

**BUILDING & BUILDING CODES COMMITTEE MINUTES
FEBRUARY 16, 2016**

The Building & Building Codes Committee meeting was held on February 16, 2016, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:15 p.m.

PRESENT: Committee Members: Chair John Nickell, Vice Chair Dan Kasaris, Larry Antoskiewicz; Council: Gary Petrusky, Dan Langshaw, Paul Marnecheck, Steve Muller; Administration: Mayor Robert Stefanik, Community Development Director Thomas Jordan, Building Commissioner Dan Kulchytsky; Other: Louis Krzepina.

APPROVAL OF MINUTES

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz to **approve the January 19, 2016 minutes as received.** Yeas: 3. Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. Monument signs TCD

Mr. Jordan stated that Studio Graphique is under contract and said that Mr. Kulchytsky had a meeting with them this morning to review the city's sign ordinances. He said that the issues with our signs go beyond just the monument signs in the TCD. They did a tour of the city today and we have discussed with them some of the issues we have with the sign ordinances. He said that Studio Graphique did an initial report on where they thought the deficiencies were with our current ordinances. After their visit today they are going to go back and revise their report to make some suggested changes to our ordinances. Mr. Jordan said that the Law Department has offered to meet with them one more time before the final recommendations are drawn up. He said that we should have some specific recommendations for Council's consideration in the next few months. Mr. Kulchytsky said that the four tasks that were given to Studio Graphique as part of their original scope of work was: 1) handle signage in the TCD; 2) resolve any issues we may have in the General Industrial District signage; 3) define the concepts of permanent and temporary signage; 4) digital reader board signs. He said that we have requested a fifth item to give us a general overview of our sign ordinance and make an executive summary of recommendations to the city to pursue further to resolve the sign ordinance issues and overhaul the entire section.

2. 1290.02 - Telecommunications Facilities

Mr. Kulchytsky stated that he had previously made a recommendation to modify our telecommunications ordinance to allow for periodic inspection of the telecommunication facilities that exist within the city as well as their licensure. He said that there have been some minor changes made to that original submission. The new submission reflects a reduction of language used as recommended by the Law Department and it also allows for a clearer definition of the fees in relation to telecommunications towers. A copy of these changes are attached to these minutes. Mr. Jordan said that we have a lot of co-locators adding to existing towers all the time. We don't know who is on the tower and a lot of the time they are leased out from the original owner of the property and then it was subsequently subleased, etc. All we would have on the public record is the owner of the property; who is responsible for maintaining the tower and its environs such as the fencing, signage, etc. becomes very unclear. Mr. Langshaw asked how many towers there are in the city. Mr. Kulchytsky said there are 21 towers in our city. Mr. Antoskiewicz asked if the person responsible for the tower would be the one required to hire the licensed professional engineer as required by this new code language.

Mr. Kulchytsky said yes. Mr. Kasaris asked what happens if the deficiencies are not corrected within 5 days as stated by the code. Mr. Kulchytsky said they would then go through the standard procedure of citation, 2nd citation, and then citation to court. Mr. Kasaris asked who would be cited. Mr. Kulchytsky said it would be the tower owner or tower manager; whoever is the party responsible for the tower. Mr. Jordan said that as part of the annual inspection and registration someone will have to declare who is

responsible for the tower. Once this has begun we will have a better idea of who is responsible for each tower. Mr. Nickell asked if there is an impact fee attached to this. Mr. Jordan said that impact fees are usually associated with new development. Mr. Nickell asked if our \$500.00 fee is comparable to surrounding communities. Mr. Kulchytsky said that the fees vary widely. He said that he had a discussion with one of the cell tower managers and was told that he has seen fees as high as \$1,250-\$1,500. Moved by Mr. Kasaris, seconded by Mr. Nickell **to remove from committee with a recommendation for approval**. Yeas: 3. Nays: 0. **Motion carried.**

3. **214.08(b)(3) - Fees**

Mr. Kulchytsky said that it was brought up at the last committee meeting that possibly the fee should be stepped up as it goes through the approval process. He said that when someone submits for a construction permit their end goal is to bring it to closure. We felt that as we go through the process, the amount of work decreases but he wants a minimum provided to cover the costs for the city for every resubmission. He said that they investigated this issue and decided not to step up the fee and felt that a minimum submission of every resubmission would cover our costs. Mr. Marnecheck asked for an explanation of the Certificate of Occupancy change. Mr. Kulchytsky said that we often have individuals who ask for a reprinting of a Certificate of Occupancy which is a rather complicated process. Very often the document may not exist, or the document may take some time to locate. Currently we charge \$5.00 for a Certificate of Occupancy reprint which barely covers the processing of the application for reprint and all that is involved with this process. It was agreed to amend language to reflect that the fee for the reprint will be \$20.00. Mr. Kasaris asked why someone would need a Certificate of Occupancy reissued. Mr. Jordan said that there is an ongoing effort by the city to visit each of the commercial businesses and asking basic questions such as “do you have an occupancy certificate”, and to perform a safety inspection. He said that this is yielding a number of instances where the certificate cannot be located. He said that the occupancy permit isn't just a piece of paper, it verifies that business is appropriate for the zoning of the area and that the building is safe for the public to visit. Mr. Kasaris, seconded by Mr. Nickell **to remove from committee with a recommendation for approval** Yeas: 3. Nays: 0. **Motion carried.**

NEW BUSINESS

No new business.

MISCELLANEOUS

Mr. Nickell asked if we are looking at digitizing the old records. Mr. Jordan said that there is money in the budget for this. He said that he has met with 3 companies, and the county has a program as well. He said that they will continue to move this forward. He said that they will be a test case for the rest of the city in finding out how much it will actually cost to do and the best way to organize the work to be done.

ADJOURNMENT

Moved by Mr. Kasaris, seconded by Mr. Antoskiewicz **to adjourn the February 16, 2016 meeting**. Yeas: 3. Nays: 0. **Motion carried. Meeting adjourned at 6:42 p.m.**

1290.02 GENERAL REQUIREMENTS.

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for Public Facilities and General Industrial Districts as set forth in Sections 1290.03 and 1290.04.

(a) When the proposed wireless telecommunications facility is to include a new tower, a plot plan at a scale of not less than one inch is equal to 200 feet shall be submitted. This plot plan shall indicate all building uses within 350 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

(b) The location of the tower and equipment shelter shall comply with all natural resource protection standards established by local, State and Federal regulations, including those for floodplains, wetlands and steep slopes.

(c) Applicants must comply with all applicable regulations and requirements of the Ohio Building Code (OBBC), the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).

(d) All applicants shall be required to construct or locate on a base tower structure and structure foundation that is designed to be buildable up to the maximum height set forth in the applicable zoning district. Although the initial capacity may be for one antenna, the structure shall be designed to serve as a base for a reconstructed tower with the capacity for four providers when constructed to the maximum allowable height.

(e) Security fencing eight feet in height shall surround the tower, equipment shelter and any guy wires, either completely or individually, as determined by the Planning Commission.

(f) The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses. The following buffer plantings may be located around the perimeter of the security fence, as deemed appropriate by the Planning Commission: An evergreen screen shall be planted that consists of either a hedge, planted three feet on center, maximum, or a row of evergreen trees, planted five feet on center, maximum.

(g) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

(h) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within five miles of the proposed facility. The applicant shall inquire about the technical feasibility for potential collocation opportunities at those locations. The existing wireless service providers who have been contacted by the applicant and who supply service within five miles of the proposed facility, and within the City of North Royalton, shall be required to respond, in writing, to the inquiry within thirty days and specifically address the technical feasibility of collocation on their respective tower(s). The applicant's

letter(s), as well as response(s), shall be presented to the Planning Commission as a means of demonstrating the need for a new tower. The applicant shall provide proof of why a tower at this proposed site is technically necessary. Prior to the issuance of any permit to erect a tower or to alter or modify any wireless telecommunications tower existing on the effective date of this chapter, the owner shall provide to the City a written and notarized statement agreeing to make said wireless telecommunications tower available to be used by others, subject to reasonable technical limitations. The willful and knowing failure of a wireless telecommunications tower owner to agree to a shared use or to negotiate in good faith with potential users shall be cause for the withholding of future permits to the same owner to install, build or modify antennae or wireless telecommunications towers within the City.

(i) Any application to locate an antenna on a building or structure that is listed on an historic register or is in an historic district shall be subject to review by the Municipality's Architectural Review Board, if in existence, or the Planning Commission.

(j) The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the FCC or FAA.

(k) No advertising is permitted anywhere on the facility, with the exception of identification signage.

(l) All providers utilizing towers shall present a report to the Building Commissioner giving notification of any of said providers tower facilities or collocated equipment located in the Municipality whose use will be discontinued and the date this use will cease. If at any time the use of the facility is discontinued for 180 days, the Building Commissioner may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the Building Commissioner and be instructed to either reactivate the facility's use within 180 days or dismantle and remove the facility. If reactivation or dismantling does not occur, the Municipality will remove, or will contract to have removed, the facility and assess the property owner and/or owner/operator the costs.

(m) All towers shall be artificially lighted as required by FAA regulations. In addition, all FAA regulations addressing safety marking and obstruction lighting shall be followed when necessary. The tower light and all security lighting around the equipment shelter is permitted, but shall not filtrate onto adjoining parcels.

(n) "No Trespassing" signs shall be posted around the facility, with the telephone number of whom to contact in the event of an emergency.

(o) Applicants will provide evidence of legal access to the tower site, thereby maintaining this access regardless of other developments that may take place on the site.

(p) 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 vehicular access is provided to the facility.

(q) A conditional use permit must be approved by the City Planning Commission and City Council, with a subsequent building permit issued by the Building Commissioner, for the construction of new towers. Collocation of antennas on a single tower, and antennas attached to existing structures or buildings, will not be subject to the conditional use permitting process, but must be approved by the Building Commissioner upon submission of proof of adequate structural capacity.

(r) Replacement towers to be constructed at the site of a current tower, in any zoning district except General Industrial, are lawful non-conforming uses, but must obtain site plan approval in accordance with the requirements set forth for new towers in Public Facilities Districts. Replacement towers to be constructed in General Industrial Districts are lawful non-conforming uses, but must obtain site plan approval in accordance with the requirements set forth for new towers in General Industrial Districts.

(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 evidence contained in a written record of the proceedings of the Planning Commission.

(t) Underground equipment shelters are permitted and may be requested by the Planning Commission. The Planning Commission may require the shelter to be aesthetically harmonious to the surrounding area and structures.

(u) All wireless telecommunication facilities shall submit a maintenance plan that meets industry standards, as determined by the Building Commissioner, no later than January 1 following the grant of the conditional use permit and thereafter as required under 1290.02(v)(1)

(v) Maintenance and Inspections.

1) The operator, lessee, tenant, or owner of a wireless telecommunication facility shall submit a yearly maintenance plan and report to the Building Commissioner, no later than January 1, 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 or other criteria as required or requested by the Building Commissioner.

2) An annual inspection shall be conducted as directed by the Building Commissioner. The inspection shall include an assessment of the wireless communications facility and its environs. The review shall include, but not limited to, general security, landscaping, access, lighting, property maintenance, etc.

3) Notice of any inspection deficiencies shall be corrected by the operator, lessee, tenant or owner of the wireless telecommunication facility within (5) five days.

(w) Fees for alterations, upgrades, modifications, additions, inspections and new wireless communications facilities shall be administered by the Building Division as prescribed under section 214.08.

(Ord. 97-57. Passed 4-15-97; Ord. 99-24. Passed 4-6-99; Ord. 06-32. Passed 2-21-06; Ord. 08-211. Passed 11-5-08.)