

**CITY OF STRONGSVILLE
PLANNING COMMISSION
APPLICATION**

WIRELESS TELECOMMUNICATIONS

An application to the Planning commission (copy attached) along with 16 copies of the site plan (**Folded**) indicating all buildings uses within 300 feet of the proposed facility. Aerial photos and/or renderings may augment the site plan, must be submitted to the Board Secretary 2 weeks prior to the meeting.

In order to be considered for review in any zoning district, the applicant must prove by substantial evidence that a newly-constructed tower or antenna is necessary for the reason that opportunities for collocation on an existing tower are not feasible, as set forth in Section 1273.05 (see attached ordinance).

You must provide written evidence of contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted provider shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Planning Commission as a means of demonstrating the need for a new tower or antenna.

Any application to locate an antenna on a building or structure that is listed on a historical register, or is in the Town Center district shall be subject to review by the Town Center Commission, in addition to the Planning Commission.

Applicant shall provide evidence of legal access to the tower or antenna site.

Where the telecommunications facility is located on property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a long-term lease for the proposed facility and that vehicular access is provided to the facility.

The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.

The applicant shall demonstrate that the telecommunications tower or antenna must be located where it is proposed in order to service the applicant's service area. The applicant shall submit an explanation and supporting engineering data proving that a tower or antenna at the proposed site is technically necessary.

As a condition of approval, the Planning Commission shall establish the amount of a bond, with a surety company approved by the City's Law Director, or cash deposit, in an amount to be determined by the Planning Commission which shall be intended to guarantee the cost of the removal of the wireless telecommunications facility in the event the facility is declared abandoned by the Building Commissioner pursuant to Section 1273.08.

Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning Commission.

A filing and review fee shall be paid in the amount of five hundred dollars (\$500.00) for a new antenna on an existing structure, and in the amount of one thousand dollars (\$1,000) for a new tower.

These Procedures and Requirements apply to a new facility, a request to modify an existing facility, or to an addition to an existing facility.

MEETING DATES AND TIMES:

The Planning Commission usually meets the 2nd and 4th Thursday of the month, but is subject to change during certain times of the year and Planning Commission and Architectural Review Board have only one meeting the month of AUGUST. Planning Commission meetings are held at The Council Chambers located at 18688 Royalton Road. The Caucus starts at 5:30 p.m. and the meeting begins promptly at 6:00 p.m. Architectural Review Board meets on Tuesdays at the City Service Center 16099 Foltz Parkway. Caucus starts at 8:30 a.m. and the meeting begins promptly at 9:00 a.m.

PLANNING COMMISSION APPLICATION
City of Strongsville
WIRELESS TELECOMMUNICATIONS

ITEM NO. _____

Application Fees: CP _____
Eng _____

Date of Application: _____

Lighting Plan Review _____
Total Fee: _____

Client or Subject Name: _____

Client / Subject Property Location : _____

Representative's Company Name: _____

Rep. or Agent's Name: _____

Bus. Address of Rep: _____ City & Zip _____

Business Phone: () _____ FAX () _____ Res. () _____

E-mail Address: _____

Property Owner's Name: _____

Property Owner's Signature: _____

Permanent Parcel No. _____ Zoning Classification: _____

Description of Request:

CHAPTER 1273

Wireless Telecommunications Facilities

| | |
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| 1273.01 | Purpose. |
| 1273.02 | Definitions. |
| 1273.03 | Conditional use. |
| 1273.04 | Proof of unavailability of alternative locations. |
| 1273.05 | Application procedures and requirements. |
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| 1273.08 | Facilities removal. |
| 1273.09 | Annual inspection fees. |

1273.01 PURPOSE.

The purpose of this chapter is to establish regulations for wireless telecommunications facilities. The goals of this chapter are:

- (a) To protect residential areas and lands by minimizing adverse impacts of towers;
 - (b) To encourage the location of towers in non-residential zoning districts;
 - (c) To minimize the total number of towers in the community;
 - (d) To encourage the joint use of new and existing tower locations;
 - (e) To ensure that towers are located in areas that minimize adverse impacts;
 - (f) To ensure towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;
 - (g) To enhance the ability to provide telecommunications services to the community quickly, effectively and efficiently;
 - (h) To consider public health and safety of telecommunications facilities;
 - (i) To avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures;
 - (j) To encourage the attachment of antennas to existing structures;
 - (k) To facilitate the provision of telecommunications services throughout the City;
- and
- (l) To allow the location of antennas near certain interstate highways in residential districts. (Ord. 2002-29. Passed 1-6-03.)

1273.02 DEFINITIONS.

As used in this chapter, the following words shall have the meanings set forth below.

- (a) "Antenna" means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to, radio, television, cellular, paging, personal telecommunications service, internet, and microwave telecommunications.
- (b) "Collocation" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.
- (c) "Lattice tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

(d) "Monopole" means a support structure constructed of a single, self supporting hollow metal tube securely anchored to a foundation.

(e) "Open space" means land devoted to conservation or recreational purposes and/or land designed by a municipality to remain undeveloped.

(f) "Telecommunication" means the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

(g) "Wireless telecommunications antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

(h) "Wireless telecommunications equipment shelter" means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

(i) "Wireless telecommunications facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land- based telephone lines.

(j) "Wireless telecommunications tower" means a structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

(Ord. 2002-29. Passed 1-6-03.)

1273.03 CONDITIONAL USE.

A wireless telecommunications facility which includes a tower or antenna may be permitted as a conditional use in the zoning districts specified in this Chapter, if the applicant satisfies the requirements of this Chapter and Section 1242.07 of the Codified Ordinances. (Ord. 2002-29. Passed 1-6-03.)

1273.04 PROOF OF UNAVAILABILITY OF ALTERNATIVE LOCATIONS.

(a) Availability of Collocation. In order to be considered for review in any zoning district, the applicant must prove by substantial evidence that a newly-constructed tower or antenna is necessary for the reason that opportunities for collocation on an existing tower are not feasible, as set forth in Section 1273.05 below.

(b) Availability of General Industrial Zoned Sites. When applying for a wireless telecommunications facility on any property where permitted in this Chapter, other than a General Industrial District, the applicant must prove by substantial evidence that it is not feasible to locate on a site in a General Industrial District. The applicant must demonstrate it has exhausted all reasonable efforts to locate on a site in a General Industrial District prior to being approved in any other District permitted in this Chapter.

(Ord. 2002-29. Passed 1-6-03.)

1273.05 APPLICATION PROCEDURES AND REQUIREMENTS.

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district, in which they are to be located:

(a) When the proposed wireless telecommunications facility is to include a new tower or antenna, a site plan at a scale not less than one inch is equal to 100 feet shall be submitted. The site plan shall indicate all building uses within 300 feet of the proposed facility. Aerial photos and/or renderings may augment the site plan.

(b) Any applicant requesting permission to install a new tower or antenna shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted provider shall be requested to respond in writing to the inquiry within thirty days. The applicant's letter(s) as well as response(s) shall be presented to the Planning Commission as a means of demonstrating the need for a new tower or antenna.

(c) An application to locate an antenna on a building or structure that is listed on a historical register, or is in the Town Center district shall be subject to review by the Town Center Commission, in addition to the Planning Commission.

(d) Applicant shall provide evidence of legal access to the tower or antenna site thereby maintaining this access regardless of other developments that may take place on the site.

(e) Where the telecommunications facility is located on property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a long-term lease for the proposed facility and that vehicular access is provided to the facility.

(f) The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.

(g) The applicant shall demonstrate that the telecommunications tower or antenna must be located where it is proposed in order to service the applicant's service area. The applicant shall submit an explanation and supporting engineering data proving that a tower or antenna at the proposed site is technically necessary.

(h) As a condition of approval, the Planning Commission shall establish the amount of a bond, with a surety company approved by the City's Law Director, or cash deposit, in an amount to be determined by the Planning Commission which shall be intended to guarantee the cost of the removal of the wireless telecommunications facility in the event the facility is declared abandoned by the Building Commissioner pursuant to Section 1273.08.

(i) Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning Commission.

(j) A filing and review fee shall be paid in the amount of five hundred dollars (\$500.00) for a new antenna on an existing structure, and in the amount of one thousand dollars (\$1,000) for a new tower.

These Procedures and Requirements apply to a new facility, a request to modify an existing facility, or to an addition to an existing facility.
(Ord. 2002-29. Passed 1-6-03.)

1273.06 GENERAL STANDARDS.

(a) The location of the tower and equipment shelter shall comply with all natural resource protection standards established in the Codified Ordinances and other applicable law, including those for flood plain, wetlands and steep slopes.

(b) Security fencing eight feet in height shall surround the tower, equipment shelter and any guide wires, either completely or individually as determined by the Planning Commission.

(c) Buffer plantings shall be located around the perimeter of the security fence as deemed appropriate by the Planning Commission consisting of an evergreen screen planting of

either a hedge, planted three feet on center maximum, or a row of evergreen trees planted twelve feet on center maximum or other screening approved by the Planning Commission.

(d) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

(e) The tower or antenna shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission ("FCC"), Federal Aviation Administration ("FAA"), or the Planning Commission in order to assure safety.

(f) No advertising is permitted anywhere on the facility, with the exception of identification signage.

(g) No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 feet and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. Security lighting around the equipment shelter is permitted as approved by the Planning Commission.

(h) "No Trespassing" signs shall be posted around the facility with a telephone number of whom to contact in the event of an emergency.

(i) Underground equipment shelters are encouraged especially in non-industrial districts, and may be required by the Planning Commission. (Ord. 2002-29. Passed 1-6-03.)

1273.07 SUPPLEMENTARY STANDARDS AND CONDITIONS.

Wireless Telecommunications Facilities, towers and antennas are subject to the following additional conditions:

(a) Sole Use on a Lot. A wireless telecommunications facility may be permitted as a sole use on a lot in a General Industrial, Multi-family or Public Facilities District subject to the following:

(1) Yard requirements.

Tower - The minimum distance to any single-family or two-family residential use or district lot line shall be 500 feet.

An equipment shelter, tower, and ancillary facilities shall meet all minimum setbacks/yard requirements for the district.

(2) Maximum height.

Tower- 200 feet (includes antenna).

An equipment shelter shall not exceed twelve feet in height.

(3) Maximum size. The maximum size of an equipment shelter shall be 300 square feet for a single shelter or, if there is more than one, 750 total square feet for all shelters.

(b) Combined with Another Use. A wireless telecommunications facility may be permitted in a General Industrial, Multi-family or Public Facilities District on a property with an existing use provided that the zoning lot has been approved for multiple use where required by this Zoning Code and subject to the following conditions:

(1) The existing use on the property may be any permitted use in the applicable General Industrial, Multi-Family or Public Facilities District or any lawful non-conforming use, and need not be affiliated with the wireless telecommunications provider.

(2) The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).

(3) The minimum lot area shall be the area needed to accommodate the tower (and wires, if used), the equipment shelter, security fencing and buffer planting, driveway, and ancillary facilities approved by the Planning Commission.

(4) Minimum yard requirements.

Tower - The minimum distance to any single family or two-family residential use or district lot line shall be 500 feet.

An equipment shelter shall comply with the minimum set back requirements for the primary lot.

(5) Access. The service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.

(6) Maximum height.

Tower- 200 feet (including antenna).

An equipment shelter shall not exceed twelve feet in height.

(7) Maximum size. The maximum size of an equipment shelter shall be 300 square feet for a single shelter, or, if there is more than one, 750 total square feet for all shelters.

(c) Combined with an Existing Structure. An antenna for a wireless telecommunications facility which is attached to an existing structure in a General Industrial, Multi-family or Public Facilities District shall not exceed a height of twenty feet or twenty percent (20%) of the building height above the existing structure, whichever is greater.

(d) Residential Districts. A wireless telecommunications antenna may be permitted in a residential district, with the exception of a Multi-family-1 District provided that all of the following conditions are met:

(1) The proposed antenna is located within the right-of-way or within fifty feet (50') of the right-of-way of Interstate 80 or Interstate 71;

(2) The wireless telecommunications facility or antenna is a secondary use on the parcel;

(3) The wireless telecommunications facility or antenna is to be attached to a pole, at least 75 feet in height, which pole is already in use, such as a utility pole;

(4) The wireless telecommunications facility or antenna is no higher than 200 feet from the ground level;

(5) The wireless telecommunications facility or antenna is set back at least 500 feet from any residential dwelling structure; and

(6) The maximum size of an equipment shelter shall be 300 square feet for a single shelter, or, if there is more than one, 750 total square feet for all shelters. The maximum height of an equipment shelter shall be 12 feet.

(e) Public Open Space Areas. A wireless telecommunications facility may be permitted on land that has been established as permanent open space, other than in a Residential District, subject to the following conditions:

(1) The open space shall be owned by a municipal, county, state or federal governmental entity, a charitable organization, or a private, non-profit conservation organization.

(2) The maximum height of any tower shall be 200 feet including antenna and fifteen feet for any equipment shelter.

(3) The maximum size of the equipment shelter shall not exceed 300 square feet, or, if there is more than one, 750 total square feet for all shelters.

(4) The tower shall be set back from any single-family or two-family property line not less than 500 feet.

(Ord. 2002-29. Passed 1-6-03.)

1273.08 FACILITIES REMOVAL.

All providers utilizing wireless telecommunications towers shall present a report to the Building Commissioner notifying him of any wireless telecommunications facility located in the Municipality whose use will be discontinued and the date this use will cease. If at any time the use of any wireless telecommunications facility is discontinued for 180 days, the Building Commissioner may declare such facility abandoned. If such facility is abandoned, it shall be presumed to be a nuisance affecting or endangering surrounding property values, and being detrimental to the public health, safety, convenience, comfort, and general welfare of the community and shall be abated. The Building Commissioner shall then give notice in the same manner as service of summons in civil cases, or by certified mail addressed to the owner of record of the premises and the entity to which the building permit for the wireless telecommunications facility was issued at their last known address, or to the address to which tax bills are sent or by a combination of the foregoing methods, to abate such abandoned condition within sixty days either by placing such facility in operation in accordance with this Code, or by razing the facility. Upon failure, neglect or refusal of any owner to comply with the notice to abate such nuisance, the Building Commissioner shall take such action as may be necessary to abate said nuisance. If reactivation or dismantling does not occur within such sixty-day period, the City may remove or contract to remove the facility and assess the owner/operator the cost as related thereto. If said owner/operator fails within thirty days to reimburse the City such costs, the bond or cash deposit required under Section 1273.05 (h) may be utilized by the City to recover such costs.

(Ord. 2002-29. Passed 1-6-03.)

1273.09 ANNUAL INSPECTION FEES.

The Building Department shall inspect each tower, antenna, and telecommunications facility on an annual basis to insure compliance with all ordinances of the City, especially this Chapter 1273 and to insure that the provider is still utilizing and has not abandoned the tower, antenna or facility. An inspection fee of two hundred dollars (\$200.00) shall be paid on an annual basis on a date established by the Building Commissioner by each provider of an antenna or facility located on a pole, tower or other structure. The owner of the antenna and/or wireless telecommunications facility shall inform the Building Commissioner of any antenna, tower or facility which is no longer in use.

(Ord. 2002-29. Passed 1-6-03.)