
CHAPTER 24: OTHER USE SPECIFIC REGULATIONS

24.01 ~~Other Use Specific Regulations~~ Commercial/Office Uses

~~The following are use specific regulations that may apply to specific uses in accordance with Tables 5.2 and 5.3.~~

~~(A) Commercial/Office Uses~~

~~(A1) Adult Entertainment Facilities: In addition to the applicable provisions of this chapter,~~
a Adult entertainment facilities shall comply with the following:

- ~~(1a)~~ No adult entertainment facility shall be established within one thousand (1,000) feet of any area zoned for residential use.
- ~~(2b)~~ No adult entertainment facility shall be established within a radius from one thousand (1,000) feet of any school, library or educational facility, whether public or private, governmental or commercial, if attended by persons under 18 years of age.
- ~~(3c)~~ No adult entertainment facility shall be established within a radius from one thousand (1,000) feet of any religious place of worship attended by persons under the age of 18 years of age.
- ~~(4d)~~ All building openings, entries, windows, and the like for adult entertainment facilities shall be located or covered in such a manner as to prevent a view into the interior from any public area, sidewalk, or street.
- ~~(5e)~~ No screens, loudspeakers, or sound equipment shall be used for any adult drive-in theater or adult motion picture theater that can be seen or discerned by the public from any public area, street, or sidewalk.

~~(B2) Automotive Service and Repair (Indoor) and Fuel Services: In addition to the applicable provisions of this chapter,~~
a Automotive service and repair facilities and fuel services shall comply with the following:

- ~~(1a)~~ Automotive fuel services and automotive repair and service facilities that are located on a corner lot shall have a minimum of one hundred (150) feet of frontage on each street;
- ~~(2b)~~ Fuel pumps and related driveways and paved areas may be erected in a front yard, but not less than thirty (30) feet from an existing or proposed street right of way.

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(3e) A canopy may be constructed over the pump island, provided that the canopy shall extend no closer than twenty (20) feet from an existing or proposed right of way.

(4e) If repair or service activities are performed on a vehicle, such vehicle shall be entirely within an enclosed building.

(e) Structures shall not be closer than fifty (50) feet from any residential district.

(f) Facilities for the storage of vehicles, parts or junk autos are to be kept inside a building, or screened from view of persons on contiguous property or persons using public right-of-ways.

(C3) Bed and Breakfast Establishments. The use of a single-family dwelling for a bed and breakfast establishment shall comply with the following requirements:

(1a) The owner of the premises used for the bed and breakfast establishment shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

(2b) No more than five (5) bedrooms in any dwelling may be used for bed and breakfast lodging and at least one (1) bathroom shall be dedicated to guest use.

(3e) The owner shall keep a current register of guests including names, addresses, and dates of occupancy of all guests.

(4e) One (1) off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.

(5e) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.

(6f) Each bed and breakfast establishment shall be permitted to have one (1) wall-mounted sign with a maximum sign area of four (4) square feet and/or a free-standing ground sign with a maximum sign area of six (6) square feet with a maximum height of five (5) feet. Such signs shall not be illuminated. All signs shall be approved by the ~~p~~lanning ~~e~~Commission before installation.

(7e) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.

(D4) Drive-Through Facility. ~~a~~—A drive-through facility shall be designed and located to minimize visual, traffic and noise impacts on neighboring development.

(E5) Nursing Homes and Assisted Living Facilities: Nursing homes and assisted living facilities may be ~~allowed~~permitted, provided that:

(1a) The minimum lot area shall be two (2) acres.

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(2b) All structures and activities shall be setback a minimum of fifty (50) feet from all lot lines.

(3e) The density shall not exceed fifteen (15) patient rooms per acre.

24.02 Industrial Uses

~~(B) Industrial Uses~~

(A1) Self-Storage Facilities

(1a) All items shall be stored within a building.

(2b) Buildings shall not exceed one (1) story, with a maximum height of twenty two (22) feet.

(3e) No door shall exceed fifteen (15) feet in either height or width.

(4d) Access to the facility shall be limited to one (1) entrance and one (1) exit per abutting street.

(5e) Loading and unloading of storage units shall be oriented towards the side and rear lot lines.

24.03 Public and Institutional Uses

~~(C) Public and Institutional Uses~~

(A1) Telecommunication Towers (New Facility/Tower): All telecommunications facilities which do not qualify as a "micro wireless facility" shall conform to the following standards:

~~(a) Commercial radio and television towers and telecommunication towers permitted in Table 5.3 shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property line.~~

~~(b) All accessories related to the tower including, but not limited to, guy wires, equipment sheds, parking, and fencing shall all be located on the same lot as the tower.~~

~~(c) Towers shall be setback a minimum of 500 feet from any off-site dwelling unless a reduced setback is approved by the planning commission as part of the conditional use review of the tower.~~

(1) Property and Setback Requirements

(a) Towers shall be located centrally on a continuous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property line.

- (b) All accessories related to the tower, including but not limited to, guy wires, equipment sheds, parking, and fencing shall all be located on the same lot as the tower.
- (c) Towers shall be set back a minimum of five hundred (500) feet from any off-site dwelling unless a reduced setback is approved by the Board of Zoning Appeals as part of a conditional use review of the tower.
- (d) Towers shall also comply with the setback requirements of subsection (e) (Additional Standards Table).

(2) Co-Location and Use Requirements

- (a) Towers shall provide at least two (2) co-location opportunities.
- (b) The owner of such a tower shall agree to permit use of the tower by other communication service providers, on reasonable terms, so long as such use does not conflict with the applicant's and/or any other pre-existing user's use of the tower and does not violate the structural integrity of the tower.

(3) Site Development Standards

- (a) Existing trees and shrubs shall be maintained to the greatest degree possible to screen the view of the tower and base facility. Additionally, the perimeter of the tower and base facility shall be planted with evergreen landscaping capable of forming a continuous visual buffer at least five (5) feet in height within two (2) years of planting.
- (b) A security fence, not less than six (6) feet tall with a locking gate, shall enclose the equipment areas and the base of the tower. Fencing shall be set back at least twenty (20) feet from any adjacent property line.
- (c) Accessory structures, such as cabinets, are subject to the maximum building height permitted for accessory structures in the zoning district in which the facility is located.
- (d) Lights, beacons, or strobes shall not be permitted on any such structures and such structures shall not be illuminated in any way, unless required by the Federal Aviation Administration (FAA).
- (e) No advertising is permitted anywhere upon or attached to any such structures.
- (f) Additional site development standards are shown in Table 24.1 (Additional Standards Table).

(4) Required Documentation and Inspections

- (a) Proof shall be provided by the applicant in a form satisfactory to the Zoning Inspector that the proposed application has been approved by all agencies and governmental entities with jurisdiction, including but

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not limited to, the Ohio Department of Transportation (ODOT), the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or the successors to their respective functions.

(b) Structural sufficiency of a telecommunications tower or other support structure shall be certified by an Engineer licensed in the State of Ohio. To ensure structure integrity and the health and safety of the public, telecommunications tower inspections shall, at a minimum, take place as follows:

(i) Mono-pole towers every ten (10) years;

(ii) Lattice towers every five (5) years; and

(iii) Guy-wire cable secured towers every three (3) years.

(c) Structural sufficiency inspections are the sole responsibility of the tower operator of record and shall be performed by an individual or company that is a member of the National Association of Tower Erectors. Results of inspections shall be provided in writing to the Zoning Inspector; based upon the results, the Village may require the repair or removal of a telecommunications tower.

(d) The property owner, tower owner and/or any successor or assign shall be required to notify the Village, in writing, of the intent to abandon any tower and/or related equipment. The Village will issue a certified mail notice to the property owner to verify the use has permanently ceased or is abandoned. Abandoned towers, including all related equipment and structures, shall be removed within one hundred eighty (180) days after verification is confirmed the use has permanently ceased or is abandoned.

TABLE 24.1: ADDITIONAL STANDARDS TABLE

REQUIREMENT	TELECOMMUNICATION TOWERS	
	Towers Greater than 150 Feet in Height	Towers Less than or Equal to 150 Feet in Height
<u>Districts Allowed</u>	<u>NB and M-1 Districts</u>	<u>NB, M-1, and RR Districts</u>
<u>Conditional Use Review Required</u>	<u>Yes</u>	<u>Yes</u>
<u>Minimum Lot Area</u>	<u>4 acres</u>	<u>2 acres</u>
<u>Required Setback from any Residential District or Use</u>	<u>500 feet</u>	<u>200 feet</u>
<u>Yard Requirement</u>	<u>Cannot occupy a front yard</u>	<u>Cannot occupy a front yard</u>

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<u>Maximum Height</u>	<u>300 feet</u>	<u>150 feet</u>
<u>Appearance</u>	<u>Gray or as required by federal statute</u>	<u>Gray or as required by federal statute</u>
<u>Structure Type</u>	<u>Any</u>	<u>Restricted to freestanding mono-pole only (no lattice or guy-wire cable towers)</u>

(B) Existing Facility/Tower Modifications

(1) Modification of an existing facility/tower may involve one (1) or more of the following:

- (a) Co-location of new transmission equipment;
- (b) Removal of transmission equipment; and/or
- (c) Replacement of transmission equipment.

(2) Substantial Changes

(a) A modification request that constitutes a “substantial change” to the physical dimensions of an existing facility is required to conform to the same standards and provisions provided for new facilities/towers in Sec. 24.03(A) (New Facility/Tower). The Planning Commission shall approve as submitted, approve with conditions, or deny the application within ninety (90) days after submitted to the Zoning Inspector, plus any tolling periods that may have been granted per Sec. 24.03(B)(4) (Tolling).

(b) Modifications of an existing facility are deemed a “substantial change” subject if the modification meets any of the following criteria:

(i) For towers not in the public right-of-way, the height of the structure is increased by more than ten (10) percent or more than twenty (20) feet, whichever is greater. For towers in the public right-of-way and all base stations, the height of the structure is increased by more than ten (10) percent or more than ten (10) feet, whichever is greater;

(ii) For towers not in the public right-of-way, an appurtenance added to the body of the tower would protrude by more than twenty (20) feet from the edge of the tower or more than the width of the tower structure at the level of the appurtenance, whichever is greater. For towers in the public right-of-way and all base stations, an appurtenance added to the body of the structure would protrude by more than six (6) feet from the edge of the structure;

(iii) Entails any excavation or deployment outside the existing site;

(iv) Would defeat the concealment elements of the eligible support structure; or

(v) Would not comply with conditions associated with site approval for the construction or modification of the eligible support structures or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in items (1) through (4) above.

(3) Eligible Facilities Request

A modification request that does not constitute a “substantial change” to the physical dimensions of an existing telecommunications facility/tower, per the criteria outlined in Section 24.03(B)(2)(b), is considered an “Eligible Facilities Request.” Eligible Facilities Requests are exempt from zoning and shall be approved by the Zoning Inspector within sixty (60) days following submission, plus any tolling periods that may have been granted per subsection (4) below.

(4) Tolling

(a) The review period begins when the application is filed, and may be tolled only by mutual agreement by the Zoning Inspector and the applicant, or in cases where the Zoning Inspector determines that the application is incomplete.

(b) To toll the time frame for incompleteness, the Zoning Inspector must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application. Tolling begins on the date when such notice is mailed.

(c) Following a supplemental submission, the Zoning Inspector will notify the applicant within ten (10) days about the completeness of the application. Subsequent notices of incompleteness shall not specify missing documents or information that was not delineated in the original notice of incompleteness. Tolling ceases on the date when the Zoning Inspector mails notice to the applicant specifying that the application is complete.

(C) Micro Wireless Facilities

(1) Definition: A “micro wireless facility” is defined as both of the following:

(a) A “small cell facility,” which is a wireless facility that meets the following requirements:

(i) Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna with exposed elements, could fit (antenna and all exposed elements) within an enclosure of that size; and all other

wireless equipment associated with the facility is cumulatively not more than twenty eight (28) cubic feet in volume, not including electric meters, concealment elements, telecommunication demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services; and

(ii) If the wireless facility were placed on a wireless support structure, the increased height would not be more than ten (10) feet or the overall resulting height would not be more than fifty (50) feet.

(b) A “distributed antenna system,” which is a network or facility that distributes radio frequency signals to provide wireless service, that meets the height and size characteristics of a small cell facility, and that consists of:

(i) Remote antenna nodes deployed throughout a desired coverage area;

(ii) A high-capacity signal transport medium connected to a central hub site; and

(iii) Equipment located at the hub site to process or control the radio frequency signals through the antennas.

(2) **Exemption from Zoning:** Micro wireless facilities, as defined in subsection (1) above, shall be exempt from zoning standards provided a request for consent is filed in accordance with the provisions in subsection (3) below.

(3) **Request for Consent**

(a) A request for consent shall be filed with the Village to do any of the following within a public right-of-way:

(i) Attach micro wireless facilities to a wireless support structure (such as a monopole, light pole, traffic signal, sign pole, or utility pole);

(ii) Locate two (2) or more wireless service providers’ micro wireless facilities on the same wireless support structure;

(iii) Replace or modify a micro wireless facility on a wireless support structure; and

(iv) Construct, modify, or replace a wireless support structure associated with a micro wireless facility.

(b) The following shall be exempt from the request for consent requirement in subsection (a) above:

(i) Routine maintenance of wireless facilities; and

- (ii) Replacement of wireless facilities with wireless facilities that are substantially similar to the existing wireless facilities or that are the same size or smaller than the existing wireless facilities.
- (c) If an entity is seeking to construct, modify, or replace more than one (1) micro wireless facility within the jurisdiction of a single municipal corporation, the entity may file, at its discretion, a consolidated request and receive a single permit for the construction, modification, or replacement of the micro wireless facilities or associated wireless support structures.
- (d) The Village shall not charge a fee of more than two hundred fifty (250) dollars per micro wireless facility to accept a request for consent. If an entity consolidates its requests for consent for more than one (1) micro wireless facility, the fees may be cumulative.
- (e) The Village shall grant or deny the request for consent within ninety (90) days after the filing. If the Village fails to approve a request for consent within this time period, the request is considered granted when the requesting entity provides notice to the municipal corporation that the time period for taking action on the request has lapsed. This provision does not apply if the time period is tolled per Section 24.03(C)(4) (Tolling).

(4) Tolling

- (a) The review period begins when the request for consent is filed, and may be tolled only by mutual agreement by the Zoning Inspector and the applicant, or in cases where the Zoning Inspector determines that the application for consent is incomplete.
- (b) To toll the time frame for incompleteness, the Zoning Inspector must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application. Tolling begins on the date when such notice is mailed.
- (c) Following a supplemental submission, the Zoning Inspector will notify the applicant within ten (10) days about the completeness of the application. Subsequent notices of incompleteness shall not specify missing documents or information that was not delineated in the original notice of incompleteness. Tolling ceases on the date when the Zoning Inspector mails notice to the applicant specifying that the application is complete.

24.04 Residential Uses

(A) Single Family & Two Family Residential

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- (1) Within the Downtown Core (B-2) and Downtown Transition (B-1) districts, detached (standalone) single-family & two family residential uses are only permitted if such dwellings were constructed prior to August 2008.

- (2) Within the Downtown Core (B-2) and Downtown Transition (B-1) districts, single-family or two family dwellings which are on the second or third floor of a mixed use building are permitted, so long as the floor where located is used purely for residential purposes (no non-residential use on the same floor), and a separate pedestrian entranceway is provided for each dwelling unit. Structures containing these types of upper story residential units shall comply with the provisions for "All Other Uses" under Section 12.02 and 13.02, for Downtown Core (B-2) and Downtown Transition (B-1) districts respectively.