. Contours at each foot AMSL (Above Mean Sea Level).
 - j. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" in Section 1181.08.C.2 below.
2. Sight lines and photographs as may be requested by the City based upon proposed site specifics, such submittals may include the following:
- a. Sight line representation. A sight line representation shall be drawn from the closest facade of each residential building (viewpoint) included on the vicinity plan to the highest point (visible point) of the PWSF. Each sight line shall be depicted in profile, drawn at one inch (1") equals twenty feet (20'). The profiles shall show all intervening trees and buildings. In the event there is only one (or no) residential building on the vicinity plan, there shall be at least two (2) sight lines from the closest habitable (for living or any other purpose) structures, if any.
 - b. Existing (before condition) photographs. Each sight line shall be illustrated by one four inch (4") by six inch (6") color photograph of what can currently be seen from the residential building.
3. A one inch (1") equals twenty feet (20') site plan showing the following (not required for an existing or new utility pole in the right-of-way):
- a. The entire subject property, including property lines and streets (public and private) adjacent to the subject property.
 - b. All existing buildings, including accessory structures.
 - c. All existing trees.

- d. Proposed security barrier for a ground mount, indicating type and extent as well as point of controlled entry.
 - e. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent streets and driveways.
 - f. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the PWSF.
4. Siting elevations, or views at-grade from the north, south, east and west for a fifty foot (50') radius around the proposed PWSF plus from all existing public and private streets that serve the subject property. Elevations shall be at either one-quarter inch ($\frac{1}{4}$ ") equals one foot (1') or one-eighth inch ($\frac{1}{8}$ ") equals one foot (1') scale and show the following:
- a. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
 - b. Security barrier.
 - c. Any and all structures on the subject property.
 - d. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
 - e. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two foot (2') contours AMSL.

D. Design Information.

- 1. Manufacturer's specifications and cut-sheet for the proposed PWSF. These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier.
- 2. Detailed materials list of the proposed PWSF (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier.

3. Colors of the proposed PWSF represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
4. Dimensions of the PWSF specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
5. Appearance shown by at least two (2) digital photo-simulations (each) of the PWSF within the subject property and from the nearest public right of way. The photo-simulations shall show the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth.
6. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species (not required for an existing or new utility pole in the right-of-way). Any such landscape plan shall specifically include a description of the proposed removal and/or relocation of any existing trees, shrubs or vegetation.

E. Narrative Information.

1. Carrier shall provide:
 - a. FCC license number (Radio Authorization Form).
 - b. Frequencies licensed to the carrier, or applicant as the case may be, to be operated to and from the proposed PWSF.
 - c. [Information as may be required by Section 1181.17\(A\).](#)
2. Carrier shall identify:
 - a. Site latitude.
 - b. Site longitude.
 - c. AGL to the top of highest projection (e.g., lightning rod).
3. Applicants shall provide:
 - a. One (1) alternative to the proposed PWSF.

- b. The alternative should comply with criteria in Section 1181.09 of this Chapter of the Codified Ordinances for differences between the proposed PWSF and the alternative.
 - c. A list of additional locations, if any, that applicant considered for location of the proposed PWSF during its initial site selection process.
- 4. Fire safety information.
 - a. Generator statement including the following:
 - i. That no generator will be used permanently.
 - ii. That a generator may only be used temporarily and only under emergency circumstances or following the occurrence of force majeure events with and a description of the type, placement and rating of generator that could be used temporarily.
 - b. A copy of the Material Safety Data Sheets (MSDS) to be placed on-site to be submitted with the application.
 - c. Confirmation that plans have been sent to the appropriate local fire department.

F. Geographic Information.

- 1. Area to be served by the proposed PWSF.
 - a. Within the City of Gahanna.
 - b. Adjacent to the City of Gahanna.
- 2. Relationship to other PWSFs.
 - a. Existing and/or proposed by the carrier.

G. Fees. The City shall have the right to properly plan for and evaluate applications for PWSFs and to charge reasonable fees for such services to the applicant. Such fees may include, but shall not be limited, to the following:

- 1. Application and PWSF Application Fee. The Planning and Zoning Administrator or designee shall evaluate each application on a case-by-case basis. To apply for City approval to locate a PWSF within the

City or modify a currently permitted and approved PWSF within the City, an application must be filed with the City on the form adopted by the Department of Planning and Development which is hereby incorporated by reference and shall be referred to as the Application Form. All applications shall be accompanied by a PWSF Application Fee, which shall be used to pay for the actual costs incurred by the City that are associated with receiving, reviewing, processing and granting (or denying) an application for location of a PWSF or a modification of a PWSF within the City. The PWSF Application Fee shall be set and/or adjusted annually by Council in accordance with Section 148.12 of the Code. The PWSF Application Fee shall be listed in the City's Development Fee Schedule. A PWSF Fee paid to the City at the time of PWSF Application shall be accepted by the City in the form of a deposit. At the time of its decision to either grant or deny an application or issue a Notice of Incomplete Application, the City shall calculate and assess the total actual costs involved with receiving, reviewing, processing and granting (or denying) the application and debit the Applicant's PWSF Application Fee for the appropriate amount. Any then remaining balance shall be returned to Applicant within sixty (60) days. Should the application review and administration process incur actual costs in excess of PWSF Application Fee originally paid by the Applicant, the City shall require the Applicant to remit such additional amounts as necessary to properly compensate the City for those added costs within sixty (60) days following the issuance or denial of an application. Any Applicant who fails to timely remit such additionally required amounts shall be subject to the penalties of this Chapter the imposition of any other legal or equitable remedies available to the City and the immediate revocation of any permit or approval for a PWSF having been issued.

Section 1181.09. Alternatives Analysis and Comparison. Each application for a PWSF shall also contain at least one (1) alternative that differs from the PWSF proposed in the application.

- A. **Differences.** The alternative needs not be totally different from the proposed PWSF; however, the alternative should contain measurable differences, such as:
1. Height. The alternative can be identical to the proposed PWSF except to be for a shorter height.
 2. Number. The alternative could be for two or more PWSFs that are shorter than the proposed PWSF.

3. Location. The alternative could be located on a different property than the proposed PWSF.
 4. Siting. The alternative could be in a different place on the same property as the proposed PWSF.
 5. Design. The alternative could be of the same height, location and siting as the proposed PWSF, but be designed to appear differently.
 6. Technology. The example of an alternative could be the use of a Distributed Antenna System instead of the proposed PWSF.
- B. **Submittal Requirements for Alternatives.** The materials submitted for each alternative should show only the differences between each of the alternatives and the proposed PWSF.
- C. **Comparison of Proposed PWSF and Alternatives.** The City of Gahanna Planning Commission shall compare the proposed PWSF to the alternative on the basis of the following:
1. Change in scale, as exhibited in relative height, mass or proportion of the PWSF within its proposed surroundings.
 2. New visible elements proposed on a contrasting background.
 3. Different colors and textures proposed against a contrasting background.
 4. Use of materials that are foreign to the existing built environment.
 5. Conservation of opportunities to maintain community scale, not compromising buffering areas and low-lying buildings so as to start a trend away from the existing community scale.
 6. Amount and diversity of landscaping and/or natural vegetation.
 7. Preservation of view corridors, vistas, and viewsheds.
 8. Continuation of existing colors, textures and materials.
- D. **Ranking of Proposed PWSF and Alternatives.** The Planning and Zoning Administrator or designee shall rank the proposed PWSF and any alternative based on the criteria listed in Section 1181.09.C. above.

1. The ranking of the proposed PWSF and each alternative shall be submitted to the Planning Commission along with each application for review by the Planning Commission.
2. The Planning Commission shall consider the alternatives along with the proposed PWSF.

Section 1181.10. Tiered Applications.

- A. **Department of Planning and Development.** The Planning and Zoning Administrator or designee shall receive all PWSF applications and assign each application to one of the following three “tiers”:
1. Tier One. This tier is limited to applications that:
 - a. Place PWSFs within City of Gahanna right-of-way and comport with the requirements of Chapter 931.
 - b. Meet all required Location Standards, Siting Standards, Design Standards and Safety Standards that apply in this Chapter of the Codified Ordinances. In the event any of the standards in this Chapter of the Codified Ordinances are in conflict for a particular application, one or the other conflicting standard shall be met, as determined by the Planning Commission.
 2. Tier Two. This tier is limited to applications that:
 - a. Attach a PWSF to an existing structure other than an existing or new utility pole or built as a ground mount on land owned by the City of Gahanna.
 - b. Meet all required Location Standards, Siting Standards, Design Standards and Safety Standards that apply in this Chapter of the Codified Ordinances. In the event any of the standards in this Chapter of the Codified Ordinances are in conflict for a particular application, one or the other conflicting standard shall be met, as determined by the Planning Commission.
 3. Tier Three. All applications that do not qualify as either Tier One or Tier Two status shall be considered Tier Three applications.

Section 1181.11. Application Procedures. Applicants and Planning and Zoning Administrator or designee shall use the following procedures when reviewing

PWSF applications, although the Planning and Zoning Administrator or designee may waive some steps if they are redundant.

- A. **Pre-Application Conference.** Applicants shall meet with the Planning and Zoning Administrator or designee prior to submitting an application for a PWSF. At the pre-application conference:
 - 1. The applicant shall inform the Planning and Zoning Administrator or designee of the location of the proposed facility, as well as its scale and design.
 - 2. The Planning and Zoning Administrator or designee shall inform the applicant about the application procedures described in this section.
- B. **Application Form.** The applicant shall submit the City's application form and all required items as specified in this Chapter of the Codified Ordinances to the Planning and Zoning Administrator or designee when applying for PWSFs.
- C. **Determination of Application Completion.**
 - 1. Within thirty (30) days of receipt of an application for a PWSF, the Planning and Zoning Administrator or designee shall determine if the application form has been completed and if all required items have been submitted.
 - 2. If the Planning and Zoning Administrator or designee reasonably determines that the application form is complete and/or if all required items have been submitted, the Planning and Zoning Administrator or designee shall send the applicant a written Notice of Application Completion.
 - 3. If the Planning and Zoning Administrator or designee reasonably determines that the application form is not complete and/or if all required items have not been submitted, the Planning and Zoning Administrator or designee shall send the applicant a written Request for Information and Completion. The Request for Information and Completion shall list those items that are incomplete or missing and/or request further information and provide the applicant an additional thirty (30) days to complete the application and respond to the Request for Information and Completion.
 - 4. If the applicant does not complete the application form and submit all required items and/or requested items in accordance with a response to the Request for Information and Completion within

thirty (30) days following the Request for Information and Completion, the Planning and Zoning Administrator or designee shall consider the application formally withdrawn and shall provide applicant a written Notice of Incomplete Application.

D. Initial Review by the Planning and Zoning Administrator or designee.

The Planning and Zoning Administrator or designee shall:

1. Assign each application a designation of Tier One, Tier Two or Tier Three.

E. Tier One Review.

1. The Planning and Zoning Administrator or designee shall review Tier One applications for a PWSF Permit.
2. The Planning and Zoning Administrator or designee shall within sixty (60) days following issuance of a Notice of Application Completion to review the completed application. Following review, the Planning and Zoning Administrator or designee shall either administratively approve or deny the application. Such approval or denial shall be in writing and supported by substantial evidence contained in a written record.
3. An applicant may appeal a decision of the Planning and Zoning Administrator or designee to the BZBA.
4. The BZBA shall conduct appeals in accordance with Chapter 147 of the Code.
5. The decision of the BZBA shall be final.
6. Following a final decision by the BZBA, an applicant may file an appeal pursuant to O.R.C. Chapter 2506.

F. Tier Two Review.

1. The Planning and Zoning Administrator or designee shall review Tier Two applications for a PWSF Permit.
2. The Planning and Zoning Administrator or designee shall within sixty (60) days following issuance of a Notice of Application Completion to prepare a Staff Report to the Planning Commission containing the information in Section 1181.12 of the Code. Such Staff Report shall include:

- a. A written recommendation of either approval or denial; or
 - b. A written recommendation for approval with proposed conditions intended to mitigate the impacts of the proposed PWSF.
3. The Staff Report shall be transmitted to the Planning Commission for a public hearing before the Planning Commission.
4. The Planning Commission shall, within sixty (60) days of receipt of the Staff Report, conduct a public hearing and take any testimony or additional evidence provided by either the applicant or other persons.
 - a. Notice of such public hearing shall be published in one or more newspapers of general circulation within the City first at least fourteen (14) days and second at least seven (7) days in advance of the public hearing and shall state the place, time, date and purpose of such public hearing. Further, the Clerk shall send notification by ordinary mail of the public hearing to owners of property contiguous to the subject property. The failure of delivery of such notice shall not invalidate any such PWSF application. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.
 - b. Following the close of the public hearing process, the Planning Commission shall approve the application, approve the application with conditions or deny the application.
 - c. Such approval or denial shall be in writing and supported by substantial evidence contained in a written record.
 - d. Findings of Fact must be made on each specific issue.
 - e. Any conditions attached to the approval shall be designed to mitigate any adverse impacts of the proposed PWSF.
5. An applicant may appeal a decision of the Planning Commission to the BZBA.
6. The BZBA shall conduct appeals in accordance with the Chapter 147 of the Code.
7. The decision of the BZBA shall be final.

8. Following a final decision by the BZBA, an applicant may file an appeal pursuant to O.R.C. Chapter 2506.

G. Tier Three Review.

1. The Planning and Zoning Administrator or designee shall review Tier Three applications for a PWSF Permit.
2. The Planning and Zoning Administrator or designee shall within sixty (60) days following issuance of a Notice of Completed Application to prepare a staff report shall prepare a staff report to the Planning Commission containing the information in Section 1181.12 of the Code. Such staff report shall include:
 - a. A written recommendation of either approval or denial; or
 - b. A written recommendation for approval with proposed conditions intended to mitigate the impacts of the proposed PWSF.
3. The staff report shall be transmitted to the Planning Commission for a public hearing.
4. The Planning Commission shall, within sixty (60) days of receipt of the Staff Report, conduct a public hearing on the application and take any testimony or additional evidence provided by either the applicant or other persons.
 - a. Notice of such public hearing shall be published in one or more newspapers of general circulation within the City first at least fourteen (14) days and second at least seven (7) days in advance of the public hearing and shall state the place, time, date and purpose of such public hearing. Further, the Clerk shall send notification by ordinary mail of the public hearing to owners of property contiguous to the subject property. The failure of delivery of such notice shall not invalidate any such PWSF application. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.
 - b. Following the close of the public hearing process, the Planning Commission shall approve the application, approve application with conditions or deny the application.

- c. Such approval or denial shall be in writing and supported by substantial evidence contained in a written record
 - d. Findings of Fact must be made on each specific issue.
 - e. Any conditions attached to the approval shall be designed to mitigate any adverse impacts of the proposed PWSF.
- 5. An applicant may appeal a decision of the Planning Commission to the BZBA.
 - 6. The BZBA shall conduct appeals in accordance with the Chapter 147 of the Code.
 - 7. The decision of the BZBA shall be final.
 - 8. Following a final decision by the BZBA, an applicant may file an appeal pursuant to O.R.C. Chapter 2506.

Section 1181.12. Staff Reports.

- A. **Tier One Applications.** Tier One applications do not need staff reports.
- B. **Tier Two and Tier Three Applications.** The Planning and Zoning Administrator or designee shall prepare Staff Reports for Tier Two and Tier Three applications. The Staff Report shall contain the following:
 - 1. Description of the proposed PWSF.
 - a. Other PWSFs in the area.
 - b. Nearest three (3) PWSF sites for the same carrier to the proposed PWSF.
 - 2. Location.
 - a. Determination of whether location standards have been met.
 - 3. Siting.
 - a. Determination of whether siting standards have been met.
 - b. Identification of any recommended measures to avoid, minimize, and/or mitigate (in that order of preference) for adverse impacts of the proposed PWSF.

4. Design.
 - a. Type of mount.
 - b. Type of antenna(s).
 - c. Treatment of equipment cabinet or shelter.
 - d. Determination of whether design standards have been met.
5. Alternatives analysis.
 - a. Alternatives provided by the applicant.
 - b. Comparison and ranking of the proposed PWSF and the alternatives as provided in Section 1181.09.
6. Description of narrative attachments.
7. Recommendation of either approval or denial, in writing and supported by substantial evidence contained in the written record. The recommendation may contain proposed conditions intended to mitigate any adverse impacts of the proposed PWSF.

Section 1181.13. Modifications. The City of Gahanna shall require the review and approval of all modifications to PWSFs.

A. **Types of Modification.** A modification of a PWSF is any of the following:

1. A change, replacement or addition of any equipment in or on the PWSF that affects the placement of, look of, location of, or control over, the PWSF as then currently permitted and approved by the City, but specifically excludes any materially identical replacements or repairs that do not affect the then currently permitted and approved placement of, look of, location of, or control over, the PWSF.
2. A change in a previously approved and permitted design of the PWSF that affects the placement of, look of, location of, or control over, a PWSF.
3. Any addition to any PWSF for purposes of co-location, unless such co-location has already been approved and permitted by the City within an original PWSF approval that includes specific future co-location designs and specified acceptable positions of placement. Such previously approved and permitted co-locations as described

herein shall not be considered a “modification”, but the applicant shall be subject to a co-location review as described in Section 1181.14. Additionally, the applicant shall provide the City with reasonable prior notice of co-location construction and/or attachment and certified copies of a final comprehensive site plan to include “as-built” drawings and specifications following the co-location.

- B. **Applications for Modification.** Applicants for modifications shall submit an application to the City for a modified PWSF. The application process and submission requirements for review and approval of modifications shall be the same as is required for a new PWSF application under this Chapter.

Section 1181.14. Co-Locations/Public Sites.

- A. **Co-Location Review.** The City shall review applications for co-locations based on all positions on the mount.
- B. **Co-Locations Previously Approved.** An application for a co-location of a PWSF that is not a modification pursuant to Section 1181.13 and is on a mount or on the ground in a position having previously been approved for co-location by the City shall only require the administrative review and approval of the Planning and Zoning Administrator or designee. The applicant shall make such a request for review and approval by completing a co-location request in the form adopted by the Department of Planning and Development which is hereby incorporated by reference and shall be referred to as a Request for Previously Approved Co-Location. The Planning and Zoning Administrator or designee shall apply the same application completion process to the Request for Previously Approved Co-Location as described in Section 1181.11.C of the Code.
 - 1. The Planning and Zoning Administrator or designee shall within thirty (30) days following issuance of a Notice of Application Completion review the completed Request for Previously Approved Co-Location. Following review, the Planning and Zoning Administrator or designee shall either administratively approve or deny the Request for Previously Approved Co-Location. Such approval or denial shall be in writing and supported by substantial evidence contained in a written record.
 - 2. An applicant may appeal a decision of the Planning and Zoning Administrator or designee to the BZBA.

3. The BZBA shall conduct appeals in accordance with the Chapter 147 of the Code.
 4. The decision of the BZBA shall be final.
 5. Following a final decision by the BZBA, an applicant may file an appeal pursuant to O.R.C. Chapter 2506.
- C. **Co-Locations Not Previously Approved.** Applications for co-locations on mounts not previously approved for co-location in the position applied for require a complete review and approval as a PWSF under the requirements of this Chapter.
- D. **Public Sites.** The City of Gahanna shall work with carriers to facilitate the siting of PWSF on City-owned property and rights-of-way by negotiating the appropriate leasing procedures.

Section 1181.15. Registry, Monitoring, Inspection, Abandonment and Obsolescence.

- A. **Registry.** Each carrier shall file the following information with the Planning and Zoning Administrator on an annual basis, beginning with the date of approval.
1. Owner/lessee/intermediary/agent and carrier(s) at the site.
 2. Location by latitude and longitude, addresses and parcel numbers.
 3. Height, AGL
 4. Co-location status and capability (including if a former co-location has been removed), and whether a co-locatee has applied for a modification in the past year.
 5. Last date at which carrier's PWSF was modified and the nature of the modification.
 6. A list of toxic/hazardous materials at the PWSF (including in the equipment shelter), and certification that the Fire Department has been notified in conformance with EPCRA, the Emergency Planning and Community Right-to-Know Act.
 7. Instructions for emergency personnel on the approach action to be taken in case of an emergency involving any toxic/hazardous substances. (MSDS can be submitted in place of this information.)

8. The name, telephone number, e-mail address, and mailing address of a local or regional representative of the carrier to be contacted in the event of any emergency at the PWSF site.
 9. The telephone number of a carrier contact that is available on a twenty four (24) hour a day, seven (7) days-a-week basis.
 10. A site monitoring schedule indicating how often the site is inspected and monitored by the carrier.
 11. A ground maintenance schedule for ground-mounted PWSFs indicating how often the grounds are maintained and the name and telephone number of a representative of the carrier to be contacted in the event the grounds require service before the next scheduled maintenance.
- B. **Inspection.** The owner or operator of PWSF shall provide for and conduct an inspection of mounts at least once every five (5) years. A report on this inspection shall be provided to the City of Gahanna verifying the structural integrity of the mount.
- C. **Abandonment and Removal.** Ninety (90) days subsequent to its initial build and/or location, if a PWSF ceases to be used or operated as a PWSF for a period of consecutive eighteen (18) months and has not already been removed, then such PWSF shall be considered abandoned. The owner of an abandoned PWSF shall, within thirty (30) days of the date of such abandonment, be required to provide a written Notice of Abandonment to the Planning and Zoning Administrator that the PWSF is abandoned. Failure to timely provide such required Notice of Abandonment shall be considered a violation of the Code and shall subject the owner to the penalties described in Section 1181.99. If such abandoned PWSF is not removed within sixty (60) days of the date the Notice of Abandonment was required to be provided to the Planning and Zoning Administrator, then such abandoned PWSF may be designated a nuisance by the City and the City may have the PWSF removed at the PWSF owner's expense and pursue any and all other available legal or equitable remedies.

Section 1181.16. Environmental Compliance

A. Federal Environmental Assessment Requirements for Tiers One, Two and Three.

1. The National Environmental Policy Act (NEPA) applies to all applications for PWSFs. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any PWSF proposed in or involving any of the following:
 - a. Wilderness areas.
 - b. Wildlife preserves.
 - c. Endangered species habitat.
 - d. Historical site.
 - e. Indian religious site.
 - f. Flood plain.
 - g. Wetlands.
 - h. High intensity white lights in residential neighborhoods.
 - i. Excessive radio frequency radiation exposure.
2. At the time of application filing an applicant shall provide to the City a complete copy of an EA (as filed with the FCC) for each PWSF site that requires such an EA to be submitted to the FCC.

B. Radio Frequency Radiation Emissions Requirements.

1. FCC Guidelines. Each application for a PWSF shall be accompanied by a statement by a Professional Engineer certifying that, as proposed, the PWSF complies with the FCC *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation* (FCC Guidelines) concerning radio frequency radiation and emissions.
2. Radio frequency radiation (RFR) report for Tiers Two and Three. The Planning Commission may require applicants for a Tier Two or Tier Three PWSF to submit a report containing the following information on the existing and maximum future projected

measurements of RFR from the proposed PWSF, for the following situations:

- a. Existing, or ambient: the measurement of existing RFR.
- b. Existing plus proposed wireless facility: maximum estimate of RFR from the proposed personal wireless facility plus the existing RFR environment.
- c. Certification, signed by a Professional Engineer, stating that the RFR measurements are accurate and meet the requirements for radio frequency radiation reports in this Chapter.
- d. The Planning Commission may require as part of conditions of approval for Tier Two or Tier Three applications that a radio frequency radiation report as described in this Section be submitted every five (5) years and every time a modification or a co-location is proposed for the PWSF.

C. Noise Requirements.

1. Conformance to Gahanna Noise Ordinance. No equipment shall be operated at a PWSF so as to produce noise in excess of the applicable noise standards under Chapter 559.
2. Noise filing requirements. The Planning Commission may require applicants for a Tier Two or Tier Three PWSF to submit a report containing the following information on the existing future projected measurements of noise from the proposed PWSFs, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following situations:
 - a. Existing, or ambient: the measurements of existing noise.
 - b. Existing plus proposed PWSF: estimate of noise from the proposed PWSF plus the existing noise environment.
 - c. Certification signed by a Professional Engineer, stating that noise measurements are accurate and meet the requirements of Section 1181.16.C. of the Codified Ordinances.

3. The Planning Commission may require as part of conditions of approval for Tier Two or Three applications that a noise report as described in this Section be submitted every five (5) years and every time a modification or a co-location is proposed for the PWSF.

Section 1181.17. Antenna Structure Registration (ASR)

- A. Any proposed PWSF on a proposed or existing mount shall submit to the City of Gahanna a copy of each of the following, if and when applicable, along with the application:
 1. FAA statement of approved height.
 - ~~2. An FAA required finding of "No Hazard."~~
 2. An FAA required finding of "No Hazard" (which shall specifically include a copy of any FAA issued "No Hazard" letter listing all "conditions required" or "suggestions made" by the FAA in regards to the proposed PWSF.
- B. Tier One applications are exempt from this requirement.
- C. Tier Two and Tier Three applications shall not be accepted by the City unless the requirement in Section 1181.17.A is met.
- D. The height of any existing and proposed PWSF mount may not exceed that cited in the FCC Antenna Registration System (ASR).
- E. Approvals of applications by the City of Gahanna for any PWSF shall not be for the height greater than that is stated in the FCC ASR.

Section 1181.18. Lighting and Security for Tiers Two and Three.

- A. **Lighting.** A PWSF shall not be artificially lighted, except for:
 1. Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and
 2. Such lighting of the PWSF as may be required by the Federal Communications Commission, Federal Aviation Administration (FAA) or other applicable authority installed in a manner to minimize impacts on adjacent residences. Only red lighting shall be utilized unless otherwise recommended or required by FAA guidelines. Any such required lighting of a PWSF must in all

circumstances be reviewed, accepted and approved in writing prior to any PWSF application being granted or a PWSF being illuminated.

- B. **Security Barriers.** A security barrier shall be required around the perimeter of ground mounts including equipment shelters and/or cabinets. The security barrier shall be maintained by the operator of the PWSF or mount for the life of the installation. No security barrier is needed around side-mounted PWSFs.

Section 1181.19. Signs/Identification Plaques. No signage shall be permitted on any PWSF other than that required for public safety purposes, by the FCC or FAA, or by this Chapter. As a condition of any approved application and the continuing use of a PWSF within the City, applicants shall be required to post weatherproof signage mounted at eye level and visible outside a ground located compound (or on the PWSF itself in the case of roof or above ground locations) that clearly identifies, the owner of each PWSF at the site and a twenty-four (24) hour telephone contact number. The signage shall be updated whenever the contact information for a PWSF changes. Any failure to post or update the required signage shall be a material violation of this Chapter and subject the applicant to the penalties of Section 1181.99.

Section 1181.20. Screening and Landscaping for Tiers Two and Three.

- A. **Natural Vegetation.** Existing natural vegetation shall be undisturbed to the greatest extent practicable.
- B. **Landscaping.** Landscaping of disturbed areas on the ground of the PWSF site and security barriers shall be required as follows:
1. At least one (1) row of evergreen shrubs capable of forming a continuous hedge, exclusive of any required ingress or egress access, at least five feet (5') in height within two (2) years of planting shall be spaced not more than five feet (5') apart within fifteen feet (15') of the site boundary; and
 2. At least one (1) row of evergreen trees or shrubs, at least four feet (4') in height when planted and spaced not more than fifteen feet (15') apart, located interior to the perimeter of the shrubs required in Section 1181.20.B.1. above; and
 3. Existing vegetation, topography, walls and fences combined with shrubs, or other features may be substituted for the required buffers if the Planning Commission finds they:

- a. Achieve the same degree of screening as the required buffer;
or
 - b. Do not permit further landscaping due to the limited size of the lot.
4. Landscaping materials shall consist of xeric or drought-resistant native species and shall be maintained by the operator of the PWSF for the life of the installation.

Section 1181.21. Access and Parking for Tiers Two and Three.

- A. **Parking.** Areas sufficient for the temporary off-street parking of at least two vehicles shall be provided for mounts. The type and configuration of parking may be approved by the Planning Commission.
- B. **Private Access.** A copy shall be provided to the City of Gahanna Department of Planning and Development of any street maintenance agreement for any site accessed by private easement.
- C. **Tier One PWSFs.** No parking areas are required.

Section 1181.22. Procedure for Public Hearings. Public hearings required by this Chapter of the Codified Ordinances shall be noticed and conducted pursuant to the requirements of this Chapter, the Code and the Ohio Revised Code.

Section 1181.23. Effect of Approval. Any application approved pursuant to this Chapter of the Codified Ordinances shall result in a written approval. The approval shall include Findings of Fact, the terms of the approval, including any conditions of approval. Any approval granted is valid for a period of one calendar year from the date of Planning Commission approval.

Section 1181.24. Miscellaneous.

- A. Height limits set by the City of Gahanna Codified Codes for the zoning district for the permitted location shall apply unless this Chapter specifically states otherwise.

Section 1181.25. Civil Action

Whenever any person fails, neglects or refuses to comply with any provisions of this Chapter of the Codified Ordinances, or when any building or other structure is used or occupied so as to be in violation of or not in conformity with any provision of this Chapter of the Codified Ordinances, the City may pursue an

appropriate action in law or in equity to prevent a violation of this Chapter of the Codified Ordinances or to prevent the use of such building or other structure.

Section 1181.26. Cumulative

The exercise of the rights and remedies granted in this Chapter of the Codified Ordinances shall in no way preclude or limit the City from exercising any other right or remedy either at law or in equity now or hereafter granted to it under the laws of the United States, the State of Ohio, or the Codified Ordinances of Gahanna.

Section 1181.27. Severability. If any provision of this Chapter of the Codified Ordinances or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Chapter of the Codified Ordinances which can be given effect without the invalid provisions or application.

Section 1181.99 Penalties. Any person violating any provision of this Chapter of the Codified Ordinances shall be guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days or both. Such person shall be deemed guilty of a separate offense for each and every day or portions thereof during which any violation of any of the provisions of this Chapter of the Codified Ordinances is committed, permitted or continued.

PASSED AND ADOPTED, by the City Council of the City of Gahanna, Ohio, in regular session assembled, this ____ day of _____, 2008.

Summary Report: Litera Change-Pro ML 6.0.0.400 Document Comparison done on 8/13/2008 4:04:19 PM	
Style Name: Default Style	
Original Filename: H1269348.DOC	
Original DMS:	
Modified Filename: H1305574.DOC	
Modified DMS:	
Changes:	
<u>Add</u>	6
Delete	2
Move From	3
<u>Move To</u>	3
<u>Table Insert</u>	0
Table Delete	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Total Changes:	14