

1st reading 8-1-18
2nd reading 8-3-18
3rd reading 8-3-18
Voted On 8-3-18
Ayes 7 Nays 8
PASSED DEFEATED

ORDINANCE NO. 2018-30

**AN ORDINANCE
AMENDING CHAPTER 1335 OF THE CODIFIED
ORDINANCES OF ORANGE VILLAGE TO ENACT A NEW
SECTION 1335.07, SMALL CELL/TELECOMMUNI-
CATION FACILITIES DESIGN GUIDELINES, AND
DECLARING AN EMERGENCY.**

WHEREAS, the General Assembly of the State of Ohio has enacted House Bill 487, which has confirmed the constitutional authority of municipal governments to enact reasonable regulations to regulate the design and location of small cell facilities; and

WHEREAS, this Council desires to establish formal authority of the Architectural Board of Review to develop, revise and administer design guidelines for small cell facilities and similar future telecommunications facilities that will be constructed in the Village, to permit the rapid deployment of technology in the Village in a manner that does not adversely impact neighboring private property or the public.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, STATE OF OHIO:

SECTION 1. That existing Chapter 1335, Architectural Control, of the Codified Ordinances of Orange Village is hereby amended to include a new Section 1335.07, Small Cell/Telecommunication Facilities Design Guidelines, which shall provide, in its entirety, as follows:

“1335.07 SMALL CELL/TELECOMMUNICATION FACILITIES DESIGN GUIDELINES.

- (a) Guidelines. The Architectural Board of Review shall enact and revise Design Guidelines for “small cell facilities,” as that term is defined in Section 4939.01 of the Ohio Revised Code, and the accessory equipment, which are to be located anywhere in the Village, whether in a right of way or elsewhere. The authority to revise and modify the Design Guidelines shall cover technological advances which may change the way wireless signals are broadcast to consumers of wireless services. The Design Guidelines shall reasonably regulate the location and design of “small cell facilities” and accessory equipment so as to prevent the adverse impact of a location or design on a property or the public, while not unreasonably interfering with the rapid deployment of new telecommunications technologies. The current version of the duly adopted Design Guidelines shall be kept in the office of the Building Commissioner.
- (b) Compliance. No person may erect a small cell facility, its accessory equipment, or any similar telecommunication facility or equipment in the

Village without first obtaining the approval of the Architectural Board of Review and a building permit. In considering the permit request, the Architectural Board of Review shall reasonably apply the Design Guidelines to achieve the objectives of this ordinance.


- (c) Appeal. The administration of the Design Guidelines shall be subject to the appeal provisions found in Section 1335.02 of the Codified Ordinances of Orange Village.
- (d) Penalty. The failure to comply with the provisions of this Section, the Design Guidelines promulgated by the Board and the decisions of the Board in the administration of the Guidelines shall be subject to the penalties set forth in Section 1335.99 of this Chapter.”

SECTION 2. That any ordinance or any part of any ordinance of Orange Village that conflicts with this ordinance is repealed to the extent of the conflict.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 4. That this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of Orange Village and, further, that in order to permit the Architectural Board of Review to timely enact and enforce the design guidelines confirmed by this ordinance; wherefore, this ordinance shall be in full force and effect from and after its adoption and approval by the Mayor, provided it receives the affirmative vote of five (5) members of Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: Aug. 8, 2018




Council President

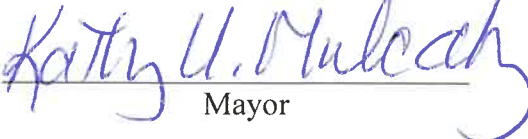
Submitted to the Mayor for approval on this 8th day of AUGUST, 2018

Approved by the Mayor this 8th day of August, 2018

ATTEST:



Anamaria Guardi
Clerk of Council



Kathy U. Mulcahy
Mayor