

ORDINANCE NO. 2016-90
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE PLACING A MORATORIUM ON THE CONSTRUCTION, INSTALLATION AND OPERATION OF NEW TELECOMMUNICATIONS TOWERS IN THE CITY, INCLUDING BUT NOT LIMITED TO OUTDOOR SMALL CELLS AND DISTRIBUTED ANTENNA SYSTEMS, AS WELL AS THE ADDITION OF ANY NEW FACILITIES TO EXISTING TELECOMMUNICATIONS TOWERS, AND DECLARING AN EMERGENCY

WHEREAS, in accordance with the Constitution of the State of Ohio and the pertinent provisions of the Ohio Revised Code, the City of Lyndhurst has the power to enact planning and zoning laws that are intended to protect the health, welfare and safety of the citizens of the City; and

WHEREAS, the City of Lyndhurst has enacted such a Comprehensive Zoning Ordinance; and

WHEREAS, in conjunction with the Comprehensive Zoning Ordinance the City has enacted Chapter 771 and Chapter 773 of the Codified Ordinances, parts of which limit telecommunications towers as to location, size, use and number; and

WHEREAS, the Director of Law of the City has indicated the laws have changed with regard to telecommunications towers, including but not limited to outdoor small cells and distributed antenna systems; and

WHEREAS, Council desires to review the Comprehensive Zoning Ordinance and the telecommunications legislation, and to consider the enactment of reasonable regulations regarding such towers; and

WHEREAS, until such regulations are established Council desires to enact a moratorium on the construction, installation and operation of new telecommunications towers in the City, as well as the addition of any new facilities to existing telecommunications towers. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNTHURST, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. Council hereby establishes a moratorium until May 7, 2017, prohibiting the construction, installation and operation of new telecommunications towers in the City of Lyndhurst, including but not limited to outdoor small cells and distributed antenna systems, as well as the addition of any new facilities to existing telecommunications towers.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Lyndhurst for the reason that it is necessary to impose this moratorium immediately so as not to mislead any individuals seeking to construct, install or operate such telecommunications towers. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

PASSED: November 7, 2016

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on November 17, 2016 and November 24, 2016.

Clerk of Council

First Reading: November 7, 2016

Second Reading: Suspended

Third Reading: Suspended

Passed 11-7-2016