

Chapter 27 Special Provisions

27.01 **Non-Intended Uses:** Motor vehicles, refrigerators, stoves, or other pieces of machinery or equipment not being used for the purpose for which manufactured, shall be permitted only in the M-1 Light Industry District, and then only if it is screened from view of persons on contiguous property or persons using the public right-of-way.

27.02 **Telecommunication Tower:** The location, erection or construction, reconstruction, change or alteration, and/or enlargement greater than twenty (20) feet of a communication tower shall be subject to the following provisions, excepting maintenance or use of such tower, or any change or alteration that would not substantially increase the tower height.

A. Any person planning to construct a telecommunication tower shall provide the following information by certified mail:

1. Written notice to the Village of Maineville Council and to each owner of the property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway for the property on which the tower is proposed to be constructed, stating all of the following, in clear and concise language:
 - a. The person's intent to construct a tower, a general description of said tower and any equipment buildings;
 - b. A description of the property sufficient to identify the proposed location;
 - c. That no later than fifteen (15) calendar days after the date of mailing of the notice, any property owner may give written notice to the Village Council of Maineville, requesting that Section 27.02 (B) of the Zoning Ordinance apply to the proposed location of the tower. If the notice is returned unclaimed or refused, the person shall mail said notice by regular mail. Failure to deliver the notice does not invalidate said notice.
2. If the Village of Maineville Council receives notice from a property owner within the time specified, or if a member of the Village of Maineville Council makes an objection to the proposed location of the telecommunication tower within the time specified, the Village of Maineville Council shall send the person proposing to construct the tower written notice that the tower is subject to the provisions of Section 27.02 (B) of the Zoning Ordinance. The notice shall be sent no later than five (5) working days after the earlier date the Board first receives such notice from the property owner, or the date upon which a member of the Village of Maineville Council makes an objection. Upon the date of mailing to the person, Section 27.02 (B) of the Zoning Ordinance shall apply to the tower.

B. Siting Provisions for Telecommunication Towers:

1. Locations and Co-Location or Shared Use

- a. Prior to approval of the tower location, the applicant shall provide documentation that the proposed tower has been reviewed and has been determined not to be a hazard by the Federal Aviation Administration or other Federal or State Authority, as applicable.
- b. In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but not be limited to, a certified mail announcement to all other

tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a tower unless due to available space on existing towers, a tower owner's ability to lease space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction and any Federal Communications Commission limitations on tower sharing preclude co-location.

2. **Structural Integrity:** All new or altered telecommunication towers shall be certified by an engineer licensed in the State of Ohio, according to current standards of the Telecommunication Industry Association. To ensure structural integrity and the health, safety and general welfare of the public. Telecommunication tower inspections shall take place as follows: Monopole towers at least every ten (10) years; Self-support towers at least every five (5) years; Guyed towers at least every three (3) years. 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 inspection shall be provided in writing to the Zoning Inspector. Based upon such results, the Village Council of Maineville may require the repair or removal of the telecommunication tower.
3. **Lot Size:** Lot size shall be the minimum for the zoning district in which the telecommunication tower is to be built.
4. **Setbacks and Clear Falling Zones:** Telecommunication tower setbacks shall establish a clear zone for falling tower debris, ice and/or the collapse of the tower. Towers one hundred (100) feet or greater in height shall be located such that the distance from the base of the tower to any adjoining property line or supporting structure of another tower is a minimum of one hundred (100) percent of the proposed tower height. Towers less than one hundred (100) feet in height that cannot satisfy this one hundred (100) percent setback requirement may be approved, provided that the applicant presents certification that the tower meets requirements of the American National Standards Institute, Electronic Industry Association and the Telecommunication Industry Association 222-F, that the tower will withstand wind up to one hundred (100) miles per hour. Equipment buildings, while accessory to a particular telecommunication tower(s), shall be setback from adjoining streets and/or property lines, per the minimum requirements for principal structures in the Zoning District in which they are proposed.
5. **Screening and Landscaping:** Existing on-site vegetation shall be maintained to the greatest extent possible. In addition, at a minimum, the perimeter of the site shall be planted with at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting, spaced not more than five (5) feet on center. For towers one hundred (100) feet or greater in height, in addition to the above, at least one row of deciduous trees, not less than one point five (1.5) inches in diameter measured three (3) feet above grade at time of planting, spaced not more than twenty (20) feet on center, shall be planted within twenty-five (25) feet of the perimeter of the site. Additional landscaping and alternate means of screening the base of the tower and any equipment buildings or off-street parking may also be required by the Planning Commission.
6. **Electromagnetic Fields (EMF's):** In the interests of the health, safety, and general welfare of the public, a complete non-ionizing electromagnetic radiation (NIER) analysis shall be submitted with every tower and co-location (shared use) application. The required NIER analysis shall meet the American National Standards Institute (ANSI) published standards of the Institute of Electrical and Electronics Engineers (IEEE). Additional tower setbacks may be required as a result of said NIER analysis. At such

time that the United States Government issues standards for public exposure to EMF's, said standards shall apply regarding tower location and minimum setbacks.

7. **Equipment Buildings:** Equipment shall be automated to the greatest extent possible to reduce traffic and congestion. These facilities shall not include business offices, long-term vehicle storage, outdoor storage, or other uses not necessary to transmission or reception, or broadcast studios, except for emergency purposes. The use of residentially-compatible paint color and materials, such as wood, brick or stucco is required for associated equipment buildings, which shall be designed to architecturally match the exterior of residential structures in the vicinity. In no case shall metal exteriors be allowed for equipment buildings.
8. **Off-Street Parking and Site Access:** Off-street parking shall be required only in cases where equipment buildings are staffed. In such cases, at least two (2) off-street parking spaces and one (1) additional space for two (2) on-site personnel shall be provided. Where the site abuts or has access to both a collector street and a local street, access for vehicles shall be exclusively by means of the collector street.
9. **Lighting:** Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority. When so required, it shall be oriented upward, so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 foot candles.
10. **Security:** A six (6) foot tall fence, including a locked gate shall be erected along the perimeter of the site. "No Trespassing" signage shall be prominently posted. If electrified security fencing is employed, signs shall be posted every twenty (20) linear feet, reading, "Danger—High Voltage".
11. **Abandonment:** The applicant (or its successors) shall, within thirty (30) days of ceasing operation of a telecommunication tower, provide written notice of abandonment to the Zoning Inspector. An unused telecommunication tower may stand no longer than twelve (12) months following abandonment. All costs associated with demolition of the tower and associated equipment buildings shall be borne by the most recent tower operator(s) of record.