

Policy: Department of Transportation & Engineering Revised Design Guidelines CMC

Chapter 719

Director

John S. Brazina

Date June 1, 2021

Pursuant to the management authority of the Director of the Department of Transportation and Engineering ("DOTE") over City streets under Article 5 of the Cincinnati Administrative Code and in accordance with state law, the Director hereby adopts the attached Revised Detailed Design Guidelines for Wireless Communications Facilities in The Right-Of-Way ("Revised Design Guidelines"), effective July 1, 2021. The Revised Design Guidelines constitute updates to the City's July 31, 2018, interim wireless facility design guidelines in order to make the City's wireless design guidelines policy consistent with current Federal and State Codes and Regulations.

DOTE and the City Solicitor's Office anticipate related changes to Chapter 719 of the Municipal Code through the City's ordinary legislative process. Until such time as a legislative update is approved by City Council, it is DOTE's intention that the Revised Design Guidelines will control as to conflicts between Chapter 719 and current Federal and State laws.

Persons with comments or questions concerning the Revised Design Guidelines should contact Kevin Kroeger at DOTE (513-352-3478) or Jeremy Seebohm at the City Solicitor's Office (513-352-3613).

Attachment

REVISED DETAILED DESIGN GUIDELINES FOR WIRELESS COMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY

Part I General Overview

Section 1. Initial Notes

- A. This document is to be read in conjunction with Chapter 719, “Wireless Communications Facilities in the Right of Way,” of the City of Cincinnati Municipal Code (“CMC Chapter 719”) and the amendments to Chapter 4939 of the Ohio Revised Code approved by the Ohio General Assembly in House Bill 478 and effective July 31, 2018 (“H.B. 478”). The definitions of terms in CMC Chapter 719 apply to the same terms when used herein.
- B. City Council approved these Guidelines on September 28, 2016 and were modified by the Director of Cincinnati’s Department of Transportation and Engineering on July 31, 2018. This version reflects an administrative update to the Guidelines to conform to the requirements of current Federal and State laws and regulations.
- C. The City of Cincinnati’s Department of Transportation and Engineering is the responsible agency for administering the receipt and processing of applications for wireless communications facilities in the City’s right-of-way.
- D. All references hereafter to the “Department” or to “DOTE” refer to the Department of Transportation and Engineering.
- E. Types of Wireless Small Cell Facility Permits:
 - Type I- minor modification of existing equipment on existing structure.
 - Type II- major (substantial) modification of existing equipment on exist structure.
 - Type III- new transmission equipment on a structure that does not already support transmission equipment.
 - Type IV- new transmission equipment on a new structure.

Section 2. General Requirements

- A. All right-of-way work shall be furnished and placed in compliance with the following general standards for construction in the right-of-way:

- a. State of Ohio Department of Transportation (ODOT), Construction and Material Specifications (CMS) (latest edition).
- b. ODOT CMS City of Cincinnati Supplement (latest edition).
- c. City of Cincinnati DOTE Sidewalk Regulations Book (latest edition).
- d. City of Cincinnati DOTE Street Restoration Manual (latest edition).
- e. City of Cincinnati, DOTE Standard Drawings (latest edition).
- f. City of Cincinnati, DOTE Traffic Engineering Division, Standard Traffic Signals & Street Lighting Construction Drawings (latest edition).
- g. City of Cincinnati, DOTE CURB RAMPS Design Guidelines and Policy, Standard Drawings and Specifications (latest edition).
- h. American Association of State Highway and Transportation Officials; (AASHTO), Standards and Guidelines (latest edition).
- i. National Fire Protection Association 70 National Electric Code; (NFPA-70 NEC) (latest edition).
- j. Americans with Disabilities Act and implementing regulations, including, without limitation, currently proposed Americans with Disabilities Act Accessibility Guidelines (ADAAG) promulgated by the United State Access Board.
- k. One-Call Utility Protection Service as per Ohio ORC 3781.25-.32.
- l. All applicable local, state, and federal codes and regulations.

B. Notification Process.

- a. As per CMC 719, residents within 100' of a proposed Type II, III, or IV site, shall be notified as follows:
 1. Mid-Block. 100' in each direction from the site, including both sides of street.
 2. Corner. 100' in all four directions from the site (main street, cross street), including both sides of the street(s).
 3. Cul-de-sac. 100' from location of the site, including both sides of the street.
- b. The intent of the notice is to allow the property owners nearest to the proposed site the opportunity to ask questions or find additional information. Applicants shall use the approved notification form or card.
- c. In addition, separate notice is to be sent to the corresponding community council(s) with a list of impacted streets and a copy provided to DOTE.

Section 3. Existing Infrastructure Restoration Requirements

- A. Streets and Alleys:** Upon installation of any work, the contractor performing the work shall restore the street and/or alley pavement as required in full and complete compliance with the approved DOTE Right-Of-Way Permit and Wireless Communications Facility Permit, for use of

the right-of-way and the requirements of the City of Cincinnati Sidewalk Standards and Street Restoration Book.

B. Sidewalks:

- a. Upon installation of the new work, the contractor shall restore all concrete walks, driveway aprons, and “collector strips” as required in full and complete compliance with the requirements of the following adopted at the time of such work:
 1. The approved DOTE Right-Of-Way Permit.
 2. The approved DOTE Wireless Facility Right-of-Way Occupancy Permit (record of wireless facility consent).
 3. City of Cincinnati Sidewalk Standards and Street Restoration Book.
 4. DOTE Central Business District (CBD) Streetscape Standards (as applicable).
 5. DOTE Special Improvement District (SID) Streetscape Standards (as applicable).
 6. DOTE Neighborhood Business District (NBD) Streetscape Standards (as applicable).
- b. Upon installation of the new work, the contractor shall restore all tree lawns and/or sod strips with topsoil and sod in compliance with ODOT CMS standards.

Part II Permit Applications and Procedures

Section 1. Permit Application Requirements

This section describes necessary requirements for a permit application for installation of a small cell facility. The Department may from time-to-time develop and publish new or additional permit application forms, checklists, informational handouts, and other related materials. To avoid unnecessary delay in application processing, applicants are strongly encouraged to ***contact the Department before submittal*** to ensure that it has consulted all the most up-to-date requirements.

- A. **Application Fee.** The applicant must provide a non-refundable permit application fee in the amount of \$250 per small cell facility. This fee will be adjusted upward by ten per cent (10%) on August 1, 2023, and every five years thereafter, rounded to the nearest five dollars, as authorized under O.R.C. Section 4939.0316.
- B. **Regulatory Authorization.** To the extent that the applicant claims any regulatory authorization or other right to use the right-of-way, the applicant must provide a true and correct copy of the certificate, license, notice to proceed or other regulatory authorization that supports the applicant’s claim. If an applicant has given valid authorization in

connection with prior applications, the Department may rely on the prior documentation when accepting additional applications.

- C. **Operator’s Authorization.** Applicants must submit the name of the owner of the wireless facility and evidence sufficient to show that either (1) the applicant is an “operator” as defined in R.C. Ch. 4939 or (2) the applicant has obtained an operator’s written authorization to perform the specific work for which consent has been requested on behalf of the operator.
- D. **Site Plans and Structural Calculations.** The applicant must submit fully dimensioned site plans, elevation drawings and structural calculations prepared, sealed, stamped, and signed by a Professional Engineer licensed and registered by the State of Ohio. Drawings must depict any existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed facility and any associated access or utility easements.
- a. **Visual Simulations.** For all applications other than (i) a Type I application for a collocation or modification to an existing facility with no concealment or (ii) standard configurations eligible for minor review, the applicant must provide visual simulations depicting the proposed facility from at least two reasonable line-of-site locations in the vicinity of the proposed project site and shall reflect current conditions. Visual simulations must be included in the site plans on a separate sheet. Notwithstanding the foregoing, the Department may, at its sole discretion, require visual simulations for sites including, without limitation, sites that present unusual conditions or are likely to result in concerns and questions from the public.
- b. **Equipment Specifications.** For all equipment depicted on the plans, the applicant must include (1) the manufacturer’s name and model number; (2) physical dimensions, including without limitation height, width, depth and weight with mounts and other necessary hardware; and (2) the ambient noise level generated from the equipment, if any.
- E. **Supplemental Information.** The Department may request the applicant provide supplemental information as necessary to evaluate a proposed Type II, Type III, or Type IV site or to help identify readily available and technically feasible alternative sites, including a map of nearby existing locations. To the extent that any such information request relates to the applicant’s business decisions, technical information, justification statements, or other information described in R.C.

4939.0133(A)-(C), the provision of such information shall not be a condition for approval of the application.

- F. **Eligible Facilities Request Worksheet.** For all Type I applications, the applicant must submit a completed Eligible Facilities Request Worksheet.

Section 2. Pre-Submittal Conference with the Department

- A. Pre-submittal conferences are strongly encouraged, particularly for Type II applications and Type III, Type IV applications for non-standard configuration facilities.
- B. **Purpose.** The Department offers pre-submittal conferences to meet with potential applicants and discuss possible projects on a conceptual level. The conference is intended to identify the correct application type and content requirements for any given project, and also to create an informal forum in which applicants and the Department can discuss any aesthetic, historic preservation or other concerns that should be addressed as soon as possible to avoid any unnecessary delays in the processing of an application and deployment of wireless facilities in the City.
- C. **Appointment Required.** An appointment is required for all pre-submittal conferences. Department staff may establish regular hours in which appointments are available. Department staff will endeavor to provide applicants with an appointment within approximately five (5) business days after receipt of a written or email request. Each conference is generally limited to discussion of a single potential project, but applicants may request to discuss multiple projects provided that the additional time required does not prejudice other applicants' ability to obtain an appointment.

Section 3. Application Submittal Procedures

All applications must be submitted in person to the Department with the applicable application fee to be considered duly filed. The Department may establish regular hours in which applications may be submitted but will generally receive applications on working days between 8:00 a.m. and 3:30 p.m. Applications submitted by any other means, including without limitation by mail, electronic mail, or facsimile, or outside the established submittal times, if any, will not be considered duly filed.

Part III Minor Modifications (Type I Applications)

Section 1. Overview.

Minor modifications are additions or changes to previously approved facilities by the City and covered under 47 U.S.C. § 1455(a), which mandates approval for certain applications that do not propose a substantial change to the underlying facility. Federal regulations provide specific definitions and criteria for approval or denial. The provisions in this Part III are intended to assist applicants and the Department to determine whether an application qualifies for approval as a minor modification. Type I applications are described in CMC Chapter 719, Section 719-7, “Categories of Applications,” and are addressed in several other sections in CMC Chapter 719.

Section 2. Approvals and Denials.

- A. **Criteria for Approval.** The Department may approve or conditionally approve a Type I application for a minor modification when it finds that the proposed project:
- a. involves collocation, removal, upgrading, or replacement of transmission equipment on an existing wireless tower or base station; and
 - b. does not substantially change the physical dimensions of the existing wireless tower or base station.
 - c. will replicate existing painting/ stealthing/ concealment of equipment. The City reserves the right to request additional concealment dependent on the review of the proposed minor modification.
- B. **Criteria for Denial.** Notwithstanding any other provisions in these Guidelines, and consistent with all applicable federal laws and regulations, the Department may deny a Type I application for a minor modification when it finds that the proposed project:
- a. does not satisfy the criteria for approval;
 - b. violates any legally enforceable standard or permit condition reasonably related to public health and safety; or
 - c. involves the replacement of the entire support structure.
- C. **Written Decision.** Within five (5) working days after the Department renders a decision, the Department shall send written notice to the applicant. In the event that the Department determines that a Type I application does not qualify for approval, the Department will send written notice to the applicant that includes the reasons to support the Department’s decision.

Part IV Major Modifications and New Facilities (Type II, Type III, and Type IV Applications)

Section 1. General Design and Construction Standards

The Department desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. All wireless facilities in the right-of-way must comply with all applicable provisions in this section. In the event that any other law, regulation, or code requires any more restrictive structural design and/or construction requirements, the most restrictive requirement will control.

- A. **Collocation.** The Department desires and encourages collocations between two separate wireless service providers on the same support structure whenever feasible and safe.
- B. **Antennas.** The antenna(s) associated with the first installation must be top-mounted and concealed within a radome that also conceals the cable connections, antenna mount and other hardware. The Department may waive the radome requirement upon a showing by the applicant that concealment is technically infeasible. The Department may approve a side-mounted antenna with the initial installation if, in the Department's discretion, the side-mounted antenna would be more appropriate given the built environment, neighborhood character, overall site appearance and would promote the purposes in these Guidelines. GPS antennas must be placed within the radome or directly above the radome not to exceed six inches.
- C. **Pole-Mounted Equipment Cages.** When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment cage not to exceed 21 cubic feet in total volume. Equipment cages may not extend more than 10 inches beyond the pole centerline on either side. The equipment cage must be non-reflective and painted, wrapped, or otherwise colored to match the existing pole. The City prefers and strongly encourages equipment cages to be mounted flush to the pole. All pole-mounted equipment must be installed as flush to the pole as possible. Any standoff mount for the equipment cage may not exceed 4 inches and the must include metal flaps (or "wings") to conceal the space between the cage and the pole.
- D. **Undergrounded Equipment Vaults.** The Department generally permits pole-mounted equipment in self-contained cages, but for applications subject to standard review, the Department may require placement of the equipment in an environmentally controlled underground vault.
- E. **Ground-Mounted Equipment.** The Department will not approve any new ground-mounted equipment unless the applicant (1) proposes the ground-mounted equipment in connection with a tapered metal pole and

(2) shows clear and convincing evidence that the equipment cannot be feasibly installed as a pole-mounted installation, in an environmentally controlled underground vault, or within an existing street feature (such as a bus stop shelter) for a valid technical reason. Increased costs alone shall be presumed to be insufficient. Ground-mounted equipment shall not be permitted in connection with a wood pole. In the event that the Department approves ground-mounted equipment, the applicant must conform to the following requirements:

- a. **Self-Contained Cabinet or Shroud.** The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the tapered metal pole, and undergrounded between the pole and the ground-mounted cabinet.
 - b. **Concealment.** The Department may require the applicant to incorporate concealment elements into the proposed design. Concealment may include, but shall not be limited to, public art displayed on the cabinet, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
 - c. **Ambient Noise Suppression.** The Department may require the applicant to incorporate ambient noise suppression measures and/or require the applicant to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations.
- F. **Utility Lines.** Service lines must be undergrounded whenever feasible to avoid additional overhead lines.
- G. **Electric Meter.** Multiple operators on a shared pole shall share a single electric meter. Site operators shall use the smallest and least intrusive electric meter available. The Department strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. Whenever permitted by the electric service provider, the electric meter should be painted to match the pole.
- H. **Telephone/Fiber Optic Utilities.** Cabinets for telephone and/or fiber optic utilities may not extend more than 10 inches beyond the pole centerline on either side, and must be painted, wrapped, or otherwise colored to match the pole. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.
- I. **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled, or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.

- J. **Underground Conduit.** All underground conduit placed behind the curb face and underneath the sidewalk must be SCH 40 PVC encased in concrete. All underground conduits must be SCH 40 PVC encased in rigid metal material when placed within tree wells. See City Supplement Item No. 1321. Tubular markers or other permanent utility markings may only be placed in the right-of-way with the permission of the Department.
- K. **Above-Ground Conduit.** On wood poles, all above-ground wires, cables and connections shall be encased in the smallest section or smallest diameter PVC channel, conduit, u-guard, or shroud feasible, with a maximum dimension of 4" diameter, and painted to match the pole.
- L. **Ground Rods.** All ground rods shall be 1 inch in diameter and 10 feet in length made from copper-clad steel (high strength) as required in ASTM A325 and in compliance with ODOT CMS City Supplement Item No. 1320.
- M. **Lights.** Unless otherwise required for compliance with FAA or FCC regulations, the facility shall not include any permanently installed lights. Any lights associated with the electronic equipment shall be appropriately shielded from public view. The provisions in this subsection shall not be interpreted to prohibit installations on streetlights or the installation of luminaires on new poles when required by the Department.
- N. **Generally Applicable Health and Safety Regulations.** All facilities shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety regulations, including without limitation all applicable regulations for human exposure to RF emissions.

Section 2. General Location Criteria

- A. **Site/Collocation Preference.** Whenever an applicant proposes to place a new wireless facility in the right-of-way, the Department may propose an alternate location within 100 feet from the proposed existing wireless facility or within a distance that is equivalent to the width of the public way in or on which the new wireless facility is proposed, whichever is greater, whether on a new pole or an existing potential support structure. The applicant must use the alternate location (collocation or new wireless support structure) if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

New poles shall not be placed in front of residences or buildings when there are empty lots within 100 feet.

- B. General Limitation on New Poles.** The Department standard is one (1) wireless facility on a new pole per block as the right-of-way cannot accommodate multiple locations, especially in areas where aesthetics are important. The decision on who receives this location will be made on a first come, first serve basis. Any additional requests for collocation on the occupied block must first seek to occupy space on the same pole and location as the first request, subject to the requirements in the design guidelines. If the additional request cannot be accommodated on the same pole, the application will be denied, but the Provider may apply for a limited exception pursuant to Section 719-9(h) of CMC Chapter 719.
- C. Alignment with Other Poles.** The centerline of any new pole must be aligned with the centerlines of existing poles on the same sidewalk segment (typically two feet from the back of the curb) or other vertical elements in a tree lawn/ collector strip area. After the Department approves a proposed new pole location, but before the permittee commences construction, the permittee must verify the correct pole alignment in the field.
- D. Setbacks for Visibility and Access.** Any new pole and/or equipment and other improvements associated with a new pole or an existing pole must be setback from intersections, alleyways and driveways and placed in locations where it will not obstruct motorists' sightlines or pedestrian access. In general, the Department will presume that no obstruction will occur when a new pole and/or equipment is setback at least (i) 50 feet from any intersection; (ii) six (6) feet from any driveway cut or alleyway entrance or exit; and (iii) six (6) feet from any permanent object or existing lawfully-permitted encroachment in the right-of-way, including without limitation bicycle racks, traffic signs and signals, street trees, open tree wells, benches or other street furniture, streetlights, door swings, gate swings or sidewalk café enclosures. The Department may, in its discretion, require an additional setback for a specific pole when it determines that the presumptively acceptable setback would nevertheless obstruct motorists' sightlines or pedestrian access. Notwithstanding the foregoing, the Department may permit collocation of wireless facilities on existing wireless support structures within 50 feet of an intersection if the pole attachment otherwise complies with these Guidelines, meets the requirements for R.C. 4939.0322 (including, for example make-ready or pole replacement costs), and does not adversely affect traffic circulation, public safety, pedestrian access, or the reliable operation of the traffic facilities.
- E. New Pull Boxes.**
1. Shall be located at 2' on center from back of curb, inline with and adjacent to new pole.
 2. Shall match DOTE Standard Type-B or Type-C.
 3. One per pole and shall accommodate both Applicant's electric service and fiber service.

- F. **Obstructions.** Any new pole and/or equipment and other improvements associated with a new pole or an existing pole must not obstruct any: (i) worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (ii) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop (including, without limitation, bus stops, streetcar stops, and bike share stations); (iii) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (iv) fire hydrant access; (v) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the right-of-way; or (vi) access to any fire escape.

In general, for residential areas, every attempt should be made for new poles not to be placed directly in front of houses, but rather at property lines, where allowable, per other requirements of this paragraph. For buildings, new poles shall not be located in front of doors and/or windows whenever possible. In addition, new poles shall not be located in existing clear view corridors.

- G. **Historic or Architecturally Significant Structures.** Any new pole and/or equipment and other improvements associated with a new pole or an existing pole may not be placed directly in front of any historic or architecturally significant structures in prominent or highly visible locations.
- H. **Residential Underground Utilities Only Streets.** For streets that have no existing poles or other overhead facilities, New Poles:
- a. can only be installed on streets inline with the backyard overhead pole lines.
 - b. cannot be installed perpendicular to the backyard overhead pole lines.
 - c. overhead service connections cannot be made perpendicular to the backyard overhead pole lines and cannot travel over backyards or over side yard property lines.
 - d. underground service connections cannot be made perpendicular to the backyard overhead pole lines and cannot travel under backyards or under side yard property lines.

Section 3. New and Replacement Poles

- A. **General Restrictions on New Wood Poles.** In all locations, the Department reserves the right to require a metal pole rather than a wood

pole based on the build and/or natural environmental character of the proposed site location. The Department shall not approve any new wood poles in the following districts:

- a. Downtown Development District;
 - b. Riverfront Residential / Recreation Districts;
 - c. Neighborhood Business Districts
 - d. Historic Overlay Districts (including areas adjacent to historic landmarks);
 - e. Underground Utility Districts (including areas where all utilities are primarily underground even if not established as formal district); and
 - f. Park and Recreation Districts primarily designed as more urban and active (in contrast to Park and Recreation Districts primarily designed as more suburban and passive with heavily wooded backdrop).
- B. **Overall Height.** Any pole greater than 40 feet above ground level shall be subject to standard review and approval by the Department. The Department shall consider other poles in vicinity, the built environment, the neighborhood character, the overall site appearance, and the purposes in these Guidelines. The zoning district height limit shall not be determinative.
- C. **Pole Diameter.** Any wood pole with a diameter greater than 12 to 14 inches or any metal pole with a diameter at base greater than 10 to 12 inches shall be subject to standard review and approval by the Department. Metal poles shall be tapered unless the Department determines that technical or aesthetic considerations warrant a non-tapered pole. The Department shall consider other poles in vicinity, the built environment, the neighborhood character, the overall site appearance, and the purposes in these Guidelines.
- D. **Wood Pole Footings and Foundations.** All new wood poles must be direct buried to a depth determined, stamped, sealed, and signed by a professional engineer licensed and registered by the State of Ohio, and subject to the Department's review and approval.
- E. **Tapered Metal Pole Footings and Foundations.** All new metal poles must be supported with a reinforced concrete pier designed, stamped, sealed, and signed by a professional engineer licensed and registered by the State of Ohio, and subject to the Department's review and approval. Footings and anchor bolts must be constructed from steel (high strength) per ATSM A36, threaded (J-type / L-type), hot-dip galvanized per ODOT CMS Item No. 711.02 and in a length and diameter determined, stamped, sealed, and signed by a professional engineer licensed and registered by the State of Ohio, and subject to the Department's review and approval. All

anchor bolts must be concealed from public view with an appropriate pole boot or cover subject to the Department's prior approval.

- F. **Tapered Metal Pole Material.** All metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant material approved by the Department and finished in accordance with these Guidelines to avoid rust stains on adjacent sidewalks, buildings, or other improvements.
- G. **Metal Pole Finish.** Metal poles must be painted black (Federal Color No. 27038). The applicant may select a paint or powder coat system in compliance with ATSM standards.
- H. **Lighting; Banners.** The Department may require the applicant to install functional streetlights and/or banners when technically feasible and the Department determines that such additions will enhance the overall appearance and usefulness of the proposed facility.
- I. **Plans for New Poles.** Plans to include the following:
 - 1. Houses.
 - 2. Addresses.
 - 3. Property Lines.
 - 4. Dimensioning. Show sidewalk clearance dimensions from face of pole to back of walk, distances (parallel and perpendicular) from nearby objects (i.e. driveways, fire hydrants, steps, etc.), and distance from any nearby intersections.
 - 5. Electrical and Fiber Cable Feeds. Overhead or underground.

Section 4. Installations on Existing Poles and Other Potential Support Structures

- A. **General.** The Department encourages applicants to consider existing poles and other potential support structures prior to any new pole to reduce congestion in the right-of-way. The Department will consider all generally applicable design, construction and location standards when reviewing applications for new facilities installed on existing poles or other potential support structures in the right-of-way.
- B. **Privately-Owned Structures.** For a privately-owned structure in the right-of-way onto which an applicant proposes to attach a wireless communications facility, if the owner of the structure requires more restrictive standards than those contained in these Guidelines, the more restrictive standards shall control. If any portion of a privately-owned structure is on private property, the applicant must first obtain all applicable zoning and building permits prior to submittal of an application to the Department.

C. **City-Owned Structures.** As a general matter, the City allows operators to attach to City-owned wireless support structures according to the requirements of the Ohio Revised Code. The City, in its proprietary and regulatory capacities, however, retains sole discretion to identify reasonable terms and conditions for such attachments. Such terms include, in addition to other requirements set forth in these Guidelines and in Chapter 719 of the Municipal Code:

- a. The Applicant shall assess the wireless support structure at the applicant's cost to demonstrate technical feasibility and compliance with applicable City safety standards.
- b. If the City determines that "make-ready" improvements are necessary for structural integrity or technical reasons, the applicant shall be responsible to pay all such costs including replacement or modification a City-owned wireless support structure. Make-ready work shall conform to the City's applicable specifications for the type of structure being replaced and to these Guidelines.
- c. The City retains ownership of the modified or replacement wireless support structure.
- d. The annual occupancy fee to offset City costs related to such attachments shall be \$200 per small cell facility collocation per year. The City may adjust this charge ten per cent every five years, starting from August 1, 2018, rounded to the nearest five dollars per R.C. 4939.0322(B).
- e. The City shall not be responsible for any state or local tax liabilities or assessments attributable to the wireless facility attachments.
- f. The City may impose reasonable requirements for bonds, escrow deposits, letters of credit, or any other type of financial surety to ensure removal of abandoned or unused wireless facilities or damage to municipal property caused by an operator or its agent.
- g. **Standard CBD MOLT System Pole with Luminaire.** Refer to Appendix A for detailed design specifications for installations on Standard CBD MOLT System Poles. To the extent that any generally applicable standards in these Guidelines conflict with the design or specifications in Appendix A, the specifications in Appendix A will control.
- h. **Standard Tapered Metal Pole with Mast Arm and Luminaire.** Refer to Appendix B for detailed design specifications for installations on Standard Tapered Metal Pole with Mast Arm and Luminaire. To the extent that any generally applicable standards in these Guidelines conflict with the design or

specifications in Appendix B, the specifications in Appendix B will control.

- i. **Independent Power Source.** A Wireless Communications Facility on a city-owned Potential Support Structure may not use the same power source that provides power for the original purpose of the Potential Support Structure.

Section 5. Additional Design and Construction Standards for Major Modifications

In addition to all applicable General Design and Construction Standards, the Department requires all major modifications to eligible facilities (Type II application) to comply with the following requirements:

- A. **Coordination with Original Facility Design.** The applicant must design the proposed installation in a manner that mimics the design and any concealment elements of the existing facility. To the extent feasible, new facilities should utilize capacity in existing equipment cages or cabinets and existing conduits or risers. The Department may, in its discretion, authorize the applicant to replace an existing equipment enclosure with a larger one when the Department determines that a larger enclosure is more visually appropriate than a second enclosure on the same support structure.
- B. **Antennas.** Any additional antenna(s) installed to the support structure must be side-mounted and parallel to the roadway. The Department prohibits side-mounted antennas that overhang the roadway but may permit side-mounted antennas that overhang the sidewalk provided that the antenna complies with all applicable setback requirements in these Guidelines and the CMC.
- C. **Structural Integrity.** Any additional equipment must not negatively impact the structural integrity of the support structure and must comply with all applicable local, state, and federal codes and regulations.

Section 6. Standard Configuration Facilities

- A. **Definition.** The Department defines a “standard configuration facility” as a pole-mounted wireless communication facility less than or equal to 40 feet above ground level in overall height, with pole-mounted or undergrounded equipment and compliant with all applicable general design standards and all the general location standards. Proposed facilities with ground-mounted equipment shall not be eligible for review as a standard configuration facility. Appendix C to these Design Guidelines illustrates a standard configuration facility. To the extent that any

generally applicable standards in these Guidelines conflict with the design or specifications in Appendix C, the specifications in Appendix C will control.

- B. Applicable Standard of Review.** To encourage standard configuration facilities in appropriate locations, the Department generally applies minor review. Applications for standard configuration facilities may require standard review in certain locations where, for example, historic resources or the City’s investment in the right-of-way necessitates a closer examination or a design more tailored to the specific location and context. Table 1 below delineates when the Department applies minor or standard review. Applications for standard configuration facilities on wood poles in “RESTRICTED” locations shall not be approved. Applications for standard configuration facilities in area not listed in Table 1 shall be subject to standard review.

Table 1: Applicable Standard of Review for Standard Configuration Poles by Proposed Location

Location	Standard Wood Pole Configuration	Standard Metal Pole Configuration
Downtown Development District	RESTRICTED	MINOR REVIEW
Riverfront Residential / Recreation Districts;	RESTRICTED	MINOR REVIEW
Historic Overlay Districts (including area adjacent to historic landmarks)	RESTRICTED	STANDARD REVIEW
Park and Recreation Districts (primarily designed as more urban and active)	RESTRICTED	MINOR REVIEW
All Underground Utility Districts	RESTRICTED	MINOR REVIEW
Planned Development Districts	STANDARD REVIEW	STANDARD REVIEW
Interim Development Control Overlay Districts	STANDARD REVIEW	STANDARD REVIEW
Urban Design Overlay Districts	STANDARD REVIEW	STANDARD REVIEW
Single-Family Residential Districts (including all T3 transects and T4N.SF Transect)	MINOR REVIEW	MINOR REVIEW
Residential Mixed and Multi-Family Districts (including all T4 transects except T4N.SF and T4N.MF-O)	MINOR REVIEW	MINOR REVIEW
Office Districts (including T4N.MF-O)	MINOR REVIEW	MINOR REVIEW
Institutional-Residential Districts	MINOR REVIEW	MINOR REVIEW
Commercial Districts (including all T5 transects)	MINOR REVIEW	MINOR REVIEW
Urban Mixed Districts	MINOR REVIEW	MINOR REVIEW
Manufacturing Districts	MINOR REVIEW	MINOR REVIEW

Riverfront Commercial Districts	MINOR REVIEW	MINOR REVIEW
Riverfront Manufacturing Districts	MINOR REVIEW	MINOR REVIEW
Park and Recreation Districts (primarily designed as more suburban and passive with heavily wooded backdrop)	MINOR REVIEW	MINOR REVIEW
Neighborhood Business Districts	STANDARD REVIEW	MINOR REVIEW

C. Standard Configuration Facilities on Existing Poles. In accordance with the Department’s general preference for wireless facilities on existing potential support structures, a proposed standard configuration facility on an existing pole will be eligible for minor review provided that the proposed facility on the existing pole does not exceed 40 feet above ground level and the finished project complies with all applicable design, construction, and location standards.

Part V Approvals and Denials

Section 1. Required Findings for Approvals.

A. Standard Review. The Department may approve or conditionally approve an application subject to standard review only when it finds that:

- a. the proposed wireless facility, its support structure, equipment, and all associated improvements, have been designed and sited in a manner that is sympathetic to the particular architectural character of the buildings and compatible with the streetscape in the vicinity of the proposed project site;
- b. design elements of the proposed wireless facility, its support structure, equipment, and all associated improvements, have been sensitively selected to reflect the detailing and materials associated with the buildings and streetscape in the vicinity of the proposed project site;
- c. the proposed wireless facility, its support structure, equipment, and all associated improvements, have been designed and sited in a manner that does not adversely impact right-of-way circulation, accessibility, or obstruct existing or planned-future uses of the right-of-way; and
- d. the proposed wireless facility complies with all applicable design, construction, and location provisions in the Guidelines.

B. Minor Review. The Department may approve or conditionally approve an application for a standard configuration facility subject to minor review only when it finds the following:

- a. the proposed project complies with all applicable design and construction standards for a standard configuration facility;

- b. the proposed project complies with all applicable location standards; and
- c. the project is proposed in a location identified appropriate for minor review in Table 1, found in Part IV of these Guidelines, above.

Section 2. Minor Technical Exceptions.

- A. **Purpose.** The Department recognizes that in some circumstances strict compliance with these Guidelines may result in undesirable aesthetic outcomes, and that minor deviations should be granted when the need for such deviation arises from circumstances outside the applicant's control. For example, if an applicant proposes to construct a standard configuration facility in an office district, but required a pole with a slightly wider base due to a poor foundation conditions, the Department would consider granting a technical exception rather than subjecting an otherwise preferred design to a standard review. In contrast, if an applicant proposed a 50-foot tall standard configuration facility in an office district because it desired additional service area, the Department would apply standard review because the need for additional height arises from the applicant's preferences. This section describes the required findings for a minor technical exception.
- B. **Required Findings.** The Department may, in its sole discretion, grant a minor technical exception from strict compliance with the design and location guidelines when the Department finds that:
 - a. the applicant has requested an exception in writing;
 - b. the proposed facility would normally qualify for minor review but for the need for a minor technical exception;
 - c. the need for the exception arises from an external factor outside the applicant's control that impact public health, safety, or welfare, including without limitation soil compaction, existing congestion or clutter within the right-of-way or other location-specific phenomenon;
 - d. the proposed deviation from the applicable requirement is less than 10% larger than the generally applicable standard; and
 - e. the granting of a minor technical exception would not create any obvious hazard or unreasonable obstruction in the right-of-way.

Section 3. Written Decision.

Within five (5) working days after the Department renders a decision, the Department shall send written notice to the applicant. Any denial shall include the reasons for the denial, and information about how and when to file an appeal.