

CITY OF MIDDLETOWN  
PLANNING & ZONNING DIVISION  
CONDITIONAL USE APPLICATION



PROJECT NAME: \_\_\_\_\_

PROPERTY ADDRESS(ES): \_\_\_\_\_

PROPERTY OWNER(S): \_\_\_\_\_

CONTACT INFORMATION: \_\_\_\_\_ PHONE: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

CONTACT  
INFORMATION: \_\_\_\_\_ PHONE: \_\_\_\_\_

EXISTING USE OF PROPERTY: \_\_\_\_\_

ZONING DISTRICT: \_\_\_\_\_ TOTAL ACRES: \_\_\_\_\_

DESCRIPTION OF REQUESTED USE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS APPLICATION MUST BE ACCCOMPANIED BY:**

- 1) The following drawings:
  - Site plan showing the property's physical features including dimensions and area of lot (a surveyed site plan is required for new construction);
  - Preliminary plans and elevations of any proposed construction;
  - Any other supporting documents (letter of intents, photos, etc.)
- 2) \$250.00 application processing fee (checks made out to City of Middletown)

The application must be submitted by 3 weeks prior to the Planning Commission meeting date to meet legal publication requirements.

The information presented above is accurate to the best of my knowledge.

Date: \_\_\_\_\_ Owners Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Applicant Signature: \_\_\_\_\_

## WIRELESS TELECOMMUNICATION FACILITIES

### General Provisions

- i. Wireless telecommunication facilities will be allowed in the City in accordance with this code and with the applicable review by the Development Code Administrator or Planning Commission, as applicable.
- ii. In general, new wireless telecommunication towers will be reviewed as a conditional use in most nonresidential districts as identified in Table 1204-3.
- iii. The attachment of antennas to existing structures or as a co-location on an existing tower is encouraged and is either reviewed as a permitted use with standards or a conditional use as identified in Table 1204-3.
- v. The applicant will hold the City harmless against all claims, demands, suits, causes of action and judgments due to any damage caused by the operation or construction of the facility.
- v. The applicant shall be required to provide proof that the proposal has been approved by all applicable agencies 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.
- vi. All towers, antennas, structures, and equipment associated with the wireless telecommunication shall be removed within six months of ceasing operations. If not removed, they shall be subject to abatement by the City as a nuisance.
- vii. Municipal utility towers shall not be subject to this section.
- viii. Amateur radio towers shall not be subject to this section but shall be subject to the accessory use regulations of Section 1206.01.
- ix. Wireless telecommunication towers cannot be exempted from the requirements of this code as essential services (See Section 1202.05(b)).

### Development Standards for New Towers

- i. To avoid the construction of a new tower, the applicant shall list the location of every tower, building, and structure, within the area where the new tower is to be located, that could support the proposed telecommunication antenna. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building, or structure irrespective of the City, township and county jurisdictional boundaries. If another telecommunication tower is technically suitable, the applicant must show that an offer was made to co-locate an antenna on that tower and that the offer was not accepted. The applicant shall provide documentation containing a list of the telecommunication facility site locations and owners of telecommunication towers, buildings and structures which were contacted, the date of such contact, any offers of reciprocal rights to install antennas on the applicant's locations, and the reason why the proposed antennas cannot be located on the existing structures.

- ii. New Towers in Residential Zoning Districts

New towers shall only be considered for conditional use review in a residential zoning district if such tower is to be placed on publicly owned land in such district, in accordance with the following standards:

- a. The publicly-owned property must be leased from the City, county, State or other public entity at the discretion of the City.
  - b. The publicly-owned property must be a minimum of four acres in area.
  - c. The maximum height of any tower in such area shall not exceed 150 feet.

- d. No tower shall be located within 150 feet of a public street or property line abutting a residential district. If the property line abuts a commercial or industrial district, the setback for such property line shall be reduced to 50 feet.
- e. All design standards for new towers in this Section 1204.09(f)(3) shall apply.
- iii. Towers shall be of the free-standing lattice or monopole type.
- iv. All towers must be in conformity with clear zones around any airport.
- v. Telecommunication towers in nonresidential districts shall be set back to establish a clear zone for falling tower debris, ice and/or the collapse of the tower. Towers over 75 feet tall shall be set back from any adjoining property and from any public or private street a distance equal to their height, measured from the base of the tower to the top of the tower.
- vi. Towers which cannot satisfy this 100 percent setback requirement may be approved, provided that the applicant presents a certificate from a structural engineer registered in the State of Ohio stating that the tower will withstand a sustained wind velocity based on the requirement of the Ohio Building Code.
- vii. Telecommunication towers shall be set back a minimum of 500 feet from any residential district if located in the O-1 or O-2 district or 300 feet in all other nonresidential districts where it is allowed as a conditional use.
- viii. Equipment shelters and other accessory facilities shall comply with any setback requirements in the applicable zoning district.
- ix. The equipment shelters and other accessory facilities shall be screened with a minimum six-foot high solid fence or barrier and continuous evergreen hedge, and all such screening shall be located behind the appropriate setback lines for the district in which such structures and equipment are located.
- x. Lights, beacons or strobes shall not be permitted on any tower, antenna equipment, or structures, unless required by the Federal Aviation Administration. Any lighting attached to the equipment shelter or other building shall not be mounted above 15 feet, as measured from the grade at the base of the structure. Such lighting shall be subject to Section 1208.04.
- xi. The entire facility shall, to the maximum extent feasible, be designed to minimize the visual impact of the facility through the use of stealth design and colors that will blend in with the context (e.g., sky, trees, etc.). The Planning Commission shall give special attention to areas of architectural or historical significance in the approval of a telecommunication facility.
- xii. A wireless telecommunication tower may be approved where there is already an existing principal use, regardless if it is associated with the wireless telecommunication provided, subject to the following additional conditions:
  - a. The existing use on the property is a permitted use in the district. The wireless telecommunication facility shall not infringe upon the required parking access and yard requirements, easements, drainage ways, and basin of the main structure and/or site.
  - b. Service access to the equipment shelter shall, whenever feasible, be provided along existing circulation of the existing use of vehicular areas, which can be roadways, parking areas and driveways.
  - c. The tower shall comply with all setback and height requirements of this subsection.
- xiii. No new telecommunication tower shall be constructed in the City unless such tower is capable of accommodating at least two additional wireless telecommunication antenna owned by another person or business.

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**DEPARTMENT USE ONLY**

Plot plan received: \_\_\_\_\_ Fee paid: \_\_\_\_\_

Other plans received: \_\_\_\_\_

Previous appeals relative to property: \_\_\_\_\_

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Application is accepted for the CPC Agenda. Secretary's initials \_\_\_\_\_

Case No.: \_\_\_\_\_

Date: \_\_\_\_\_