

## **CHAPTER 350 CONDITIONAL USES**

### **Section 350.01 Purpose**

Conditional uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine, against the standards and criteria set forth in this Chapter, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect and on other factors established herein. Conditional use permits for such uses shall be issued in compliance with the procedures and requirements of Chapter 620, Conditional Zoning Permit Procedures.

### **Section 350.02 General Criteria for All Conditional Uses**

A conditional use shall be permitted in a district only when specified as a conditional use in such district, and only if it conforms to the following general standards in addition to any specific conditions, standards and requirements set forth in Sections 350.03 and 350.04. The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

- A. The proposed use and development will be consistent with the purpose, intent and basic planning objectives of this Code and the objectives for the district in which it is located.
- B. The proposed use and development will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.
- C. The proposed use and development will not have a substantial or undue adverse impact upon adjacent property, the character of the neighborhood or area, or the public peace, health, safety and general welfare.
- D. The proposed use and development will be constructed, arranged and operated so as not to excessively interfere with the use, enjoyment and development of neighboring property in accordance with the applicable district regulations.
- E. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries and schools, or that the applicant will provide adequately for such services.

- F. The proposed use and development will not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities and services, such as police, fire or schools.
- G. The proposed use and development will not create any public nuisance by reason of noise, smoke, odors, fumes, vibrations, objectionable lights or congestion of traffic.
- H. Ingress and egress to the proposed use and development will be adequately designed to minimize traffic congestion on the surrounding public streets.
- I. The proposed use and development will not result in destruction, loss or damage of any natural, scenic or historic feature of significant importance.

### **Section 350.03            Specific Standards for Conditional Uses**

In addition to the general criteria established in Sections 350.01 and 350.02, the following specific conditions apply to all conditional uses.

#### *A. Supplementary Conditions and Safeguards*

Nothing in these regulations shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section 350.02.

#### *B. Relationship to District Regulations*

Whenever there is a difference between the provisions of the conditional use regulations and the district regulations, the provisions of this Chapter shall prevail, unless clearly indicated differently in the regulations.

#### *C. Specific Development Standards*

1. No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties.
2. All floodlights, searchlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.

**Section 350.04      Specific Criteria for Conditional Uses**

*A. Adult Entertainment Uses*

1. Extensive research has shown that unregulated adult entertainment uses are a serious problem in this country, contributing to neighborhood blight, crime, deteriorating property values, eroding the quality of neighborhoods, commercial districts, and urban life; and
2. To prevent the deterioration of the community and neighborhoods of the Village, and to provide for the planned development of the Village, certain additional special regulations are necessary in addition to all other sections of this code where applicable, to insure that these adverse effects will not contribute to the blighting or deterioration of the Village and its neighborhoods.
3. Extensive research has also shown that adult entertainment uses located in proximity to residential, institutional and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. It has been demonstrated that adult entertainment uses, as defined in this section, have been known to cause undesirable secondary effects on residential and institutional uses, particularly those where children are present, as well as adjacent to non-adult use oriented retail uses. Therefore, in order to prevent potential deterioration in Mantua Village's retail areas; and to avoid potential adverse impacts on residential and institutional uses particularly those where children are present, and thereby protecting the public health safety and general welfare, adult uses as defined in this ordinance shall be permitted only in the Light Industrial District subject to the following requirements:
  - a. For the purpose of this ordinance, adult entertainment uses are defined in Title II, Definitions and further defined in this section.
  - b. For the purpose of this code, adult entertainment uses shall include but not be limited to any of the following: adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, massage parlor.
  - c. No nudity or state of nudity is permitted in Adult Cabarets.
  - d. In order to further determine whether the above or similar facilities are adult uses, the following definitions shall apply:
    1. *Adult Material*: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, video cassette, motion picture film, cd, record, or, other tangible thing, or any service, capable of creating sexual interest through sight, sound or touch, and;

- a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
  - b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.
2. *Bottomless*: Less than full opaque covering of male or female genitals, pubic area or buttocks.
  3. *Nude or Nudity*: The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
  4. *Topless*: The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
  5. *Sexual Activity*: Sexual conduct or sexual contact or both.
  6. *Sexual Contact*: Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
  7. *Sexual Excitement*: The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
4. Adult Entertainment Uses shall be located in accordance with the following distance requirements:
    - a. A minimum of 1,000 feet from the boundaries of any lot containing a public park or playground, day care center, school or other institution where children are kept day or night, library, or church.
    - b. A minimum of 1,000 feet from any other adult uses.
    - c. A minimum of 500 feet from any residentially zoned parcel in the Village or adjacent community or within 500 feet of any building used for residence purposes, whether in the Village or in the adjacent community.
    - d. A minimum of 500 feet from the Village Center District Boundary.

Distances shall be measured from the property lines of any lot or parcel which includes, or which is operated or used in connection with, a building in which an

adult entertainment facility is located, proposed to be located or in which any activity described or referred to in this section is located or proposed to be located.

*B. Assembly Hall, Meeting Facilities*

1. Activities shall be scheduled to minimize any negative impacts including sound and lighting when adjacent to a residential district.
2. When adjacent to a residential area, the Planning Commission may require additional setbacks and screened buffers to minimize any potential impacts to the neighboring residential area(s).

*C. Auto Fuel Stations (Gasoline Stations), Auto Service and Repair Garages and Motor Vehicle Sales*

1. All activities, except for fuel and air pumps, shall take place inside the building unless otherwise permitted by the Planning Commission.
2. The proposed use shall not create unreasonable obstructions to traffic circulation around or near the site and shall not impede pedestrian circulation.
3. No curb cuts shall be permitted within twenty (20) feet of any public street intersection.
4. All areas for vehicular access and parking shall be paved. A safety curb that is at least six (6) inches high shall be installed along the perimeter of paved areas.
5. No junk, inoperative or unlicensed vehicles shall be permitted to remain outdoors on property except in a completely screened storage area.
6. Gasoline stations located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
7. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Chapter 440.
8. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

*D. Bed & Breakfasts*

1. The number of bedrooms shall not exceed seven (7).
2. There shall be no advertising, displays or other indications of a bed & breakfast in the yard, on the exterior of the building, or visible from the exterior of the building, with the exception of the placement of one (1) sign that complies with Chapter 450.
3. Parking requirements shall comply with Chapter 440.

*E. Building Material, Lawn and Garden Equipment Sales*

Outdoor Storage of Materials and Equipment shall comply with section 410.06.

*F. Car Washes*

1. Such uses shall be located at the edge of the Commercial District whenever possible so as to avoid conflicts with pedestrians and so as to not limit the expansion of pedestrian oriented facilities.

2. Such facilities are not to be used for storage of vehicles.
3. Where applicable, all car washes shall also comply with regulations for auto fuel stations. (See Section 350.04B)
4. Adequate on-site circulation patterns for autos and other motor vehicles waiting in line for service shall be provided so that there is no stacking in the road right of way.
5. All mechanized washing, waxing, and drying of automobiles and other vehicles shall be within a building enclosed on at least 2 sides.
6. The entrance and exit for this facility shall not face any abutting property zoned for residential use.
7. Any areas for manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles shall not conflict with on-site circulation patterns.
8. Adequate provision shall be made for the control of steam and other by-products of this use not normally present in the surrounding environment.
9. For car wash systems employing high pressure spray:
  - a. They shall be arranged so as to contain all spray within the car wash structure;
  - b. Exit aprons shall be equipped with grate drains and pitched for a minimum of 20 feet toward the car wash structure at a gradient of at least 1/4 inch per foot or an alternative acceptable to the Village Engineer which would prevent water washing into the streets and creating hazards.
10. All wash water disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the Village Engineer, and shall conform with all Village Ordinances regarding sewage and health codes and shall be designed so as not to detrimentally impact affect the Village Sewer System.
11. When adjacent to a residential use, a 6-foot high fence of material approved by the Planning Commission shall be provided along the interior side and rear property line to protect the dwelling from light and noise and eliminate blowing debris.
12. All of the area to be utilized by the washing and drying operation, including all all ingress and egress areas, shall be paved with concrete, asphalt, or asphaltic concrete.
13. All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped in compliance with landscaping requirements of Chapter 460.
14. Stacking space shall be required to accommodate not less than 8 automobiles waiting to be washed or 4 waiting spaces per washing stall, whichever is greater. A space of 20 ft by 9 ft. shall be deemed adequate for such required space per vehicle.
15. In addition, parking requirements for employees shall be provided as required by Chapter 440.

G. *Cemeteries*

1. Sufficient parking spaces shall be provided throughout the cemetery so as not to hinder traffic flow.
2. No structure incidental to cemetery operations or any gravesite shall be located within thirty (30) feet of any property line.

3. No burial plots or facilities are permitted within any flood hazard area.
4. Adequate off street waiting space shall be provided for funeral processions so that vehicles do not stack up in the street right of way.

H. *Commercial Recreation Facilities, Outdoor*

1. The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require that all applicable surface areas, such as parking areas and walkways, be paved, and impose additional noise reduction measures including, mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district.
2. All structures and activity areas should be located at least thirty (30) feet from all property lines.
3. All structures including lighting fixtures shall have a maximum height of 35 feet.
4. Public restrooms shall be provided and maintained.
5. These uses should have direct access to an arterial street or be located at the intersections of an arterial and/or a collector street so that significant amounts of traffic are not channeled through local residential streets.
6. Swimming pools shall comply with the requirements of Section 410.10.

I. *Congregate Care Facilities*

1. A congregate care facility may include one or more of the following types of residential facilities: Independent living with congregate dining facilities, Congregate living, Assisted living, Nursing home.
2. The site and structure shall meet the applicable state code requirements, including licensing requirements.
3. The site plan shall indicate parking and the emergency entrances and exits and other safety precautions.

J. *Cultural Facilities*

1. Activities shall be scheduled to minimize any negative impacts including sound and lighting when adjacent to a residential district.
2. When adjacent to a residential area, the planning commission may require additional setbacks and screened buffers to minimize any potential impacts to the neighboring residential area(s).

K. *Day Care Centers for Adults and/or Children*

1. Outside areas for activities shall be fenced for the protection of the adults and children.
2. A drop-off/pick-up location that will not impede traffic on and off the site shall be provided to ensure the safety of the adults and children.

3. The site and structure shall meet the applicable state code requirements, including licensing requirements.
4. Child Day care centers shall not be located in dwelling units.

L. *Drive-Through Facilities, In Association With A Principal Use*

1. Drive-through facilities shall not be located in front of the principal building.
2. A drive-through structure shall not be provided additional curb cuts except as permitted through site plan review.
3. The maneuvering and stacking aisles shall be designed so as not to interfere with circulation or visibility for traffic either on or off the site.
4. Off streets parking shall meet the requirements of Chapter 440.

M. *Funeral Homes*

1. The design of the facility shall include a safe drop off point for visitors that will not impede the flow of traffic around the facility.
2. Access to funeral homes should be located on major arterials or collectors in the Commercial District. Access shall not be through a residential district.
3. Sufficient off street parking and assembly area is to be provided for vehicles to be used in a funeral procession.
4. Loading and unloading area used by ambulances, hearses or other such service vehicles shall be obscured from all residential view by fencing or natural screening.

N. *Government Offices/Facilities*

1. Such facilities shall be kept in a neat and safe condition so as to prevent injury to and damage to any property, individual, or to the Village in general.
2. Such facilities shall be located on major arterial thoroughfares or collector thoroughfares.
3. Such offices and facilities shall be located adjacent to other nonresidential uses where feasible in order to minimize impacts of public facilities on residential uses such as large volumes of traffic/customers.
4. Loudspeakers which cause a hazard or annoyance shall not be permitted  
  
and in no case shall they be utilized after 9:00 p.m.
5. The scale and architecture of any buildings shall be compatible with and complement surrounding buildings.

O. *Group Residential Facility (Class I Type A Residential Facility)*

1. Evidence shall be presented that the proposed facility meets the certification, licensing and approval requirements of the appropriate state agency.
2. The applicant shall comply with the applicable parking regulations of the Zoning Code for the type of residential structure and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.

3. Such facility shall be located no closer than 500 feet to an existing Class I, Type A facility.
4. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, retail, recreational and other services that will be required by its residents, and to employment opportunities if applicable.
5. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

P. *Mini or Self-Storage Facilities*

1. Outdoor storage and parking spaces for vehicles shall be separate from the buildings. Vehicles shall not be stored in any required parking space. Vehicles stored outdoors shall not exceed 12 feet in height.
2. Lighting shall be provided at night for security but shall comply with section 330.08c.
3. In addition to site plan requirements of Chapter 610, the number of storage spaces in each building and dimensions of all outdoor storage spaces must be shown as well.
4. *Development Standards:*

a. Minimum site size shall be 1 acre.

b. *Off Street Parking:*

1. One space for each 10 storage cubicles, equally distributed throughout the storage area. This parking requirement can be met with the parking lanes as set forth in section d. below.
2. Two spaces shall be provided for the manager's quarters if there is a live-in manager.
3. One space shall be provided for every twenty-five (25) storage cubicles to be located at the project office.
4. Outdoor storage/parking spaces for recreational vehicles shall be separate from the buildings and are not permitted to be stored in the parking and loading areas or office space areas. Recreational vehicles stored shall not exceed twelve (12) feet in height. Storage areas must be maintained in a dust free condition.

c. *Buffer/Screening:*

A buffer or screen shall be required along all property borders to screen storage facilities from view of surrounding properties. Such screening shall be at least six (6) feet in height of trees and shrubs or fencing of material suitable to the Planning Commission (excluding chain link fence). Screening shall not impair vehicle visibility at ingress or egress points.

d. *On Site Circulation and Driveway Widths:*

1. All one-way driveways shall provide for one ten (10) foot parking lane and one sixteen (16) foot travel lane. Traffic direction and parking shall be designated by signage and painting.
2. All two way driveways shall provide for one ten (10) foot parking lane and two thirteen (13) foot travel lanes.
3. Parking lanes may be eliminated when the driveway does not serve storage cubicles.

e. *Use of Storage Areas:*

1. There shall be no storage of explosives, radioactive materials or any other materials that are prohibited or regulated by county, state or federal statutes.
2. The use of mini-warehouses shall be limited to dead storage only.

Q. *Parks and Recreation Facilities, Public and Private*

1. Outdoor intensive uses such as swimming pools and tennis courts shall be not less than fifty feet (50') from any residential property line external to the development served and shall be screened from view from such residential property by landscaping or appropriate fencing materials. Ancillary buildings or structures associated with such facilities shall be subject to the setback and yard requirements specified in the district in which it is located.
2. Recreational facilities shall be designed in a manner that minimizes their impacts on adjacent properties.
3. Recreational uses and facilities shall be designed in a manner that will promote and protect public safety. This shall include without limitation, effective security and safety lighting along pedestrian and bicycle routes and within parking lots, appropriate clear zones and surface around and beneath play apparatus, provision of emergency telephone capability, and such other similar things as the Planning Commission may deem appropriate or necessary.
4. Security fencing, where required or desirable shall be of a type that is compatible with the overall architecture, scale and character of the recreation facility and the community which it serves.
5. Outdoor lighting shall not cast any glare on adjacent residential properties.
6. Activities shall be scheduled in a manner that will minimize any potential negative impacts to neighboring residential uses, especially evening activities.

R. *Places of Worship and School Facilities, and their associated facilities and uses:*

1. These uses should have direct access to an arterial street or be located at the intersections of an arterial and/or a collector street so that significant amounts of traffic are not channeled through local residential streets.

2. Side and rear landscaped yards of no less than thirty (30) feet shall be provided.
- 2 3. Where abutting residential districts:
  - a. These uses shall be buffered with landscaping in compliance with Chapter 460, Landscaping and Screening, as applicable.
  - b. Lighting shall not produce a glare or shine directly onto residential properties.
  - c. Loudspeaker use after 11:00 p.m. shall be prohibited.

S. *Public Utilities*

Utility buildings, structures and uses provided:

1. There will be no storage yards in residential districts.
2. They are located so as not to hinder the development of the area according to the Village Comprehensive Plan, Land Use Plan, or adopted development policies, nor located so as to detract from the value of existing development.
3. They do not constitute a safety or health hazard, a nuisance, or have a noxious effect on any surrounding residential area either due to appearance or operations.
4. To locate in Residential Districts, operating requirements necessitate the location of such uses and buildings within the district to serve the immediate vicinity.
5. Such buildings, structures and uses shall be developed according to the following standards:
  - a. The site shall have one property line abutting a thoroughfare of at least 50 feet in width, and all ingress and egress shall be from said thoroughfare.
  - b. All proposed uses and facilities shall be contained within masonry buildings or structures similar to or compatible with buildings in the adjacent area.
  - c. Overhead transmission lines and tower structures shall be prohibited in residential districts.
  - d. Electric and communication lines shall be placed underground unless evidence is provided to the Commission that this would be unfeasible or unreasonable.
  - e. Lots subdivided for use for public utility requirements are not subject to the lot size requirements of this code.
  - f. All public utilities and facilities shall be located, designed and constructed so as to minimize or eliminate flood damage to such systems.
  - g. The location of the use shall provide for minimum visual impact and shall not impair the use of the surrounding properties.
  - h. The use of utility corridors shall be encouraged, using existing utility line or transportation right of way for various transmission lines.
  - i. The alignment shall follow the topography to minimize any effects to the terrain.
  - j. There shall be selective vegetative clearance for the right of way for soil erosion control.
  - k. Landscaping and screening requirements of Chapter 460 shall be followed.
  - l. Such facilities must be maintained in neat and sound condition to prevent any injuries or damage to any property and to insure public safety.

T. *Single Family Dwelling (OC District)*

1. Single family dwelling shall be located so as not have a negative environmental impact on the natural resources of the village.
2. In order to minimize damage to lives and property, single-family dwellings shall not be located in a designated flood hazard area unless proof of a FEMA map amendment is provided.
3. Adequate buffers may be required to minimize impacts to natural resources and environmentally sensitive areas of the Village.

U. *Veterinary Offices and Clinics*

1. The proposed use shall be located in a building having adequate sound proofing and odor control.
2. There shall be no facilities for the overnight boarding of animals except to allow indoor overnight lodging only for animals receiving medical attention.

V. *Wireless Telecommunication Towers*

According to Federal Telecommunications Act, 1996, a community may regulate wireless telecommunication service facilities, providing the requirements do not prohibit nor have the effect of prohibiting wireless telecommunication services. Zoning regulations may not unreasonably discriminate among wireless telecommunication providers of functionally equivalent services. The Village must act within a reasonable time period on requests for permission to place or construct wireless telecommunication facilities. Denials for permission to install or construct wireless telecommunication facilities must be in writing and must be based on

evidence in a written record before the Planning Commission. If a wireless telecommunication facility meets technical standards set by the FCC, it is presumed safe.

The Village may not deny a request to construct a facility on the grounds that

the radio frequency emissions would be harmful to the environment or health of the residents if those emissions meet FCC standards.

1. *Purpose:*

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, and the interests of the Village in regulating wireless telecommunication facilities to minimize adverse health, safety, public welfare, including visual impacts, through siting, design, construction, buffering, and reduction of the need for multiple tower locations.

2. *Priority of Locations:*

A wireless telecommunication tower or facility may be located in the following areas when conditions specified in this ordinance are satisfied and efforts shall be made to locate in the areas listed in the order of priority listed:

- a. First Priority: New wireless antennas may collocate on existing towers or on existing structures which have been constructed for other purposes such as but not limited to: water towers, church steeples and chimneys.
- b. Second Priority: A wireless telecommunication tower and or antenna facility may be located in a Village Center or Commercial Zoning District.
- c. Priority for the use of Public Land for wireless telecommunication antennas and towers will be given to the following entities in order:
  1. The Village of Mantua.
  2. Public Safety Agencies/Departments including law enforcement, fire, and ambulance services.
  3. Other governmental agencies for uses that are not related to public safety.
  4. Entities providing licensed commercial wireless telecommunication services including cellular, PCS, SMR, ESMR, paging and similar services that are marketed to the general public.

3. *General Requirements:*

- a. A proposed wireless telecommunication facility application shall comply with site plan review requirements of this code including landscaping plans to screen the facility from adjoining uses.
- b. All wireless telecommunication facilities shall be designed to promote facility and site sharing.
- c. All applications for wireless telecommunication facilities shall as part of the application and site plan review process, include a plan for reclamation for both the tower facility and tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
- d. The applicant will submit a letter of credit, performance bond, or other security acceptable to the Village to cover the costs of the antenna or tower's removal, of no less than \$100 per vertical foot of wireless telecommunication tower height, measured from the finished grade. In addition, any collocator shall be required to provide its own financial guarantee to the Village to insure the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site.

- e. The application shall include conclusive technical evidence as to why the wireless telecommunication tower and facility must be located where it is proposed to be located and no alternative choice can be considered, in order to service the applicant's service area.
- f. Existing towers must be utilized, as multi-user towers, if at all possible, before a new tower may be constructed. The applicant must provide written evidence that all wireless telecommunication service facilities that supply service within the proposed service area have been requested to permit co-location by the applicant and have been rejected by the owner of the tower, building or structure. Facilities that are not proposed to be multi-user sites must provide written explanation why the subject facility is not a candidate for co-location.
- g. As a condition of issuing a conditional zoning permit to construct and operate a new tower in the Village, the owner/operator of the telecommunication tower shall agree to allow co-location until the tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two additional antenna platforms for additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner if different from the owner/operator of the tower. Written evidence shall be presented to the Planning Commission that the owner of the property on which the tower is to be located has agreed to the terms of this section as well as all other applicable requirements in this ordinance.

4. *Standards Applicable to All Wireless Telecommunication Tower Facilities*

- a. No tower shall be erected at a distance closer than the height of the tower plus fifty (50) feet from any structure, road, highway, or property line, excluding any building or road which is necessary to the express use of the tower.
- b. All towers shall be monopole structures.
- c. An eight (8) foot high security fence shall be placed around the tower base and all appurtenant structures within 20 feet of the tower base.
- d. No tower shall exceed 200 feet in height and shall be the minimum height necessary to accommodate the antenna.
- e. All towers shall be painted a non-contrasting gray or similar color, minimizing its visibility, unless otherwise required by the Federal Communication Commission (FCC) or Federal Aviation Administration. (FAA)
- f. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required

- by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternative. No lighting shall be constructed, placed or maintained in a manner that will constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- g. No advertising is permitted anywhere on the facility, with the exception of identification signage.
  - h. The entire site must be appropriately landscaped to be harmonious with surrounding properties and to minimize visual impacts.
    - 1. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
    - 2. Buffer plantings shall be located around the perimeter of security fencing consisting of an evergreen screen, comprised of either a hedge, planted 3 feet on center maximum, or a row of evergreen trees planted five feet on center maximum.
  - i. All facilities shall be kept in an orderly and safe condition so as to prevent injury to any single property, individual or Village in general.
  - j. Access drives to any facility shall be maintained in a dust free condition.
  - k. Loud speakers shall not be permitted to be located on the facility.
  - l. “No Trespassing” signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
  - m. The maximum size of the equipment shelter shall be 300 square feet for a single user shelter, or if there is more than one, 750 square total square feet.
  - n. If an antenna for a wireless telecommunication facility is to be attached to an existing structure or building the following conditions apply:
    - 1. The maximum height shall be 20 feet or 20% of the building height above the existing structure, whichever is greater.
    - 2. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building) the shelter shall comply with the following:
      - a. The minimum setback requirements for the subject zoning district.
      - b. A buffer yard may be planted in accordance with 4h of this section.
      - c. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.
      - d. The maximum size of the equipment shelter shall not exceed 300 square feet, or if there is more than one user, 750 square feet.

o. Removal of Facilities:

All towers, structures and equipment shall be removed by the owner of the tower or facility, and the site restored to its original state within 6 months following the date that the tower is no longer operational. If more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure for 6 months.

5. *Decision by the Planning Commission*

Any decision to deny a request to place, construct, or modify a wireless telecommunication antenna or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning Commission.

W. *Brewpubs, Microbreweries, Microwineries (Ord. 2023-17, eff. 8/17/23)*

1. Each brewpub, microbrewery or microwinery shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and shall maintain current licenses as required by said agency.
2. Each establishment may include on site food service as an accessory use.
3. Such establishments may have retail outlets for the sale of alcoholic beverages bottled and sealed for off-site consumption.
4. The only alcoholic beverages permitted to be sold or sampled on-site at brewpubs, microbreweries or microwineries shall be those manufactured at the microbrewery or microwinery, or in accordance with Ohio Division of Liquor Control license type A-1A.
5. No outdoor storage shall be permitted.
6. By-products or waste from the production of malt, vinous or distilled liquor shall be properly disposed of off the property.
7. The emission of odors or smells in such quantities as to produce a public nuisance or hazard is not permitted.