

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 – 168

By: Mayor Perciak and Mr. Daymut

AN ORDINANCE AMENDING SECTIONS 1273.05 AND 1273.09 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, IN ORDER TO UPDATE REQUIREMENTS CONCERNING PERMITTING OF WIRELESS TELECOMMUNICATIONS FACILITIES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Sections 1273.05 and 1273.09 of Title Six of Part Twelve-Planning and Zoning Code of the Codified Ordinances of the City of Strongsville be and are hereby amended to read in their entirety as follows:

CHAPTER 1273
Wireless Telecommunications Facilities

1273.01	Purpose.
1273.02	Definitions.
1273.03	Conditional use.
1273.04	Proof of unavailability of alternative locations.
1273.05	Application procedures and requirements.
1273.06	General standards.
1273.07	Supplementary standards and conditions.
1273.08	Facilities removal.
1273.09	Annual inspection fees.

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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.

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

- (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 Architectural Review Board, in addition to the Planning Commission.
(Ord. 2014-035. Passed 5-5-14.)
- (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 **for a new wireless telecommunications tower**, 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 tower and related** 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~~ **setting out the reasons for the denial in a written document from the appropriate City agency or individual.**
- (j) A filing and review fee shall be paid in the amount of ~~Five~~ **hundred** ~~dollars~~ **dollars** (\$500.00) for a new **wireless telecommunications** antenna ~~or~~ **or equipment on or at** an existing structure, and in the amount of ~~One~~ **thousand** ~~dollars~~ **dollars** (\$1,000) for a new **wireless telecommunications** tower.

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

Notwithstanding anything in this Chapter to the contrary, the Building Commissioner shall first review any request by an applicant for a modification of an existing wireless tower or base station. If, in the Building Commissioner's judgment, the modification does not "substantially change the physical dimensions" of the tower or base station, the Building Commissioner may issue a permit for the modification, if it meets all other legal requirements, without the necessity of referring the application to the Planning Commission for its review. The term "substantially changes the physical dimensions" of a tower or base station shall have the same meaning as set out in 30 Federal Communication Commission Record 31 (FCC 14-153).

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

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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.)~~

* * *

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is necessary to update requirements with regard to telecommunications facilities, and to ensure the safety and welfare of the general public. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

First reading: October 2, 2017

Referred to Planning Commission

Second reading: October 16, 2017

October 3, 2017

Third reading: November 20, 2017

Favorable recommendation by PC
Approved: October 5, 2017

Public Hearing: November 20, 2017



President of Council

Approved: 
Mayor

Date Passed: November 20, 2017

Date Approved: November 21, 2017

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	<u>Yea</u>	<u>Nay</u>
Carbone	<u>✓</u>	_____
Daymut	<u>✓</u>	_____
DeMio	<u>✓</u>	_____
Dooner	<u>✓</u>	_____
Schonhut	<u>✓</u>	_____
Short	<u>✓</u>	_____
Southworth	<u>✓</u>	_____

Attest: *[Signature]*
Assistant Clerk of Council

ORD. No. 2017-168 Amended: _____
1st Rdg. 10-2-17 Ref: PC/PZE
2nd Rdg. 10-16-17 Ref: PZE
3rd Rdg. 11/20/17 Ref: _____

Pub Hrg. 11/20/17 Ref: _____
Adopted: 11/20/17 Defeated: _____

CITY OF STRONGSVILLE
OFFICE OF THE COUNCIL

MEMORANDUM

TO: Planning Commission
FROM: Tiffany Mekeel, Assistant Clerk of Council
DATE: October 3, 2017
SUBJECT: Referral from Council: Ordinance No. 2017-168

At its regular meeting of October 2, 2017, City Council referred the following Ordinance to the Planning Commission for its report and recommendation thereon:

- Ordinance No. 2017-168 by Mayor Perciak and Mr. Daymut. AN ORDINANCE AMENDING SECTIONS 1273.05 AND 1273.09 OF TITLE SIX OF PART TWELVE-PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, IN ORDER TO UPDATE REQUIREMENTS CONCERNING PERMITTING OF WIRELESS TELECOMMUNICATIONS FACILITIES, AND DECLARING AN EMERGENCY.

A copy of the ordinance is attached for Planning Commission review.

TAM
Attachment

MEMORANDUM

TO: Aimee Pientka, Council Clerk
Neal Jamison, Law Director

FROM: Carol Oprea, Administrative Assistant, Boards & Commissions

SUBJECT: Referrals to Council

DATE: October 10, 2017

Please be advised that at its meeting of October 5, 2017, the Strongsville Planning Commission gave Favorable Recommendation to the following;

ORDINANCE NO. 2017-168

An Ordinance Amending Sections 1273.05 and 1273.09 of Title Six of Part Twelve Planning and Zoning Code of the Codified Ordinances of the City of Strongsville, in order to update requirements concerning permitting of Wireless Telecommunications Facilities and Declaring an Emergency.