

**SECTION 560**  
**Regulations for Wireless Telecommunications Facilities**

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**560.1 PURPOSE.**

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the Township in which such facilities are proposed to be located. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the Township in regulating wireless telecommunication towers and related facilities for the following purposes:

- A. To protect property values;
- B. To regulate a commercial use so as to provide for orderly and safe development within the Township;
- C. To provide for and protect the health, safety, morals and general welfare of the residents of the Township;
- D. To protect residential properties, parks, open spaces and the nonintensive commercial zoning districts which are characteristic of the Township from the adverse effects of towers and related facilities;
- E. To promote co-location of wireless telecommunication facilities in order to decrease the number of towers in the Township; and
- F. To maintain, where possible, the integrity of the existing regulations contained in the Zoning Resolution.

**560.2 DEFINITIONS.**

- A. Colocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

- B. Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which tapers from the foundation to the top.
- C. Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- D. Telecommunications: The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
- E. Wireless telecommunications antenna: 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.
- F. Wireless telecommunications facility: 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.
- G. Wireless telecommunications tower: A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

### **560.3 PERMITTED LOCATIONS.**

Any wireless telecommunication tower or facility not otherwise exempt from Township regulation per ORC § 519.211 shall be located in the Township only in compliance with the following regulations and upon issuance of a zoning certificate from the Zoning Administrator. Wireless telecommunication towers and facilities shall be permitted to be located in the Township according to the order of priority listed.

- A. First priority. New wireless antennas shall collocate on existing towers or on existing structures that have been constructed for other purposes, such as, but not limited to, water towers, church steeples, chimneys, and cooling towers in any District.
- B. Second priority. In the event a first priority location is not available, a wireless telecommunication tower and/or antenna facility shall be located in a C-1, C-2, C-3, C-4, MUPD, O-R, I-1, I-2 or PIPD zoning district.
- C. Third priority: In the event a first or second priority location is not available, a wireless telecommunication tower and/or antenna facility shall be located within a recorded electric high-tension power line or easement. Such tower and/or facility shall not exceed the height of the existing high-tension power line towers and shall be located within 40 feet of such existing towers.

**560.4 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL.**

In the event a first, second or third priority location is not available for a proposed wireless telecommunication facility, such facility may be located in residential districts as a conditional use only upon approval of the Board of Zoning Appeals provided the applicant demonstrates compliance with the following standards as well as the standards set forth in Section 470 Conditional Use Regulations and the procedures set forth in Section 720 Development Plan Review.

- A. In order for the Board of Zoning Appeals to consider the location of a wireless telecommunication tower and facility as a conditional use in a residential district, the applicant shall document that:
  - 1. There is no technically suitable space for the applicant's antenna(s) and related facilities in a permitted location as set forth in Section 560.3; or
  - 2. If another tower, building or structure set forth in Section 560.3 is technically suitable, the applicant shall provide evidence of written contact showing that it has requested to colocate on the existing tower(s), building(s) or structure(s) and that each colocation request was rejected by the owner of the tower, building or structure; or
  - 3. If an area set forth in Section 560.3 is technically suitable, the applicant shall provide evidence of written contact showing that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) set forth in Section 560.3 under reasonable terms and that each request was rejected.
  
- B. With the conditional zoning certificate application, the applicant shall submit evidence that a technically suitable location is not available in any area set forth in Section 560.3 and shall list the locations of every tower, building or structure and all of the areas set forth in Section 560.3 that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such towers, buildings, structures or areas have been determined not to be technically suitable, or not available as set forth in Section 560.4A.
  
- C. As a condition of issuing a conditional zoning certificate to construct and operate a tower in the Township, the owner/operator of the telecommunications tower shall agree to allow colocation until said tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two antenna platforms for additional providers unrelated to the owner/operator. The opportunity to colocate on the tower shall also be made available to the Township and/or County safety forces upon request, provided that such use will not interfere with the owner/operator's use or that of any other provider unrelated to the owner/operator. Agreement to this provision shall be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation shall be presented to the Zoning Administrator evidencing that the owner of the property on which the tower is to be located has agreed to the terms of this

subsection as well as all other applicable requirements, regulations and standards set forth in Section 560.

**560.5 STANDARDS APPLICABLE TO ALL WIRELESS TELECOMMUNICATIONS FACILITIES.**

All wireless telecommunication towers and facilities shall comply with the following standards and conditions.

- A. Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.
- B. The minimum setback of the tower from all property lines shall comply with the following:
  - 1. A distance equal to the height of the tower plus 25 feet, or
  - 2. When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property will not be affected, the minimum setback shall be:
    - a. 40 feet from any property line abutting a nonresidential lot.
    - b. 75 feet from any property line abutting a residential lot, provided that the base of the tower and required enclosure shall comply with the front yard setbacks for the district in which it is located.
- C. There shall be a minimum separation of one (1) mile between wireless telecommunication towers.
- D. All towers shall be of a monopole design. Lattice-type towers shall be prohibited.
- E. All towers shall be the minimum height necessary for adequate transmission and reception of telecommunication signals and to accommodate the antennae, and shall be no taller than existing towers housing similar antennae. In addition, towers shall comply with the following maximum height requirements, as measured from the neutral grade at the base of the tower:
  - 1. In residential districts, a wireless telecommunication tower shall not exceed 100 feet.
  - 2. In all other areas and recognizing that the Federal Aviation Administration (FAA) may impose greater restrictions, a wireless telecommunication tower shall in no event be taller than 200 feet in height.
  - 3. Prior to receiving approval for a new tower with a height greater than those prevailing in the area, or a tower in a location not in compliance with these regulations, the applicant shall demonstrate to the Township that such new tower or additional height is needed to meet the reasonable service requirements of the applicant. This assessment shall include consideration of alternative sites and the operational implications of such alternatives with respect, but not limited, to: height, opportunities for colocation, impact on residents, impact on service levels, etc. The Township may retain consultant(s) to review the

information with the reasonable costs for such consultation being borne by the applicant(s). The Township shall require the advance deposit of the estimated cost of such consultant(s).

- F. All poles having a height greater than 95 feet shall be designed to accommodate at least three antennae.
- G. Any accessory structure related to the wireless telecommunication facility shall not exceed a height of 10 feet.
- H. The base of the tower and all related facilities shall be completely enclosed with a secure, non-electrified, chain linked fence with barbed wire at the top, having a minimum height of eight (8) feet. Such fence shall be completely screened from view by a landscape buffer area of not less than 15 feet in depth, consisting of hardy evergreen shrubbery and other appropriate landscaping that achieves the screening objective. The initial plantings shall be no less than six feet tall and shall be maintained and restored, if necessary.
- I. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
- J. The antennae and support structures shall be camouflaged or disguised in order to minimize visibility of the structure and blend, to the extent possible, with the existing surroundings. At a minimum, towers shall be painted a non-contrasting gray or similar color, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- K. Wireless telecommunications towers shall be artificially lighted only when the height of the tower is equal to or greater than 100 feet or when required by the Federal Aviation Authority. Any lighting so required shall be installed to minimize the impact on adjoining properties.
- L. All buildings and shelters accessory to the wireless telecommunications facility shall comply with the setback regulations set forth for the district in which the tower is located. The maximum size of such accessory building or shelter shall be 300 square feet for a single shelter, and a combined total of 750 square feet when more than one wireless telecommunication facilities is located on the site. The outside storage of equipment related to a telecommunications facility shall be prohibited.
- M. "No Trespassing" signs and a warning sign shall be posted on the required fence in clearly visible locations with a phone number of the responsible party to contact in the event of an emergency. No other signs or advertising shall be located anywhere on the facility.

**560.6 ABANDONED TELECOMMUNICATIONS FACILITIES.**

- A. The owner or operator of a wireless telecommunication facility shall notify the Township of a wireless telecommunication facility's permanent abandonment. Such facility shall be removed by the applicant and the site restored to its original state within 120 days from the date of abandonment of the facility.
- B. Any tower that has had no antenna mounted upon it for a period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within and restore the site to its original state within 120 days after receipt of a notice from the Zoning Administrator to do so.
- C. In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this Section.

**560.7 NOTIFICATION FOR PUBLIC UTILITIES.**

- A. Notification Required. Any public utility which plans to construct a telecommunications tower in a residential district shall, according to ORC § 519.211(B), provide the following by certified mail:
  - 1. Notice to Property Owners. Written notice 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, stating all of the following in clear and concise language:
    - a. The person's intent to construct the tower;
    - b. A description of the property sufficient to identify the proposed location;
    - c. Notification that, no later than 15 days after the date of mailing of the notice, any such property owner may give written notice to the Township Trustees requesting that the proposed telecommunication tower location be subject to the regulations set forth in Section 560.
    - d. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of such notice does not invalidate the notice.
  - 2. Notice to Trustees. Written notice to the Township Trustees shall include the information specified in items 1.a and b above. The notice to the Board shall also include verification that the person has complied with item A.1 of this Section.

- B. Trustee Action. If the Township Trustees receives notice from a property owner within the time specified in Section 560.7A.1.c or if a Board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent to the Board, the Board shall request that the clerk of the Township send the person proposing to construct the tower written notice that the tower is subject to this Zoning Resolution. The notice shall be sent no later than five days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a board member makes an objection.
  
- C. Notification to Owners of Adjacent Dwelling Units. According to ORC § 519.211(F), any public utility which plans to construct a telecommunications tower within 100 feet of a residential dwelling regardless of the zoning district in which the tower is located shall provide a written notice to the owner of the residential dwelling and to the person occupying the residence, if that person is not the owner of the residence, stating in clear and concise language the person's intent to construct the tower and a description of the property sufficient to identify the proposed location. The notice shall be sent by certified mail. If the notice is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery does not invalidate the notice.

**560.8 APPROVAL.**

All wireless telecommunications towers and facilities subject to these regulations shall comply with the procedures for development plan review set forth in Section 720. In addition to the submission requirements for development plans set forth in Section 720.5, the applicant shall submit the following additional items.

- A. Detailed description of the wireless telecommunications tower's or facility's capacity including the number and types of antenna that it can accommodate.
  
- B. The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area, including an explanation of why a tower and this proposed site is technically necessary.
  
- C. 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.
  
- D. Documentation certifying that the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER).
  
- E. A reclamation plan that indicates the methods to restore the site to its original state after a wireless telecommunications tower or facility is no longer operational.

- F. The applicant shall post a performance bond in the amount set by the Township Trustees for the purpose of ensuring that an abandoned, obsolete or destroyed wireless telecommunication facility shall be removed in compliance with Section 560.6. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.

**560.9 EXEMPT FACILITIES.**

Any applicant that deems its proposed wireless telecommunication tower or facility to be exempt from Township regulation according to ORC § 519.211 shall file with Zoning Administrator sufficient documentation substantiating that the provider is a public utility as determined by the Public Utilities Commission of Ohio and the proposed location meets the criteria set forth in ORC § 519.211.