EXHIBIT A

CHAPTER 1293

Wireless Telecommunication Facilities

1293.01	**Purpose**	**1293.07**	**Zoning Permit Contents**
1293.02	**Applicability**	**1293.08**	**General Requirements**
1293.03	**Definitions**	**1293.09**	**Abandonment**
1293.04	**Permitted**	**1293.10**	**Nonconforming Towers or Wireless Telecommunication Facilities**
1293.05	**Permit Required**	**1293.11**	**Severability**
1293.06	**Conditional Use Review**	**1293.12**	**Enforcement and Penalty**

1293.01 PURPOSE

The purpose of this chapter is to regulate the placement, construction, and modification of towers and wireless telecommunication facilities to protect the health, safety and general welfare of the public, while permitting reasonable development of wireless telecommunications in the City that seek to further the following city priorities:

A. To direct the location of towers and wireless telecommunications facilities in the City
B. To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunication facilities.
C. To minimize adverse visual impacts of towers and wireless telecommunication facilities through careful design, siting, landscaping and innovative camouflaging techniques.
D. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single use towers.
E. To avoid potential damage to adjacent properties caused by towers and wireless telecommunication facilities by ensuring such structures are soundly and carefully designed, constructed, modified maintained and removed.
F. To the greatest extent feasible, ensure that towers and wireless telecommunication facilities are compatible with surrounding land uses.
G. To the greatest extent feasible, ensure that proposed towers and wireless telecommunication facilities are designed in harmony with the natural setting and in a manner consistent with current development patterns.

1293.02 APPLICABILITY

A. All towers, antenna support structures and wireless telecommunication facilities, any portion of which are located within the City, are subject to this chapter.
B. Any approved use of a nonconforming tower or antenna support structure on the effective date of this chapter shall be allowed to continue, even if in conflict with the terms of this chapter, but shall not be expanded, reconstructed, or modified unless in conformance with this chapter.
C. Should any provisions of this chapter conflict with any other provision of the Code, the provisions of this chapter shall prevail.

1293.03 DEFINITIONS

Antenna: any transmitting or receiving device used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunication signals, or other communication signals. This definition does not include over-the air reception devices which receive television broad cast signals, direct or broadcast signals, direct broadcast satellite services or multichannel multi-point distribution services.

Antenna Support Structure: Any building or structure other than a tower which can be used for the location of wireless telecommunications facilities.

Applicant: Any person who applies for administrative review, conditional use review, or other permit or approval pursuant to the requirements of this chapter.

Application: The materials and process by which an applicant submits a request as authorized by the property owner and indicates a desire to be granted approval of an antenna, tower, antenna support structure, or any other wireless telecommunications facility under the provisions of this chapter. An application includes all written documentation, representations and verbal statements in whatever form or forms made by an applicant to the City concerning such a request.

Board of Zoning Appeals: The Board of Zoning Appeals for the city, as created by the City Charter, Article VII.

City: The City of Pataskala, Ohio

Co-location: The use of, or ability to use, a wireless telecommunications facility by more than one wireless communications provider.

Conditional Use: The use allowed in a zoning district after approval of the Board of Zoning Appeals pursuant to the provisions of Chapter 1215 of the Pataskala Code.

Distributed Antenna System (DAS): A network of separated antenna nodes 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.

Emergency: A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.

Engineer: Any engineer currently licensed in the State of Ohio.

Equipment Shelter: The structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.

FAA: The United States Federal Aviation Administration, and any legally appointed, designated, or elected agent or successor.

FCC: The United States Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

Height: When referring to a tower or other antenna support structure, the distance measured from the finished grade at the base of the tower or structure to the highest point on the tower or structure, including the base pad and any wireless telecommunication facilities, but not including lighting arrest devices.

Monopole: A support structure constructed of a single, self-supporting hollow metal tube or other appropriate pole like structure securely anchored to a foundation.

Nonconforming Tower: Any tower or antenna lawfully existing at the effective date of or amendment of this chapter which does not currently conform to the requirements of this chapter.

Person: Any individual, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit.

Tower: A self- supporting lattice, guyed or monopole structure constructed from grade which supports wireless telecommunication facilities. The term "tower" shall not include amateur radio operators' equipment as licensed by the FCC.

Wireless Telecommunication Facilities: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure. However, the term "wireless telecommunication facilities" shall not include:

A. Any satellite earth station antenna two (2) meters in diameter or less which is located in a non-residential district.
B. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.
C. Antennas used by amateur radio operators.
D. Towers, structures, antennas, or other equipment used for the purposes of operating public safety voice or data radio network or an outdoor early warning system within the city limits. This includes directional and omnidirectional antenna equipment as well as microwave and point-to-point equipment.

1293.04 PERMITTED

Wireless Telecommunication Facilities shall be conditionally permitted in the following zoning districts:

A. Professional Research Office District (PRO)
B. Downtown Business District (DB)
C. Local Business District (LB)
D. General Business District (GB)
E. Light Manufacturing District (M-1)
F. Planned Manufacturing District (PM)

1293.05 PERMIT REQUIRED

A. No person shall construct a new wireless telecommunication facility without first receiving conditional use approval pursuant to chapter 1215 of the Pataskala Code.
B. No person shall expand an existing wireless telecommunication facility without first receiving conditional use approval pursuant to chapter 1215 of the Pataskala Code.

C. No person shall construct, expand, modify or otherwise alter a wireless telecommunication facility without first receiving a zoning permit pursuant to chapter 1209 of the Pataskala Code.
D. Routine maintenance of a wireless telecommunication facility shall not require a permit.

1293.06 CONDITIONAL USE REVIEW

A. Application: Any person applying for Conditional Use approval of a wireless telecommunication facility shall provide the following:
    1. A Conditional Use application form provided by the Planning and Zoning Department and the proper filing fees.
    2. A site plan drawn at a scale not less than 100 feet to the inch on one (1) or more sheets 22 inches by 34 inches containing the relevant information of this Chapter.
    3. A narrative statement addressing the criteria outlined in this chapter and Chapter 1215 of the Pataskala Code.
    4. The appropriate number of copies of the application materials, as determined by the City Administrator or their designee. Reduced size copies may be required.
    5. An electronic copy of the application materials submitted as a Portable Document Format (pdf) file or other acceptable format.
    6. Additional information as required by the City Administrator or their designee.
B. Conditional Use Review Considerations: In addition to any standards for consideration of an application for conditional use review pursuant to Chapter 1215 of the Pataskala Code, the Board of Zoning Appeals shall consider the following factors in determining whether the application should be approved:
    1. Compliance with the requirements of this chapter.
    2. Height of the proposed tower and its proximity to residential structures and residential districts.
    3. Nature of the potential for adverse effects on uses on adjacent and nearby properties.
    4. Relationship of surrounding topography to the view from nearby properties
    5. Surrounding tree coverage and foliage and the ability to screen the facility from the view of nearby properties.
    6. Design of the tower or wireless telecommunication facility, with particular regard to design characteristics that have an effect on reducing or eliminating visual obtrusiveness.
    7. Proposed ingress and egress for maintenance, safety, and prohibition of nuisances.
    8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures with regards to the following:
        i. New towers shall be approved only when other preferable alternatives are not available. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure, or alternative technology is available to fill the communication requirements.
        ii. The applicant shall submit required information for review by the Board of Zoning Appeals related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing towers or other suitable structures are located within the specific geographic limits meeting the applicant's engineering requirements.
b. Existing towers or structures either do not have sufficient height to meet the applicant's engineering requirements, or have inefficient structural strength to support the applicant's proposed antenna and related equipment.
c. The applicant's proposed antenna would cause frequency 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.
d. The fees, costs, or contractual provisions required by the owner in order to share or to adapt for sharing an existing tower or structure are unreasonable. Costs that would exceed new tower development is an example of what may be presumed to be unreasonable.
e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
f. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as DAS using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable, but may be considered as a factor in the decision.
g. The applicant provides documentation that other tower owners were contacted in writing demonstrating the above considerations.

C. In granting a conditional use, the Board of Zoning Appeals may impose conditions to the extent necessary to minimize any adverse effect of the proposed tower or antenna support structure on adjoining properties or to meet the review considerations of this section.
D. The findings and decision of the Board of Zoning Appeals shall be based on and supported by substantial evidence contained in written record and record of action which shall be forwarded to the applicant within 10 days following the decision. The decision of the Board of Zoning Appeals shall be final.

1293.07 ZONING PERMIT CONTENTS

Any person applying for a zoning permit for a wireless telecommunication facility shall provide the following:

A. A Wireless Telecommunication Facility application form provided by the Planning and Zoning Department and the proper filing fees.
B. A site plan drawn at a scale not less than 100 feet to the inch on one (1) or more sheets 22 inches by 34 inches containing the relevant information of this Chapter.
C. Evidence of Conditional Use approval by the Board of Zoning Appeals, if applicable.
D. Additional information as required by the City Administrator or their designee.

1293.08 GENERAL REQUIREMENTS

The following requirements shall apply to all wireless telecommunication facilities:

A. Tower Color: the tower shall be a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the FAA or FCC.
B. Fencing: Security fencing shall surround the tower, equipment shelter and all appurtenances, wither completely or individually as determined by the Board of Zoning Appeals. The security fencing shall meet all requirements for fencing pursuant to Chapter 1279 of the Pataskala Code.
C. Buffering: Buffer plantings shall be located around the perimeter of the security fence as deemed appropriate by the Board of Zoning Appeals for proposed wireless telecommunication facilities. Buffer plantings shall be an evergreen screen that should consist of a hedge planted a maximum of three (3) feet on center, or a row of evergreen trees planted a maximum of six (6) feet on center or other screening determined to be appropriate by the Board of Zoning Appeals.
D. Existing Vegetation: Existing vegetation, such as trees and shrubs, shall be preserved to the maximum extent possible.
E. Signage: No signs shall be permitted on a wireless telecommunication facility or tower with the exception of a notification sign indicating emergency contact information. Such sign shall be non-illuminated and not larger than two (2) feet by three (3) feet in size.
F. Lighting: No tower of antenna shall be artificially lighted except to assure safety or as required by the FAA.
G. Height: No tower shall exceed 200 feet in height.
H. Accommodation: All towers shall be constructed or reconstructed to accommodate multiple users.
I. Setbacks: A tower shall be setback a minimum of 110 percent of the tower height from all property lines.
J. Nonessential Services: Towers and wireless telecommunication facilities shall be regulated and permitted pursuant to this Chapter and shall not be regulated or permitted as essential services, public utilities or private utilities.
K. Engineer Certification: Tower and antenna support structures shall be designed and certified by a Professional Engineer licensed by the State of Ohio to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.
L. State or Federal Requirements: All towers shall meet or exceed current standards and regulations for the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and wireless telecommunication facilities. If such standards and regulations are changed, then the owners of the towers and wireless telecommunication facilities governed by this chapter shall bring such towers and antennas into compliance with such revised standards within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.
M. License to Operate: Owners and operators of towers or wireless telecommunication facilities shall have and maintain all franchises, certifications, licenses and permits required by law for the design, construction, location and operation of wireless telecommunications in the City. Owners and/or operators shall provide evidence of removal or extension thereof when granted.
N. Co-location: All wireless telecommunication facilities constructed within the City shall be capable of accommodating at least one (1) other wireless telecommunication facility unless the owner of the wireless telecommunication facility can establish that providing for such co-location is not feasible or would violate local, state, or federal law.

O. No Tower Facilities: Any wireless telecommunication facility not attached to a tower shall be an ancillary use to any commercial, industrial or institutional use provided that the person making such ancillary use meets the applicable provisions of this chapter in addition to the following criteria:
    1. The total height of the antenna support structure and wireless telecommunication facility does not exceed the maximum height limitations in the applicable zoning district and does not extend more than 20 feet above the height of that portion of the building on which it is located.
    2. Any wireless telecommunication facilities and their appurtenances located on the roof of a building, are set back one (1) foot from the edge of the roof for each one (1) foot in height of the wireless telecommunication facility. However, this setback requirement shall not apply to antennas less than two (2) inches in thickness, which are mounted to the sides of antenna support structures, but which do not protrude more than six (6) inches from the side of such antenna support structure.
    3. The wireless telecommunication facility shall utilize camouflaging techniques or will be side-mounted to an antenna support structure in order that the wireless telecommunication facility harmonizes with the character and environment of the area in which it is located.

1293.09 ABANDONMENT

All providers utilizing wireless telecommunication facilities shall notify the City in writing of the location and date that any tower facility located in the City whose use shall be discontinued. If at any time the use of the wireless telecommunication facility is decommissioned for 180 days, the City Administrator or their designee may declare the wireless telecommunication facility abandoned (this excludes any dormancy period between construction and the initial use of the wireless telecommunication facility). The facility's owner/operator and property owner shall receive written notice from the City and be instructed to either reactivate the facility's use within 180 days, or dismantle and remove the facility.

A. If reactivation or dismantling does not occur as described in Section 1293.09(A), the City may remove or cause the facility and associated structures to be removed and assess the costs to the owner/operator and the property owner. In the case of a multi-use tower or wireless telecommunication facility, the provision does not become effective until all users cease use of the tower or facility. However, the City may cause the abandoned portions of the systems on the multi-use tower or facility to be removed in accordance with this provision.
B. Before initiating action to remove the facility, the City shall provide the owner of the tower or wireless telecommunication facility and property owner 90 days written notice and an opportunity to be heard by the Board of Zoning Appeals to appeal the decision. After this notice has been provided, or following a determination by the Board of Zoning Appeals that the tower or facility has been abandoned, the City may take whatever action that is lawful to order the removal or demolition of the tower or facility and all appurtenances.
C. If the removal is appealed, a public hearing shall be held before the Board of Zoning Appeals following the 90 day notice as required in Section 1293.09(C), the Board of Zoning Appeals may recommend that the City Administrator order the removal or demolition of the facility. The City may assess the costs associated with the removal or demolition of the facility to the owner/operator and/or the property owner.

1293.10 NONCONFORMING TOWERS OR WIRELESS TELECOMMUNICATION FACILITIES

A. Wireless telecommunication facilities that are constructed in accordance with the provisions of this chapter shall be deemed conforming uses or structures, regardless of their date of construction.
B. Towers already in existence shall be permitted to continue their use as they exist as of the date of the adoption or amendment of this chapter, but shall not be expanded or reconstructed unless in conformance with this chapter. Routine maintenance shall be permitted.

1293.11 SEVERABILITY

If any particular portion of this chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to the particular portion declared invalid. This declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable.

1293.12 ENFORCEMENT AND PENALTY

The City Administrator or their designee shall determine compliance with the provisions of this chapter.

Whoever violates any section of this chapter shall be guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued. Strict liability is intended to be imposed for a violation of this chapter.