

124 – TELECOMMUNICATION AND WIRELESS TELECOMMUNICATION TOWERS AND ACCESSORY STRUCTURES

124.1 For the purpose of this resolution, telecommunication towers shall be defined as any free standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

124.1.1 The free standing or attached structure is proposed to be constructed on or after October 31, 1996.

124.1.2 The free standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.

124.1.3 The free standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.

124.1.4 The free standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free standing structure as set forth in any applicable zoning regulation in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

124.1.5 The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

124.1.6 The free standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

124.2 Pursuant to the powers conferred by compliance to division (B) and (C) of Ohio Revised Code Section 519.211 or any other O.R.C. section numbers conferring powers to the Board of Zoning Appeals, the Board of Zoning Appeals shall dutifully review the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility, whether publicly or privately owned, or the use of land by any public utility, for the operation of its business prior to issuing an approval of a conditional use permit.

124.2.1 The applicant shall be required to document that no technically suitable and feasible sites are available for the construction of a telecommunication tower or an attached telecommunication tower to an existing building or structure in a nonresidential district and that the site chosen is located in the least restrictive district that includes a technically suitable and feasible tower site as part of the application for a conditional use permit.

124.2.2 As part of an approved conditional use permit, the applicants shall be required to inform the Zoning Inspector within 30 to 60 days the tower operation ceases to operate and further, to remove the tower structures and accessory structures from the site as part of the conditional use permit within one year of the tower ceasing to operate. The Board of Zoning Appeals may allow resale or renting of the tower, the attached tower, and its accessory facilities once another zoning certificate is issued without holding additional hearings.

124.3 Any person who plans to construct a telecommunication tower, or attach a telecommunication tower to an existing structure, or erect an accessory structure as an incidental use for a telecommunication tower within an area zoned for residential use shall be required to fully and completely comply with Ohio Revised Code Section 519.211, division (B) and shall be required to obtain a conditional use permit approved by the Board of Zoning Appeals. Refer to Township Zoning Resolution, Section 142.4 for conditional use permit content requirements. In addition to the requirements set forth in Section 142.4 of the Township Zoning Resolution and as required in O.R.C. 519.211, division (B) the applicant shall provide the Board of Zoning Appeals a copy of the list of notices sent to each owner of property as shown on the county auditor's current tax list whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed. The Board of Zoning Appeals may refer to the conditions and restrictions within Section 142.4.5.2 for guidance and reference when restricting and regulating the location of any tower or supporting piece of equipment.

124.4 In addition to the restrictions set forth in this Section, in all portions of Section 142 of the Township Zoning Resolution, the applicant shall conform to all requirements and obligations set forth in the Ohio Revised Code, Section 519 or other section identified.