

City of Willoughby Hills

ORDINANCE NO. 2017-10 – AMENDED

AN ORDINANCE AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ELEVEN – SUPPLEMENTAL DEVELOPMENT STANDARDS, CHAPTER 1161 – REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES, SECTION 1161.04 – LOCATIONS REQUIRING CONDITIONAL USE APPROVAL OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS.

WHEREAS, the regulations established within Chapter 1161 – Regulations for Wireless Telecommunication Facilities have been 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 City in which they are proposed to be located; and

WHEREAS, currently Chapter 1161 states that the Planning and Zoning Commission shall hold a public hearing on proposed conditional use with notification to be provided to the property owners within five hundred (500) feet; and

WHEREAS, the intent of this ordinance is to expand the area in which property owners are provided notification of a proposed conditional use of a telecommunications tower or facility.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. Section 1161.04 – Locations Requiring Conditional Use Approval be amended to read and provide in its entirety as follows:

“1161.04 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL.

A wireless telecommunications tower or facility may be considered in the following areas as a conditional use when approved by the Planning and Zoning Commission according to the procedures set forth in the specified Sections of Chapter 1115, Conditional Use Certificates: 1115.01 – Purpose; 1115.02 – Preapplication Meeting; 1115.03 – Submission of Application; 1115.04 – Conditional Use Application Procedures; 1115.05 – Review of Conditional Use Application; 1115.07 – Action by Planning and Zoning commission; 1115.08 – Terms and Duration of conditional Use Certificate; 1115.09 – Reapplication and 1115.10 – Similar Uses.

The Public Hearing and Notice by Planning and Zoning Commission for a wireless telecommunications tower or facility shall be as follows: The Planning and Zoning Commission shall hold a public hearing on the proposed conditional use. Notice of such public hearing shall be given by first class mail to the applicant and to the **Willoughby Hills** property owners within two thousand six hundred and forty (2,640) feet of the property on which the use is proposed. **The cost of postage is to be paid for by the applicant.** Failure of delivery of such notice shall not invalidate action taken on such application. Further notice shall be given in one or more newspapers of general circulation in the City. All notices shall be made at least fourteen (14) days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use. The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

When considering an application, the Planning and Zoning Commission shall determine that the application demonstrates compliance with the standards set forth in Section 1161.05 as well as the standards set forth in Chapter 1147, Conditional Use Regulations, and the applicant has demonstrated that more preferred locations are not technically suitable. Efforts shall be made to locate the towers in the order of priority listed.

- (a) New wireless telecommunication towers can be located in B-2, B-3, E, and I-1 districts when said tower is two hundred (200) feet from residential property and shall be subject to the regulations set forth in this Chapter.
- (b) New wireless telecommunication facility that includes a tower shall not be permitted in a single-family or multi-family residential district with the exception of placement on any property with an institutional use (e.g. church, park, library, municipal government, hospital, school, utility) located in these districts. However, antennas, attached to existing buildings or structures are permitted. In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone."

SECTION 2. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 3. This Ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED: April 27, 2017

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this 27 day of April, 2017

Approved by the Mayor

May 1, 2017
Robert M. Weger
Robert M. Weger
Mayor

ATTEST Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council