

ORDINANCE NO. 97-1996 As Amended

Offered by Mr. Hooper

AN ORDINANCE ENACTING SECTION 1183 OF THE ZONING CODE PERTAINING TO WIRELESS COMMUNICATION ANTENNAE AND TOWERS

BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That there is hereby enacted a new Chapter of the Planning and Zoning Code entitled "Wireless Telecommunications Towers," a copy of which is attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

SECTION 2. 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 of any of its committees or subcommittees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: May 20, 1997

[Signature]  
President of Council

[Signature]  
Mayor

Dated: 5/21/97

ATTEST:  
[Signature]  
Clerk of Council

## CHAPTER 1183

### Wireless Telecommunication Facility

1183.01	Purpose	1183.05	Conditional Nature of Use and Requirements for Permits
1183.02	Definitions	1183.06	General Requirements
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### CROSS REFERENCES

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#### 1183.01 PURPOSE

The purpose of the Wireless Telecommunication Facility chapter is to accommodate transmitters, towers and antennas, for use in providing personal wireless services in a variety of zoned districts, contingent upon having met specified requirements, conditions, and design criteria. This chapter will help minimize the visual impact of the towers and associated facilities through landscape buffering, selective design and construction, setbacks for location and the removal of such facilities when no longer in use. This chapter encourages collocation of installations on common towers whenever feasible, minimizing the need for additional towers. This process is directed at maintaining a balance between the Village's right to preserve its land use policies for health, safety, welfare and aesthetics, while allowing the federal government to provide for and spur competition in the telecommunication industry.

**Wireless telecommunications tower:**

Any structure which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

Side, Rear yard setback: a minimum distance of 200 feet or the height of the tower to any residential use or residential district lot line, whichever is greater.

Front yard setback: the height of the tower plus 100 feet.

Equipment Shelter: shall comply with the minimum setback requirements for the primary lot, but shall not be located in front of the principal building on the lot.

2) Maximum height -

Tower: Less than 200 feet (includes antenna)

Equipment Shelter: 15 feet.

3) Maximum size of equipment shelter - Total building space shall not exceed 750 square feet. If there are multiple users, then the equipment must be sheltered in a single building unless the applicant can show a technical necessity for a separate building, in which case multiple buildings must be designed to have the appearance of a single building.

4) Access -

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

C. Combined with an existing structure:

Where technically suitable an antenna for a wireless telecommunications facility shall be attached to an existing structure or building subject to the following conditions:

1) Maximum height -

20 feet above the existing building or structure, so long as the total height of antenna is below 200 feet.

2) If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to the building), the shelter shall comply with the following:

- a) The minimum setback requirements for the subject zoning district.
- b) A buffer yard shall be planted as required by the Planning and Zoning Commission.
- c) Vehicular access to the shelter shall be integrated with the parking and vehicular circulation on the site for the principal use to the greatest extent possible.

## 1183.04 OTHER DISTRICTS

Wireless telecommunication facilities that include towers are not permitted in any districts other than the Industrial District and that portion of the C-2 District that fronts on Brecksville Road north of Interstate 77 as it exists on the effective date of this Chapter, with the exception that they may be conditionally permitted on any property in any zoning district along with the following institutional uses: publicly-owned/operated parks, municipal/government uses, and public schools.

However, wireless telecommunication antennas attached to any existing nonresidential buildings or structures may be conditionally permitted only as set forth in this section.

In applying for a permit under this section, the applicant must present substantial evidence as to why it is not technically suitable to locate in the Industrial District, or incorporated into a high tension power line tower structure, or collocated on an existing tower within the geographic area to be served, or that portion of the C-2 District that fronts on Brecksville Road north of Interstate 77 as it exists on the effective date of this Chapter. Once those efforts have been exhausted, a wireless telecommunications facility may be located on a property provided for in this section, subject to the following conditions:

- A. Combined with a nonresidential structure: An antenna may be conditionally permitted, in residential districts, to be attached to the following nonresidential buildings or structures in residential districts: municipal or government building(s) or structure(s), school buildings, agricultural buildings, or buildings or existing structures owned by a public utility. An antenna may be attached to a nonresidential building or a structure that is a conditionally permitted use in districts other than residential districts. In each of these cases, the following conditions shall be met:
- 1) Maximum height -  
20 feet above the existing building or structure, so long as the total height of the antenna is below 200 feet.
  - 2) If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the following:
    - a) The shelter shall comply with the minimum setback requirements for the subject zoning district, but shall not be located in front of the principal building on the lot.
    - b) Total building space shall not exceed 750 square feet. If there are multiple users, then the equipment must be sheltered in a single building unless the applicant can show a technical necessity for a separate building, in which case multiple buildings must be designed to have the appearance of a single building.
    - c) A buffer yard shall be planted as required by the Planning and Zoning Commission.

C. Located within an electric high tension power line easement: A wireless telecommunication tower facility may be located within an electric high tension power line easement, provided the tower is incorporated into a high tension power line tower structure. A wireless telecommunication tower facility may be located in the electric high tension power line easement where the tower is not incorporated into a high tension power line tower structure, provided that no tower shall be located closer than one quarter mile from any other such tower and no closer than 200 feet from the boundary line of a residential use or residential district, and subject to the following conditions:

1) Maximum height -

Tower: Less than 200 feet (includes antenna)

Equipment Shelter: 15 feet.

2) Maximum size of equipment shelter -

Total building space shall not exceed 750 square feet. If there are multiple users, then the equipment must be sheltered in a single building unless the applicant can show a technical necessity for a separate building, in which case multiple buildings must be designed to have the appearance of a single building.

requests to collocate and all written responses shall be sent to the Village Zoning Inspector.

- D. The applicant requesting permission to install a new tower shall provide evidence there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower within the geographic area to be served. With the zoning certificate application, the applicant shall list the location of every tower, building or structure that could support the proposed antenna(s) or area where it would be technically suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower. If another existing tower is technically suitable, the applicant must demonstrate that it has made written request to collocate on the existing tower and the collocation request was rejected by the owner of the tower. In all circumstances, owners of existing towers shall promptly respond in writing to requests for collocation, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for collocation. If another telecommunication tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna(s) on another tower within the Village which is owned or controlled by the applicant, if available, on commercially reasonable terms and the offer was not accepted. In all cases, the Village shall use its best efforts to encourage collocation.
- E. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.
- F. 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).
- G. The applicant shall provide at a scale of 1" = 50' a plot plan of the entire site and shall indicate all buildings, and building uses, driveways, roadway, utilities, power lines, water wells, and elevations within 300 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan. The applicant shall provide a vicinity map showing the location of all towers within a two (2)-mile radius of the site.
- H. Security fencing six feet to eight feet in height shall surround the tower and equipment shelter, either completely, or individually as determined by the Planning and Zoning Commission.

- R. The owner/operator shall provide a plan for periodic maintenance, which details maintenance, repair and dismantling procedures that comply with good industry practices. On each biennial anniversary of the issuance of the building permit for a wireless telecommunication facility, or not more than ninety (90) days prior thereto, the owner/operator shall submit to the Village a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the facility with all governmental requirements including, but not limited to, the structural integrity and stability of any towers or antennas, electrical safety standards, and auxiliary power source safety standards.
- S. 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 substantial evidence contained in a written record of the proceedings of the Planning and Zoning Commission.
- T. Underground equipment shelter(s) are encouraged, and may be required by the Planning and Zoning Commission where an above-ground equipment shelter would substantially diminish the use and enjoyment of an adjoining property.
- U. Outdoor storage of any supplies, vehicles or equipment is prohibited, except during any construction period or to supply emergency power during a power outage.
- V. All utility lines from the utility source to the wireless telecommunication facility shall be underground.

**1183.08 PERMIT FEES OR DEPOSITS**

A. The Zoning Inspector shall authorize the issuance of permits required by this Chapter and shall collect a deposit to cover all expenses of processing the application therefor in accordance with the following schedule:

- (1) New wireless communication tower facility - \$2,000.00
- (2) New wireless communication antenna, on an existing tower or building - \$500.00

The balance of the deposit remaining after the application process is complete will be refunded to the applicant.

B. The applicant for a wireless communication tower and/or antenna facility shall be responsible for all expenses incurred by the Village for any technical and/or engineering services deemed necessary by the Zoning Inspector, the Planning and Zoning Commission, or the Board of Zoning Appeals to perform the reviews and/or inspections set forth in this Chapter which are not covered by the application fees or deposits set forth in Subsection A.