

**Union Township Trustees
Text Amendment Minutes
December 4, 2023**

The Union Township Trustees held a text amendment hearing on December 4, 2023, at 6:15pm. Fiscal Officer Jessica Slater's roll call showed the following trustees: John Slater, Jeff Sharps and Roger Start present. Paula Greene, Township Administrator, Holly Mattei and Molly Ridge of Crossroads Community Planning were present.

PUD Fee – In the 2011 revision of the Township Zoning Resolution Planned Unit Development was

created, however a fee was not. After research other PUD fees, the
were proposed: PUD Fee: \$2,500 plus \$50 per acre over 20 acres.
Final Development Fee: \$1500 plus \$50 per acre over 20 acres.

After a brief discussion the following Motion was made:

*Motion: Mr. Start moved and Mr. Sharps seconded to adopt the
Proposed PUD fees as stated above. Motion carried.*

Text Amendment:

Add the following language to Section 16.06:

Section 16.06 Side and Rear Yard Requirements for Accessory Buildings and Structures

Section 16.06.A Applicability

These standards shall apply to all Accessory Structures, except Private Swimming Pools. Sheds in all zoning districts that are 100 square feet or less are exempt from these requirements. Accessory Structures shall be located behind the front plane of the Principal Building and must meet all other setbacks.

Section 16.06.B Location

Section 16.06.B.01 All Accessory Structures shall be located to the side or rear of the principal Structure. In no case, shall an Accessory Structure be located nearer to the Front Lot Line than the Principal Building.

Section 16.06.B.02 Accessory Structures may encroach a required Side or Rear Yard Setback, but in no case, shall an Accessory Structure be located closer than 15 feet from a Side or Rear Lot Line in a residential district and 40 feet from a Side or Rear Lot Line in a commercial district.

Section 16.06.B.03 An Accessory Structure shall not be located closer than 5 feet from the Principal Building or any other Accessory Structure.

Section 16.06.A.4 Height

Accessory Structures shall not exceed 25 feet in Height.

Section 16.06.A.5 Size

The cumulative area of Accessory Structures shall not exceed 2,400 square feet.

Section 16.35 Free Standing Telecommunication Towers

Section 16.35.A Intent

The intent of this section is to regulate the placement and construction of Telecommunication Towers in residential Districts in order to protect the public health and safety without interfering with the competitiveness in the telecommunications industry. It is further the purpose of this section to encourage Co-Location of antennas on existing towers in order to minimize tower locations and to protect residential areas through the use of height, Setback, and Lot Area requirements.

Section 16.35.B Applicability

The following regulations shall apply, through the Conditional Use process, to Free Standing Telecommunication Towers located within the R-3, RR-3, and RR-4 Districts. These regulations shall not apply to Telecommunication Towers proposed in Districts that list such Structures as Permitted Uses.

Section 16.35.C Conditions

The Board of Zoning Appeals shall issue a Conditional Use permit when a proposed Free-Standing Telecommunication Tower in a residential District complies with all of the conditions listed below. When measuring Setbacks and Lot Area, the dimension of the entire Lot shall control, even though the tower may be located on a leased area within such Lot.

Section 16.35.C.01 The minimum Lot Area shall comply with the minimum Lot Area for the applicable zoning District.

Section 16.35.C.02 The minimum Setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest Lot Line). No new residential Structures shall be permitted within this Setback area.

Section 16.35.C.03 The maximum Height of the Free-Standing Telecommunication Tower shall be as follows:

<u># of users for which the tower is designed</u>	<u>Maximum Height</u>
1	150 feet
2	165 feet
3	180 feet
4	195 feet

Section 16.35.C.04 The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Guy wires and lattice designs shall not be permitted. Towers shall be a non-contrasting gray or similar color or a galvanized steel finish, unless these color requirements conflict with any FAA or FCC regulation. In such cases, the tower shall comply with those color requirements. Alternative tower designs that camouflage the tower and/or antenna, such as man-made trees, may also be permitted as approved by the Board of Zoning Appeals. The proposed tower must comply with 4.22.A.06 and 4.22.A.07 of Section 4.22, Specific Criteria for Conditional Uses.

Section 16.35.C.05 A fence (minimum six (6) feet in height) shall fully enclose the tower. Gates shall be locked at all times when unattended by an agent of the telecommunication provider. All towers must be un-climbable by design or protected by anti-climbing devices.

Section 16.35.C.06 A landscaped Buffer of not less than fifteen (15) feet in depth shall be placed between the fence surrounding the tower and any adjacent public right-of-way and any adjacent properties. The 15-foot Buffer shall consist of hardy evergreen shrubbery, not less than six (6) feet in height, and of a density to obstruct the view. The Board of Zoning Appeals may require additional Landscaping upon review of an individual application. All required Landscaping shall be continuously maintained and promptly restored, if necessary.

Section 16.35.C.07 No signage shall be permitted anywhere on the Telecommunication Tower, antenna, or fence, except for a Sign, not to exceed four (4) square feet, containing emergency contact information and no trespassing language, which shall be attached to the gate of the required fence. Any other signage required by Federal regulations shall be permitted.

Section 16.35.C.08 No lighting shall be permitted, except as required by Federal regulations.

Section 16.35.C.09 One point of access from a public road to the Free Standing Telecommunications Tower shall be provided. The Board of Zoning Appeals may require review by the fire department to ensure the proposed drive is suitable for emergency access. The use of existing access points is preferred.

Section 16.35.C.10 The tower shall be designed and certified by a professional engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code.

Section 16.35.C.11 The applicant shall demonstrate that Co-Location on an existing tower is not feasible, by submitting a report, prepared by a qualified Radio Frequency (R.F.) Engineer, inventorying all existing Telecommunication Towers in Union Township. Unless the applicant can demonstrate that Co-Location is not feasible, the Board of Zoning Appeals may deny the Conditional Use permit and require the proposed antenna be placed on the available, existing tower. The Board of Zoning Appeals shall use the following criteria to determine if Co-Location is not feasible:

Section 16.35.C.11.a Written documentation from the Owner of the existing tower(s) refusing to allow Co-Location;

Section 16.35.C.11.b The proposed antenna would exceed the structural capacity of the existing tower and the existing tower cannot be reinforced, modified, or replaced to accommodate the proposed antenna at a reasonable cost, as documented by a professional engineer who is licensed in the State of Ohio and hired by the applicant.

Section 16.35.C.11.c The proposed antenna would cause interference impacting the usability of other existing equipment at the tower and the interference cannot be prevented at reasonable cost, as documented by a professional engineer who is licensed in the State of Ohio and hired by the applicant.

Section 16.35.C.11.d Existing towers cannot accommodate the proposed antenna at a height necessary to function reasonably, as documented by a qualified R. F. engineer who is licensed in the State of Ohio and hired by the applicant.

Section 16.35.C.12 The tower owner shall be required to submit an annual notice of operation on or before January 31st of each year. In the event that the tower is no longer being operated or utilized, it shall be removed within 180–days after the Use of the tower is discontinued.

Section 16.35.C.13 The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential Co–Location of other antenna to the extent to which the tower is designed.

Section 16.35.C.14 Any other conditions as warranted by the Board of Zoning Appeals and in accordance with Section 4.21, General Standards Applicable to All Conditional Uses, and Sections 4.22.A.06 and 4.22.A.07.

Section 16.35.D Exemptions

In the event, a Telecommunication Tower is proposed within a residential District, the Telecommunication Tower may be exempt from all Telecommunication Tower regulations and may be considered to be a permitted Use, if criteria listed in all subsections of Section 16.35.D below have been met:

Section 16.35.D.01 The telecommunication provider provides each of the following by certified mail:

Section 16.35.D.01.a Written notice to each Owner of property, as shown on the County Auditor’s then current tax list, whose land is contiguous to or directly across a Street or roadway from the property on which the Telecommunication Tower is proposed to be constructed, stating all of the following in clear and concise language:

Section 16.35.D.01.a.i The Person’s intent to construct the tower.

Section 16.35.D.01.a.ii A description of the property sufficient to identify the proposed location;

Section 16.35.D.01.a.iii That, no later than fifteen days after the date of mailing of the notice, any such property Owner may give written notice to the Board of Trustees requesting that the telecommunication regulations of the Zoning Resolution apply to the proposed location of the tower.

Section 16.35.D.01.b Written notice to the Board of Trustees of the information specified in Section 16.35.D.01.a.i and ii. The notice to the Board of Trustees shall also include verification that the Person has complied with Section 16.35.D.01.a. Within 15 days of a telecommunications provider mailing the notices, a Township Trustee may object to the proposed location of the telecommunications tower.

Section 16.35.D.02 If the Board of Trustees does not receive any notice from a notified property Owner nor any objection from a Township Trustee is provided within 15 days of a provider mailing the notices, then the proposed Telecommunication Tower is exempt from all telecommunication regulations within the Zoning Resolution.

Section 16.35.D.03 If a notice from a notified property Owner or an objection from a Township Trustee is made, then all applicable Telecommunication Tower regulations within the Zoning Resolution shall apply. The Township Fiscal Officer, within 5 days of receiving the first objection from a property Owner or Trustee, shall notify the telecommunications provider that the telecommunication regulations within the Township Zoning Resolution apply.

Section 16.35.D.04 If a provider fails to send proper notices, then the regulations within this section shall apply.

Add the following definitions to Appendix A

Telecommunications Tower - Any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:

- (a) The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.
- (b) 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.
- (c) 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.
- (d)(i) 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 regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
- (ii) 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.
- (e) The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

Add the following to Section 20.06.C

Section 20.06.C.1 Billboards

Section 20.06.C.1.A The Billboard Table lists all zoning districts in which billboards are permitted. If a zoning district is not listed, billboards are considered prohibited in said district. All billboards shall comply with the time, place, and manner regulations in the Billboard Table.

Section 20.06.C.1.B Billboards shall have a maximum of two (2) faces per billboard.

Section 20.06.C.1.C Billboards shall be back-to-back and shall not have more than one face visible from each direction of the road to which it faces.

Section 20.06.C.1.D Sign Table – Billboards

	Districts			
	AG	IB	PRO, LB, GB, SE	M-1, M-2
Maximum Square Footage Per Face	125	125	125	125
Minimum Setback from any Structure or Sign (Feet)	1000	1000	1000	1000
Minimum Spacing from Other Billboards (Feet)	3,000	3,000	3,000	3,000
Maximum Height (Feet)	15	15	15	15
Minimum Distance from ROW (Feet)	75	50	75	75

Section 20.06.C.1.E Relation to Other Laws

Signs adjacent to the interstate and primary highways as regulated by the Ohio Revised Code, Section 5516.01 to 5516.13 and 5531.07, as amended, shall be permitted in accordance with those state laws. The zoning inspector shall only issue a permit when the applicant produces a permit from the state, and the proposed meets the requirements of this Article.

Add the following language to these sections:

Section 20.07C.1.a – See Table in Section 20.06C.

Section 20.09C.1.a – See Table in Section 20.06C.

