

ARTICLE 41

TELECOMMUNICATION TOWERS

SECTION 4101 INFORMATION REQUIRED

Each applicant requesting a conditional use permit under this resolution shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this resolution.

SECTION 4102 FACTORS CONSIDERED IN GRANTING CONDITIONAL USE PERMITS

The township shall consider the following factors in determining whether to issue a conditional use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority, concludes that the goals of this resolution are better served thereby.

- A. Height of tower;
- B. Proximity of the tower to residential structures and residential district boundaries;
- C. Nature of uses on adjacent and nearby properties;
- D. Surrounding topography;
- E. Surrounding tree coverage and foliage;
- F. Design of tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- G. Proposed ingress and egress;
- H. Availability of suitable existing towers and other structures as discussed in Section 4104.01,3 below of this Resolution.

SECTION 4102 AVAILABILITY OF SUITABLE EXISTING TOWERS OR OTHER STRUCTURES

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- A. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements
- B. Existing towers or structures are not of sufficient height to meet applicants engineering requirements.
- C. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- E. 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 exceeding new tower development are presumed to be unreasonable.
- F. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

SECTION 4104 DEVELOPMENT STANDARDS-FREE STANDING

4104.01 SETBACKS AND SEPARATION

The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the township may reduce the standard setbacks and separation requirements if the goals of this Resolution would be better served thereby:

- 1. Towers shall be located at least 200 feet or a distance equal to the height of the tower, whichever is greater, from any residential structure or adjacent property in a residential zoning district.
- 2. Towers shall be set back at least a distance equal to the height of the tower from adjacent thoroughfare (s) rights-of-way as specified by the Montgomery County Thoroughfare Plan.
- 3. Minimum spacing between tower locations shall be one mile in order to prevent a concentration of towers in one area.

4104.02 LOT AREA REQUIREMENT

The minimum required lot area for towers shall be one acre with 150 feet of road frontage.

4104.03 SECURITY FENCING

Towers shall be enclosed by security fencing not less than six feet in height and shall also

be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements, as it deems appropriate

4104.04 LANDSCAPING

The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the governing authority may waive such requirements if the goals of this resolution would be better served thereby.

- A. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide and six feet high on the perimeter of the compound.
- B. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- C. 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, natural growth around the property perimeter may be a sufficient buffer.

4104.05 HEIGHT

- A. For a single user, up to 90 feet in height;
- B. For two users, up to 120 feet in height; and
- C. For three or more users, up to 150 feet in height.
- D. Communication towers in excess for 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport.

4104.06 AESTHETICS

- A. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
- B. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- C. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the B.Z.A. may review the available lighting alternatives and approve the design that would cause the least disturbance

white strobe lights.)

4104.07 ENCOURAGEMENT OF TOWER USE BY MULTIPLE PROVIDERS

The applicant shall agree to permit use of the Telephone Tower by other communication service providers, on reasonable terms, so long as such use does not conflict with the Applicants and/or any other pre-existing user's use of the telephone tower and does not violate the structural integrity of the telephone tower.

SECTION 4105 DEVELOPMENT STANDARDS-EXISTING TOWERS AND STRUCTURES

- A. Antennas and equipment may be located in the public right-of-way on existing utility poles with the permission of the utility provider and Montgomery County or township having jurisdiction of respective right-of-way.
- B. Public structures such as water towers may also be used for mounting of utilities dependent upon approval of pertinent public jurisdiction.
- C. Antennas and equipment boxes shall be designed to match the color of the pole or building on which they are mounted.
- D. Antennas and Equipment of Existing Structures shall not exceed the height of the existing pole upon which it is located plus 20 feet.
- E. Antennas and Equipment on Existing Structures, including and associated with the installation, must be integrated into the design of the structure upon which it is located and shall be aesthetically and architecturally compatible with the structure upon which it is located and the surrounding environment.
- F. An existing pole may be replaced, if not structurally suitable to hold the antennas and equipment related to a Communication system, but in no case shall the new pole exceed the height of the existing pole plus 20 feet.

SECTION 4016 GENERAL REQUIREMENTS - BUILDING CODE AND SAFETY STANDARDS

- A. Proof shall be provided by the applicant in a form satisfactory to the Zoning Administrator that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communications Commission or the successors to their respective functions. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Resolution shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date.
of such standards.
- B. To ensure the structural integrity of towers, the owner shall ensure that it is maintained in compliance with standards contained in the Montgomery County

inspection, the township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower in compliance within said 30 days, the governing authority may remove such tower at the owner's expense.

- C. All equipment associated with a Telephone Communication System, except antennas, shall be located underground, attached to the structure or inside the building upon which they are mounted. Accessory structures shall not exceed square feet of building area.
- D. The use of guyed wires is strictly prohibited within Residential Districts.
- E. All parking and drive areas must be paved as provided in the Resolution.

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SECTION 4107 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antennas or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the township notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the township may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.