

**ORDINANCE NO. 04 -14  
CITY OF CENTERVILLE, OHIO**

SPONSORED BY COUNCILMEMBER Paul Gasham ON THE 16<sup>th</sup> DAY OF  
June, 2014.

**AN ORDINANCE AMENDING ORDINANCE NO. 14-08,  
CHAPTER 1216 OF THE CENTERVILLE MUNICIPAL  
CODE, THE UNIFIED DEVELOPMENT ORDINANCE  
FOR THE CITY OF CENTERVILLE, OHIO, TO  
AMEND SECTIONS 9.05 AND 9.55 WITH REGARDS  
TO WIRELESS COMMUNICATIONS FACILITIES OF  
THE UNIFIED DEVELOPMENT ORDINANCE.**

**PREAMBLE**

**WHEREAS**, on the 15th day of December, 2008, the City of Centerville enacted the Unified Development Ordinance (UDO) to establish zoning regulations and to provide for its administration, enforcement and amendment; and

**WHEREAS**, the City of Centerville has determined that it is reasonable and necessary to amend the regulations concerning wireless telecommunications facilities; and

**WHEREAS**, revision of Sections 9.05 and 9.55 of the Unified Development Ordinance is recommended at this time; and

**WHEREAS**, the City of Centerville seeks to promote the general health, safety and welfare of the community by adopting and implementing this amendment to the UDO providing for changes to the placement of wireless communications facilities; and

**WHEREAS**, all requirements of Chapter 713 of the Ohio Revised Code, with regard to the adoption of the UDO and/or amendments thereto by the Planning Commission and subsequent action of the City Council have been met.

**NOW, THEREFORE**, the Municipality of Centerville hereby ordains:

**Section 1.** Ordinance Number 14-08 passed on the 15<sup>th</sup> day of December, 2008 and as subsequently amended, be, and the same hereby is revised as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

By amending Article 9, Part 1, Zoning as follows:

**9.05 Base Zoning Districts**

B. Uses

2. Applicability

**Table 9.1, Permitted Land Uses in the Base Zoning Districts**

Specific Use Type	
Land Use Type	ALL ZONING DISTRICTS
Accessory Uses <sup>1</sup>	
Wireless Telecommunications Antennae (Co-Location)	See Article 9.55, Wireless Communication Facility Standards
Residential Uses	
Wireless Communication Tower	See Article 9.55, Wireless Communication Facility Standards
Wireless Communication Antennae	See Article 9.55, Wireless Communication Facility Standards

By amending Article 9, Part 4, Supplemental Standards as follows:

**9.55 Wireless Communication Facility Standards**

- A. Purpose: These regulations are established to provide for the construction and use of Wireless Telecommunication Facilities in the City of Centerville. The regulations allow Wireless Telecommunication Facilities depending upon the specific land areas of the City in which, and circumstances under which, they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996 (Public Law 104-104, codified at 47 U.S.C. §§ 151 et seq.), the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the interests of the City in regulating Wireless Telecommunication Facilities for the following reasons:.
1. To protect property values and provide for orderly development within the City;
  2. To insure that adequate telecommunication services are available within the City;
  3. To protect the visual character for residents and wireless users of the City, including, but not limited to, its residential character, unobstructed open spaces, attractive commercial/office areas, and trees and other vegetation;
  4. To maintain the historic character of certain portions of the historic central portion of the City from the potential for visual blight caused by Towers and related facilities,
  5. To protect residential properties, parks, open spaces and non-intensive, mainly low-rise commercial zoning districts from the potential adverse effects of Towers and related Facilities;

6. To promote Co-location of Wireless Telecommunications Facilities in order to minimize the potential adverse effects of additional single-provider Towers in the City;
7. To provide for and protect the health, safety and general welfare of the residents and visitors of the City; and
8. To maintain, where possible, the integrity of the existing zoning regulations contained in the UDO.

~~The regulations identify acceptable land areas for the location of Wireless Telecommunication Facilities as a conditional use in an overlay zoning district (“Wireless Telecommunication Facilities Overlay District” or “WTFO District”), or as a permitted accessory use when co-locating for erection of Antennas only, which determination is dependent upon the location and characteristics of such land areas and the structures involved.~~

~~Where applicable, the regulations governing the Wireless Telecommunications Facilities Overlay District shall control and supersede wherever they are inconsistent with other provisions of the UDO. If no inconsistency exists between the provisions of this WTFO District and the provisions of the underlying zoning district and other provisions of this UDO shall remain in full force and effect and shall regulate all land use and development.~~

- B. Applicability: No person shall construct, erect, maintain, extend or remove a Wireless Telecommunication Facility in the City unless it is in compliance with the purposes and provisions of Article 9.55.
- C. Designation of Wireless Telecommunication Facilities Overlay District, (WTFO)
  1. *Where applicable, the regulations governing the Wireless Telecommunications Facilities Overlay District shall control and supersede wherever they are inconsistent with other provisions of the UDO. If no inconsistency exists between the provisions of this WTFO District and the provisions of the underlying zoning district and other provisions of this UDO shall remain in full force and effect and shall regulate all land use and development.*
  2. Relationship to Base Districts: The Wireless Telecommunication Facilities Overlay District (WTFO) is an overlay zone which may be applied in the manner described in ~~this Section~~ to existing zoning districts in the locations listed in *Article 9.55(C)(2), Location of District.* ~~2, Location of District.~~
  3. Location of District: The WTFO is limited to land within the following existing zoning districts, as illustrated on the zoning map: I-1, Light Industrial, I-PD, Industrial Planned Development, B-2, General Business District, B-PD, Business Planned

Development, O-PD, Office Planned Development, and R-PD, Residential Planned Development.

D. Use Regulations

1. *Permitted use.*

- a. *The erection or construction of a Wireless Telecommunication Antenna(e) on an existing Wireless Telecommunication Tower within the WTFO district may be permitted as a co-location on such a Tower provided that all electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed, if available, within the existing Equipment Shelter or as such Shelter may be expanded. Such use may be approved upon submission of an application to the City Planner which meets all applicable regulations of Article 9.55 related to the placement, construction and operation of the Wireless Telecommunication Equipment and related Facilities associated with such Antenna(e).*

2. *Permitted accessory use.*

- a. *The installation of a Wireless Telecommunication Antenna(e) where the construction or erection of a Wireless Telecommunication Tower is not proposed, shall be permitted as an accessory use on existing buildings or structures in the WTFO overlay district under the following circumstances:*
  - i. *All Wireless Telecommunication Facilities shall not be located greater than 10 feet above the roofline of an existing building or structure to which it is attached. All electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing building or structure, if possible.*
  - ii. *Any Equipment Shelter shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.*
  - iii. *To the extent the remaining standards of Article 9.55 are applicable to the situation involving the installation of a Wireless Telecommunication Antenna(e) on an existing building or structure, such standards shall govern the installation.*

3. *Conditionally permitted use.*

- a. *Wireless Telecommunication Antenna(e): The installation of a Wireless Telecommunication Antenna(e) where the construction or erection of a Wireless Telecommunication Tower is not proposed, shall be permitted as a conditional use*

*per Article 5.09 on existing buildings or structures outside the WTFO overlay district under the following circumstances:*

- i. All Wireless Telecommunication Facilities shall not be located greater than 10 feet above the roofline of an existing building or structure to which it is attached. All electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing building or structure, if possible.*
  - ii. Any Equipment Shelter shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.*
  - iii. To the extent the remaining standards of Article 9.55 are applicable to the situation involving the installation of a Wireless Telecommunication Antenna(e) on an existing building or structure, such standards shall govern the installation.*
- b. Wireless Telecommunication Towers: A Wireless Telecommunication Tower may be permitted as a conditional use per Article 5.09 in the WTFO overlay district. Such use may be approved under the conditional use process provided the applicant demonstrates compliance with each of the following co-location requirements, as well as all other applicable standards set forth in the UDO:*
- i. An application for a permit to erect a Wireless Telecommunication Tower must demonstrate that there is no technically suitable space for the applicant's Antenna(e) and related Facilities reasonably available on an existing Tower, building or structure within the geographic area to be served. With the application, the applicant shall list the location of every Tower, building or structure within 5 miles of the proposed site that could support the proposed Antenna(e) or area where it would be Technically Suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a Technically Suitable location is not reasonably available or cannot reasonably be modified on an existing Tower, building or structure. If another existing Tower, building or structure is Technically Suitable, the applicant must demonstrate that it has requested to Co-locate on the existing Tower, building or structure and the Co-location request was rejected by the owner of the Tower, building or structure. In all circumstances, owners of existing Towers shall promptly respond in writing to requests for Co-location, but in no event shall they respond more than 30 days from the date of receipt of a written request for Co-location. If another Tower, building or structure is Technically Suitable, the applicant must further show that it has offered to allow the owner of that other Tower, building or structure to Co-locate an Antenna(e) on another Tower, building or structure which is owned or*

*controlled by the applicant, if any, on reasonably reciprocal terms and the offer was not accepted.*

- ii. All applicants for construction or erection of Wireless Telecommunication Towers shall be required to construct on a base Tower structure and structure foundation that is designed to have sufficient structural loading capacity to accommodate at least 3 Antenna platforms or Antenna arrays of equal loading capacity for 3 separate providers of service to be located on the structure when constructed to the maximum allowable height.*
- iii. The Wireless Telecommunication Facility shall also be designed to show that the applicant has enough space on its site plan for an Equipment Shelter large enough to accommodate at least 3 separate users of the Facility. If an Equipment Shelter is initially constructed to accommodate only 1 user, space shall be reserved on site for Equipment Shelter expansions to accommodate up to at least 3 separate users.*
- iv. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the Tower. Written documentation must be presented to the City Planner evidencing that the landowner of the property on which the Tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding Co-location of another user of the Facility within 30 days after receipt of a written inquiry. Copies of all written requests to Collocate and all written responses shall be sent to the City Planner.*

~~1. Conditionally permitted use.~~

- ~~a. Antenna(e): The erection or construction of a Wireless Telecommunication Antenna(e) on an existing Wireless Telecommunication Tower may be permitted as an accessory use as a Co-location on such a Tower provided that all electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing Equipment Shelter or as such Shelter may be expanded. Such use may be approved upon submission of an application to the City Planner which meets all applicable regulations of this Section related to the placement, construction and operation of the Wireless Telecommunication Equipment and related Facilities associated with such Antenna(e).~~
- ~~b. Towers: A Wireless Telecommunication Tower may be permitted as a conditional use only in the zoning districts that are indicated as a WTFD District: I-1, Light Industrial, I-PD, Industrial Planned Development, B-2, General Business District, and B-PD, Business Planned Development. Such use may be approved by the City Planning Commission upon submission of an application to the City Planner.~~

provided the applicant demonstrates compliance with each of the following Co-location requirements in this Section, as well as all other applicable standards set forth in the UDO:

e. Co-location

- i. ~~An applicant for a permit to erect a Wireless Telecommunication Tower must demonstrate that there is no technically suitable space for the applicant's Antenna(e) and related Facilities reasonably available on an existing Tower, building or structure within the geographic area to be served. With the application, the applicant shall list the location of every Tower, building or structure within 5 miles of the proposed site that could support the proposed Antenna(e) or area where it would be Technically Suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a Technically Suitable location is not reasonably available or cannot reasonably be modified on an existing Tower, building or structure. If another existing Tower, building or structure is Technically Suitable, the applicant must demonstrate that it has requested to Co-locate on the existing Tower, building or structure and the Co-location request was rejected by the owner of the Tower, building or structure. In all circumstances, owners of existing Towers shall promptly respond in writing to requests for Co-location, but in no event shall they respond more than 30 days from the date of receipt of a written request for Co-location. If another Tower, building or structure is Technically Suitable, the applicant must further show that it has offered to allow the owner of that other Tower, building or structure to Co-locate an Antenna(e) on another Tower, building or structure which is owned or controlled by the applicant, if any, on reasonably reciprocal terms and the offer was not accepted.~~
- ii. ~~All applicants for construction or erection of Wireless Telecommunication Towers shall be required to construct on a base Tower structure and structure foundation that is designed to have sufficient structural loading capacity to accommodate at least 3 Antenna platforms or Antenna arrays of equal loading capacity for 3 separate providers of service to be located on the structure when constructed to the maximum allowable height.~~
- iii. ~~The Wireless Telecommunication Facility shall also be designed to show that the applicant has enough space on its site plan for an Equipment Shelter large enough to accommodate at least 3 separate users of the Facility. If an Equipment Shelter is initially constructed to accommodate only 1 user, space shall be reserved on site for Equipment Shelter expansions to accommodate up to at least 3 separate users.~~
- iv. ~~Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the~~

~~Tower. Written documentation must be presented to the City Planner evidencing that the landowner of the property on which the Tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding Co-location of another user of the Facility within 30 days after receipt of a written inquiry. Copies of all written requests to Collocate and all written responses shall be sent to the City Planner.~~

~~2.— Permitted Accessory Use: The installation of a Wireless Telecommunication Antenna (e) where the construction or erection of a Tower is not proposed by the applicant, shall be permitted as an accessory use on existing buildings or structures in any of the following zoning districts in the City: R-PD, Residential Planned Development; O-PD, Office Planned Development; B-2, General Business District; B-PD, Business Planned Development; I-1 Light Industrial; and I-PD, Industrial Planned Development.~~

~~a.— In addition, all Wireless Telecommunication Facilities shall not be located greater than 10 feet above the roofline of an existing building or structure to which it is attached. All electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing building or structure, if possible.~~

~~b.— Any Equipment Shelter shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.~~


~~To the extent the remaining standards of this Section are applicable to the situation involving the installation of a Wireless Telecommunication Antenna (e) on an existing building or structure, such standards shall govern the installation.~~

**Section 2:** This Ordinance shall become effective at the earliest date allowed by law.

PASSED THIS 14<sup>th</sup> DAY OF June, 2014.

  
Mayor of the City of Centerville, Ohio


ATTEST:

  
Clerk of Council, City of Centerville, Ohio

**CERTIFICATE**



The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 04-14, passed by the Council of the City of Centerville, Ohio on the 16<sup>th</sup> day of June, 2014.

  
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Clerk of Council

Approved as to form and consistency with existing ordinances, the charter and constitutional provisions.

Department of Law  
Scott Liberman  
Municipal Attorney