

1030.04: Lake Anna Corridor (LAC)

FIGURE 1030.06: LAKE ANNA CORRIDOR (LAC) DISTRICT MAP

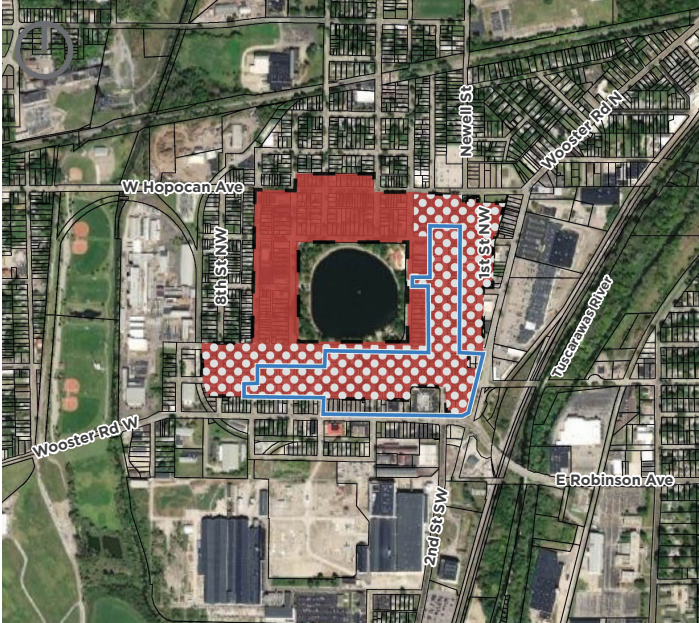


TABLE 1030.04 (D): LAC ALLOWED USES TABLE

ALLOWED USES	REFERENCE
ALLOWED BY ZONING PERMIT	
General Utility	1040.03
General Right-of-Way	1040.04
Parks and Preserves	1040.05
Accessory	1040.06
Temporary	1040.07
Civic and Institutional	1040.09
Neighborhood Commercial	1040.14
Artisanal Industrial	1040.17
ALLOWED BY CONDITIONAL USE APPROVAL	
Recreational	1040.08
Single-Unit Residential (1)	1040.10
Two-Unit Residential (1)	1040.11
Three-to-Eight-Unit Residential (1)	1040.12
NOTES	
(1) No residential use may be located on the ground floor in the LAC District.	

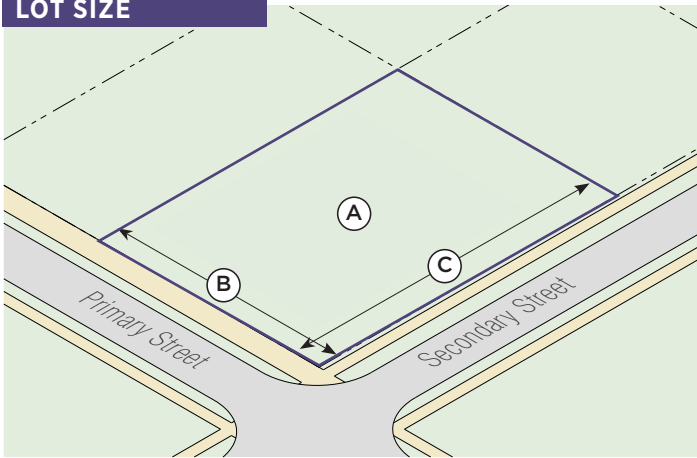
(e) Building Development Standards

- (1) No lot may be created which does not conform with the lot size standards listed below.
- (2) No building shall be erected or modified unless such building or the modified portion of such building conforms with the yard setback and building scale standards listed below.

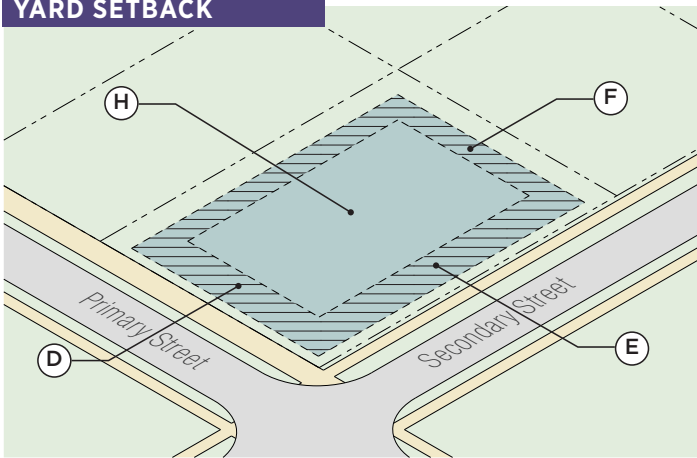
TABLE 1030.04 (E): LAC BUILDING DEVELOPMENT STANDARDS TABLE

LOT SIZE STANDARDS		
Lot Area	1,000 sq. ft. min.	A
Lot Width	20 ft. min.	B
Lot Depth	50 ft. min.	C
YARD SETBACK STANDARDS		
Front Yard Setback	80-120 percent of context average (1)	D
Side Yard Setback	No side yard setback is required, except that if a side yard setback is provided the min. shall be 5 ft.	E
Rear Yard Setback	No rear yard setback is required for buildings facing Wooster Road, Park Avenue, Tuscarawas Avenue, 2nd Street, and 3rd Street; 20 ft. min. for all other buildings (2)	F
BUILDING SCALE STANDARDS		
Building Height	50 ft. max. for buildings facing Wooster Road, Park Avenue, Tuscarawas Avenue, 2nd Street and 3rd Street; 35 ft. max. for buildings facing all other streets; 18 ft. max. for detached accessory structures	G
Lot Coverage	60 percent max. for lots opposing Lake Anna to the north, east, and west; 90 percent max. for all other lots	H
NOTES		
(1) Where no context average can be determined due to lack of appropriate benchmarks the Front Setback shall be 20 feet minimum.		
(2) Detached garages may be located within 2.5 feet from the Rear Lot Line.		

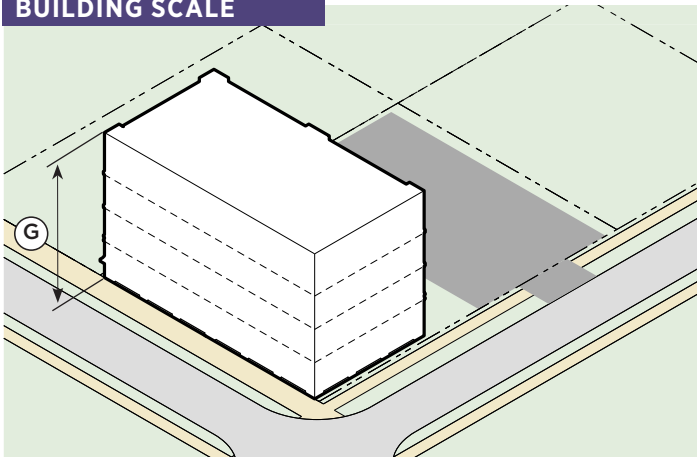
LOT SIZE



YARD SETBACK



BUILDING SCALE



(f) Typologies

- (1) The following Building, Frontage, Street, and Open Space Typologies are permitted. More detailed descriptions are found in Section 1030.10 to 1030.13.

TABLE 1030.04 (F): LAC TYPOLOGIES TABLE
* TYPOLOGY ALLOWED BY CONDITIONAL USE APPROVAL

ALLOWED TYPOLOGIES	REFERENCE
BUILDING TYPOLOGIES	
Attached Single Unit Residential Building, with no residential living on the ground floor	1030.10 (B)
Duplex Residential Building, with no residential living on the ground floor	1030.10 (C)
Small Flex Retail Building	1030.10 (F)
Medium Flex Retail Building *	1030.10 (G)
Institutional Flex Building *	1030.10 (I)
Primary School Building	1030.10 (J)
School and Institutional Building	1030.10 (K)
Bed and Breakfast Building *	1030.10 (L)
Office Building	1030.10 (N)
Assembly Use Building	1030.10 (S)
Maker Space or Live-Work Units	1030.10 (T)
FRONTAGE TYPOLOGIES	
Shopfront	1030.11 (A)
Patio	1030.11 (B)
Gallery	1030.11 (C)
Arcade	1030.11 (D)
Yard	1030.11 (E)
Terrace	1030.11 (F)
Forecourt	1030.11 (G)
Streetwall	1030.11 (H)
Porch	1030.11 (I)
Stoop	1030.11 (J)
OPEN SPACE TYPOLOGIES	
Greenway / Trail	1030.12 (A)
Plaza	1030.12 (B)
Square	1030.12 (C)
Green	1030.12 (D)
Passage	1030.12 (E)
Pocket Plaza	1030.12 (F)
Green Infrastructure	1030.12 (H)

1030.04

Lake Anna

(g) Additional Regulations for the Lake Anna District

- (1)** Parking Location. No parking areas shall be provided between a building and the street. All parking areas shall be located to the rear or to the side of a building and be screened from all streets or other public rights-of-way. Screening shall include a row of densely planted shrubs and trees at least four (4) feet in height, opaque fencing or decorative perimeter walls. No new parking areas shall face Lake Anna.
- (2)** Building Entrances. The primary entrance of any building shall be oriented toward the street or other public right-of-way. Any entrances provided to rear parking areas shall be considered a secondary entrance. The primary entrance shall be accessible for public use at all times of the day and all days of the week that the secondary entrance is accessible for public use.
- (3)** Sidewalks and Walkways. All business entrances must be connected along an efficient path to public sidewalk system via designated walkway. Designated walkways must be painted, paved, raised, or otherwise differentiated from vehicle use areas.
- (4)** Curb Cuts. No new curb cuts may be installed along Wooster Road, Park Avenue, Tuscarawas Avenue, 2nd Street, or 3rd Street, unless no shared access is available to the lot and the curb cut is approved by the Building Commissioner or designee.
- (5)** Refuse Storage. Outdoor refuse storage areas shall not be located between the street and the front street wall of a building. All outdoor refuse areas must be screened within a structure constructed of concrete masonry, brick, wood, or other rigid building material that is not greater than eight (8) feet in height.
- (6)** Landscaping. Each lot shall provide at least one (1) shade tree. The trunk of the trees may be located within the right-of-way or on the lot within ten (10) feet of the Lot Line.
- (7)** Design Considerations
 - A. Architectural Features. Buildings shall use architectural features that emphasize their orientation towards one (1) or more streets on which the lot has frontage.
 - B. Historic Overlay District. Within the Design Review Board Boundary, no alterations, new development, or demolitions shall be permitted except with the permission of the Design Review Board, which shall review each change on its ability to preserve historic character or to blend historic and modern architectural forms.
- (8)** Generally Applicable Regulations. In addition to the provisions of this section, the provisions of Chapter 1050 Generally Applicable Regulations shall also apply. These provisions govern elements including: Parking and Loading Standards; Signage; Landscaping and Buffers. In the event of conflicting regulations, the regulations of this chapter shall apply.

1040.02: **Comprehensive Use Table**

(a) The Comprehensive Use Table, below, sets forth which uses are “Allowed by Zoning Permit,” which uses are “Allowed by Conditional Use Approval,” and which uses are prohibited in each of the City’s districts. Such uses are also listed under each district in the preceding chapter; in the case of conflict, this table shall govern.

TABLE 1040.02: COMPREHENSIVE USE TABLE										USE DEFINITION & STANDARDS
	TR	SR	LAN	LAC	CC	CO	EF	IN	NA	
General Utility	●	●	●	●	●	●	●	●	●	1040.03
General Right-of-Way	●	●	●	●	●	●	●	●	●	1040.04
Parks and Preserves	●	●	●	●	●	●	●	●	●	1040.05
Accessory	●	●	●	●	●	●	●	●	●	1040.06
Temporary	●	●	●	●	●	●	●	●	●	1040.07
Recreational	⓪	⓪	⓪	⓪	⓪	⓪	⓪	⓪	●	1040.08
Civic and Institutional	●	●	●	●	●	●	-	-	-	1040.09
Single-Unit Residential	●	●	●	●	-	●	-	-	-	1040.10
Two-Unit Residential	⓪	-	⓪	⓪	-	⓪	-	-	-	1040.11
Three-to-Eight-Unit Residential	⓪	-	⓪	⓪	-	⓪	⓪	-	-	1040.12
Nine-Plus-Unit Residential	⓪	-	⓪	⓪	-	⓪	⓪	-	-	1040.13
Neighborhood Commercial	⓪	-	⓪	●	●	●	⓪	-	-	1040.14
Regional Commercial	-	-	-	-	●	⓪	⓪	-	-	1040.15
Vehicle-Oriented	-	-	-	-	-	⓪	●	●	-	1040.16
Artisanal Industrial	-	-	-	●	●	●	●	-	-	1040.17
Light Industrial	-	-	-	-	-	●	●	●	-	1040.18
Heavy Industrial	-	-	-	-	-	-	-	●	-	1040.19
Agricultural	-	⓪	-	-	-	-	-	-	-	1040.20
Outdoor Arena	-	-	-	-	-	-	⓪	⓪	-	1040.21
Weapons-Related	-	-	-	-	-	-	-	⓪	-	1040.22
Sexually Oriented	-	-	-	-	-	-	⓪	-	-	1040.23
Telecommunications Tower	-	-	-	-	-	-	⓪	●	-	1040.24
Aerospace-Related	-	-	-	-	-	-	⓪	●	-	1040.25

● Permitted ⓪ Allowed by Conditional Use Approval

USE REGULATIONS

1040.03: Use-Specific Standards for General Utility Uses

- (a) Definition of General Utility Uses. See Chapter 1053 Glossary.
- (b) Explosive Fluids Restricted for General Utility Uses. General Utility Uses shall not store or transport flammable, explosive, volatile, or unstable fluids in quantities that may pose a threat to neighboring occupants or the environment. Where such storage may pose a threat to neighboring occupants or the environment, the use shall be considered a Heavy Industrial Use, not a General Utility Use.

1040.04: Use-Specific Standards for General Right-of-Way Uses

- (a) Definition of General Right-of-Way Uses. See Chapter 1053 Glossary.
- (b) Food Trucks. Food trucks, where not established at a permanent location, shall be treated as Temporary Uses, not General Right-of-Way Uses.
- (c) Right-of-Way Encroachment Permit Required. A right-of-way encroachment permit are required for certain activities within a government-controlled right-of-way, such as a public street and/or sidewalk and are issued by the Building Commissioner (or designee) or Director of Public Safety.

1040.05: Use-Specific Standards for Parks and Preserves Uses

- (a) Definition of Parks and Preserves Uses. See Chapter 1053 Glossary.
- (b) Specific Standards for Parks and Preserves Uses. City-owned Parks and Preserves are mandatory referrals to the Planning Commission.

1040.06: Use-Specific Standards for Accessory Uses

- (a) Definition of Accessory Uses. See Chapter 1053 Glossary.
- (b) Standards for All Accessory Uses. All Accessory Uses and all accessory structures shall meet all of the following conditions:
 - (1) Accessory Uses on Same Lot as Principal Use. All Accessory Uses and all accessory structures shall occur on the same lot as the principal use and principal structure with which they are associated.
 - (2) Setbacks for Accessory Uses. Accessory Uses shall maintain setbacks from all lot lines as governed for principal uses, unless otherwise regulated in this section, such as for accessory structures of residential uses or for solar energy systems.
 - (3) Fences Regulated Elsewhere. Fences are regulated in Section 1050.04.
- (c) Standards for Accessory Parking.
 - (1) Parking as Accessory Use. Parking shall be considered an accessory use of the principal use of the lot.
 - (2) Parking Regulated Elsewhere. Parking is regulated in Section 1050.01.
- (d) Standards for Accessory Structures of Residential Uses.
 - (1) Accessory Structures Allowed with Residential Uses. Accessory structures shall be allowed on lots with principal residential uses where such accessory structures are customarily associated with residential living and are intended for use primarily by the residents of the property, as determined by the Building Commissioner (or

designee). Only two accessory structures are allowed with each residential use. Such accessory structures shall include:

- A. Permanent basketball hoops and courts, tennis courts, and other sports courts;
- B. Treehouses;
- C. Gazebos, pergolas, patios, decks, porches, and awnings;
- D. Car ports and garages;
- E. Electric vehicle charging stand, not permitted within the right-of-way;
- F. Sheds and other equipment storage structures, as permitted;
- G. Swimming pools and hot tubs, swimming pool patios, and swimming pool pumps and houses;
- H. Amateur radio antennas; and
- I. Flag poles and flag lighting.

(2) Permit Required for Accessory Structures Associated with Residential Uses. A zoning permit shall be required for the installation or placement of any accessory structure associated with a residential use where such accessory structure exceeds eighteen (18) feet in height or one thousand seventy (1070) square feet in building footprint.

(3) Setbacks for Accessory Structures Associated with Residential Uses. Accessory structures in association with principal residential uses shall maintain setbacks from all lot lines as indicated in the table below. If the setbacks of a particular accessory structure are regulated elsewhere in this Development Code, those setbacks shall govern.

TABLE 1040.01: SETBACKS FOR ACCESSORY STRUCTURES ASSOCIATED WITH RESIDENTIAL USES

ACCESSORY USE	SETBACK FROM FRONT LOT LINE	SETBACK FROM ALL OTHER LOT LINES
Amateur Radio Antennas	No less than the lesser of: (1) the setback of the principal dwelling, or (2) 100 ft.	No less than 110% of the heights of the antenna
Dog Kennels and Other Domestic Animal Housings	No less than the lesser of: (1) the setback of the principal dwelling, or (2) 100 ft.	10 ft. min.
Flag Poles and Flag Lighting	2 ft. min.	10 ft. min.
All Other Accessory Structures Associated with Residential Uses	No less than the lesser of: (1) the setback of the principal dwelling, or (2) 100 ft.	3 ft. min.

(4) Limits to Heights of Accessory Structures Associated with Residential Uses. The height of accessory structures in association with principal residential uses shall not exceed the heights indicated in the table below. If the height limit of a particular accessory structure is regulated elsewhere in this Development Code, that height limit shall govern.

TABLE 1040.02: LIMITS TO HEIGHTS OF ACCESSORY STRUCTURES ASSOCIATED WITH RESIDENTIAL USES

ACCESSORY USE	HEIGHT
Amateur Radio Antennas	40 ft. max.
Flag Poles and Flag Lighting	40 ft. max.
All Other Accessory Structures Associated with Residential Uses	20 ft. max.

USE REGULATIONS

- (5)** Accessory Structures Associated with Residential Uses as Contributing to Lot Coverage. Accessory structures associated with residential uses shall contribute to lot coverage calculations only when the accessory structure has a ground coverage of greater than nine (9) square feet and when the accessory structure does not permit rain to pass through to soil directly below it. As examples, the following accessory structures shall contribute to lot coverage calculations: paved patios, roofed porches, roofed gazebos, garages, carports, and sheds. As examples, the following accessory structures shall not contribute to lot coverage calculations: the water area of a swimming pool, bird baths, little library kiosks, basketball hoops, gardens, and unroofed decks built over bare soil.
- (6)** Fences Regulated Elsewhere. Fences are regulated in Section 1050.04.
- (7)** Accessory Dwelling Units Regulated Elsewhere. Accessory dwelling units are regulated in Section 1040.06 (f).
- (8)** Home Occupations Regulated Elsewhere. Home occupations, which are considered an accessory use as opposed to an accessory structure, are regulated in Section 1040.06 (e).
- (e)** Standards for Accessory Wind and Solar Energy Systems.
- (1)** Wind Energy Systems. Wind energy systems shall not be permitted.
- (2)** Solar Energy Systems. Solar energy systems shall be considered a permitted use in any zoning district, subject to the requirements of this section and the requirements of any other applicable section of this Development Code.
- (f)** Standards for Home Occupations
- (1)** Definition of Home Occupation. A home occupation is an occupation or profession which is conducted within a structure (1) where the structure is principally a residence, (2) where the person conducting the occupation or profession is the permanent resident of the residence or is an employee of the permanent resident of the residence, and (3) where the occupation or profession is compatible with the residential use of the property and surrounding residential uses, as determined by the Planning Director or designee. Examples of home occupations may include fabrication of window treatments or upholstery; paralegal services; licensed massage therapy services; state-licensed family day-care home services; and online tutoring.
- (2)** Home Occupations as Accessory to a Residential Use. A home occupation shall be conducted only where the use of the property or portion of the property is principally as a residence and where the portion of the structure or property is principally configured for use as a residence.
- (3)** Permitting Required for a Home Occupation. A home occupation shall require a permit from the City:
- A. The home occupation involves a non-resident employee or colleague to visit the property of the home occupation and residence at any time in order to conduct business; or
- B. The home occupation involves in-person customer interactions, such as drop-off of children for day care services, client visits for massage therapy appointments, or customer pickup of upholstery goods.
- (4)** Limits on Number of Employees of Home Occupations. No Dwelling Unit may have more than one (1) non-resident employee or colleague present at any given time in association with the Dwelling Unit's home occupation(s).
- (5)** Limits on Number of Customers Visiting a Home Occupations. No dwelling unit may have more than two customer present at any given time in association with the dwelling unit's home occupation(s). However, children of a state-licensed family day-care home shall not count as customers for the purposes of this regulation; the parents of such children, during drop-off and pick-up, shall not count as customers for the purposes of this regulation.
- (6)** Limits on Public Hours of Home Occupations. No dwelling unit may be open for visitation by customers in association with a home occupation between the hours of 7:00PM and 7:00AM.

- (7) Limits on Outdoor Storage in Association with a Home Occupation. No material, equipment, merchandise, or other products associated with the home occupation may be stored outdoors, except in the case that the equipment is a vehicle licensed or registered with the state, such as a limousine or fishing boat, in which case it shall be parked in compliance with this Development Code's parking regulations in Section 1050.01, and except that child play equipment in association with a state-licensed family day-care home shall be permitted to be stored outdoors in a rear yard.
- (8) Limits on Deliveries in Association with a Home Occupation. No Home Occupation may necessitate the delivery or pick-up of parcels, materials, or equipment by a freight hauler where such freight hauler is not customarily associated with the delivery or pick-up of goods to or from single-unit dwellings.
- (9) Limits on Signage in Association with a Home Occupation. A home occupation shall be allowed to display a sign only where this Development Code allows such types and sizes of signs in the district in which it is displayed. See Section 1050.08 for sign regulations.
- (10) Limits on Emissions of Noise, Vibrations, Odors, and Smoke in Association with a Home Occupation. No Home Occupation may cause the transmission of noise, vibration, odor, or smoke to adjacent residences at a level exceeding what is typically associated with a residential use. As examples, the opening and closing of a door, the use of a snow blower or other snow-removal equipment, the venting of a residential stove, or the venting of one (1) residential laundry dryer shall be considered typical of a residential use.

See Section 1052.03 (d) for procedures applicable to applying for a zoning permit.

- (c) Zoning Permit Exempted Temporary Uses. The following temporary uses shall be allowed without securing a zoning permit: yard sales or garage sales, sidewalk sales or tent sales. In such cases, a Building Permit may still be required; contact the Building Department to inquire. A public right-of-way encroachment permit shall be secured wherever such temporary activity encroaches upon the right-of-way.
- (d) Duration Limited for Temporary Uses. The Planning Director or designee shall, during the processing of the zoning permit application, assign a date at which the temporary permit must cease or seek zoning permit renewal. The date shall be assigned based on the proposed temporary use's probable impacts on the nighttime tranquility of any neighboring residential uses and the probable demands on City services. The decision of the Planning Director or designee may be appealed to the Board of Zoning and Building Appeals as regulated in Section 1052.03.

1040.08: Use-Specific Standards for Recreational Uses

- (a) Definition of Recreational Uses. See Chapter 1053 Glossary.
- (b) Sound Amplification Prohibited. Recreational Uses may not amplify sound in outdoor settings.
- (c) Tall Outdoor Lighting Structures Prohibited. Outdoor lighting used in conjunction with Recreational Uses may not project from poles, towers, or any other structures that exceed fifteen (15) feet in height.

1040.07: Use-Specific Standards for Temporary Uses

- (a) Definition of Temporary Uses. See Chapter 1053 Glossary.
- (b) Zoning Permit Required for Temporary Uses. Temporary structures and temporary uses shall require a zoning permit, except where specifically exempted below.

1040.09: Use-Specific Standards for Civic and Institutional Uses

- (a) Definition of Civic and Institutional Uses. See Chapter 1053 Glossary.
- (b) No Specific Standards for Civic and Institutional Uses. There are no specific standards for Civic and Institutional Uses other than those established during a conditional use approval process.

USE REGULATIONS

1040.10: Use-Specific Standards for Single-Unit Residential Uses

- (a) Definition of Single-Unit Residential Uses. See Chapter 1053 Glossary.
- (b) No Specific Standards for Single-Unit Residential Uses. There are no specific standards for Single-Unit Residential Uses.

1040.11: Use-Specific Standards for Two-Unit Residential Uses

- (a) Definition of Two-Unit Residential Uses. See Chapter 1053 Glossary.
- (b) No Specific Standards for Two-Unit Residential Uses. There are no specific standards for Two-Unit Residential Uses.

1040.12: Use-Specific Standards for Three- to Eight-Unit Residential Uses

- (a) Definition of Three- to Eight-Unit Residential Uses. See Chapter 1053 Glossary.
- (b) No Specific Standards for Three- to Eight-Unit Residential Uses. There are no specific standards for Three- to Eight-Unit Residential Uses.

1040.13: Use-Specific Standards for Nine-Plus-Unit Residential Uses

- (a) Definition of Nine-Plus-Unit Residential Uses. See Chapter 1053 Glossary.
- (b) No Specific Standards for Nine-Plus-Unit Residential Uses. There are no specific standards for Nine-Plus-Unit Residential Uses.

1040.14: Use-Specific Standards for Neighborhood Commercial Uses

- (a) Definition of Neighborhood Commercial Uses. See Chapter 1053 Glossary.
- (b) No Specific Standards for Neighborhood Commercial Uses. There are no specific standards for Neighborhood Commercial Uses.

- (c) A discount store must be located at least one (1) mile from another discount store.

1040.15: Use-Specific Standards for Regional Commercial Uses

- (a) Definition of Regional Commercial Uses. See Chapter 1053 Glossary.
- (b) Storage of Recreational Vehicles at Self-Storage Centers. Personal vehicles, such as boats and recreational vehicles, that are stored at a self-storage center must be screened from public view with an opaque fence or wall of at least six (6) feet in height and adequate landscaping.

1040.16: Use-Specific Standards for Vehicle-Oriented Uses

- (a) Definition of Vehicle-Oriented Uses. See Chapter 1053 Glossary.
- (b) Standards for All Vehicle-Oriented Uses.
 - (1) Permanent Storage of Inoperable Vehicles in Association with Vehicle-Oriented Uses. No permanent storage of inoperable vehicles shall be permitted on the site of a Vehicle-Oriented Use.
 - (2) Temporary Storage of Inoperable Vehicles in Association with Vehicle-Oriented Uses. The temporary storage of inoperable vehicles shall be permitted for certain Vehicle-Oriented Uses, such as vehicle repair and body shops, where such vehicles are made operable within six months, where such vehicles are limited to one (1) vehicle per one thousand (1,000) square feet of lot area, and where such vehicles are stored on paved surfaces.
- (c) Standards for Vehicle Refueling Stations.
 - (1) Distance from Dwellings. No pump dispensing gasoline, diesel, kerosene, natural gas, propane, or other hydrocarbon shall be located within one hundred (100) feet of any lot occupied by a dwelling.
 - (2) Side Setbacks for Refueling Stations. Vehicle refueling stations, including those dispensing gasoline, diesel, hydrogen, but not including those

dispensing only electrical charge, shall provide a side setback of at least twenty (20) feet or a side setback of a greater distance where required in the district in which the use is located.

- (3) Buffering of Refueling Stations. Vehicle refueling stations, including those dispensing gasoline, diesel, hydrogen, but not including those dispensing only electrical charge, shall be buffered from adjacent residential uses according to buffering standards described in Chapter 1050 Generally Applicable Regulations.
- (d) Standards for Vehicle Towing and Impounding Uses.
 - (1) Screening Required. An eight (8)-foot-high, one hundred (100) percent-opaque fence shall be required to screen all activities on the property.
 - (2) Buffering Standards Applying to Vehicle-Oriented Uses. Buffering standards may apply to Vehicle-Oriented Uses on lots abutting residential districts; see Section 1050.03 “Buffering Standards.”
 - (3) Vehicle Processing, Recycling, or Disposal Prohibited. No open burning, cutting, or processing is permitted

1040.17: Use-Specific Standards for Artisanal Industrial Uses

- (a) Definition of Artisanal Industrial Uses. See Chapter 1053 Glossary.
- (b) No Specific Standards for Artisanal Industrial Uses. There are no specific standards for Artisanal Industrial Uses.

1040.18: Use-Specific Standards for Light Industrial Uses

- (a) Definition of Light Industrial Uses. See Chapter 1053 Glossary.
- (b) Buffering Standards Applying to Light Industrial Uses. Buffering standards may apply to Light Industrial Uses on lots abutting residential districts; see Section 1050.03 “Buffering Standards.”

1040.19: Use-Specific Standards for Heavy Industrial Uses

- (a) Definition of Heavy Industrial Uses. See Chapter 1053 Glossary.
- (b) Buffering Standards Applying to Heavy Industrial Uses. Buffering standards may apply to Heavy Industrial Uses on lots abutting residential and commercial districts; see Section 1050.03 “Buffering Standards.”

1040.20: Use-Specific Standards for Agricultural Uses

- (a) Definition of Agricultural Uses. See Chapter 1053 Glossary.
- (b) No Specific Standards for Agricultural Uses. There are no specific standards for Agricultural Uses.

1040.21: Use-Specific Standards for Outdoor Arena Uses

- (a) Definition Outdoor Arena Uses. See Chapter 1053 Glossary.
- (b) Temporary Uses at Outdoor Arena Uses. Where an Outdoor Arena Use has received a zoning permit, and where the Outdoor Arena Use has been established, no temporary use permit shall be required by the City for the property owner to conduct temporary events in association with that Outdoor Arena Use, such as a race at a racetrack or a concert festival at a fairgrounds.
- (c) Tall Outdoor Lighting Structures Restricted. Outdoor lighting used in conjunction with Outdoor Arena Uses may not project from poles, towers, or any other structures that exceed fifteen (15) feet in height, except where such uses are more than one thousand (1000) feet from a Residential District.

1040.22: Use-Specific Standards for Weapons-Related Uses

- (a) Definition of Weapons-Related Uses. See Chapter 1053 Glossary.

USE REGULATIONS

- (b) Buffering Standards Applying to Weapons-Related Uses. Buffering standards may apply to Weapons-Related Uses on lots abutting residential districts; see Section 1050.03 “Buffering Standards.”

1040.23: Use-Specific Standards for Sexually Oriented Uses

- (a) Definition of Sexually Oriented Uses. See Chapter 1053 Glossary.
- (b) Location Restricted. A sexually oriented use shall be located only in accordance with the following restrictions:
 - (1) No sexually oriented use shall be located on any parcel within one thousand (1,000) feet of a property in a Residential District;
 - (2) No sexually oriented use shall be located within one thousand (1,000) feet of the boundaries of the City;
 - (3) No sexually oriented use shall be located within one thousand (1,000) feet of any adjoining city or township;
 - (4) No sexually oriented use shall be located on any parcel within one thousand (1,000) feet of any library, any private or public elementary or secondary school, any pre-school, any day care center, any public park, or any church, inclusive of any library, school, day care center, park, or church located outside of the boundaries of the City; and
 - (5) No sexually oriented use shall be located on any parcel within one thousand (1,000) feet of another sexually oriented use located within the boundaries of the City or any adjoining city or township.
- (c) Measuring Distances from Sexually Oriented Uses.
 - (1) For the purposes of subsections b(1-4) hereof, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of any structure located on the premises of a sexually oriented use, to the nearest property line of the premises of a church, public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

- (2) For the purposes of subsection b(5) hereof, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

- (d) Exceptions. Nothing in this section shall be construed to prohibit or limit the display, sale, or rental of descriptive, printed, film, or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational, or scientific value.
- (e) Nonconforming Sexually Oriented Uses. Notwithstanding Chapter 1051 Nonconformities, any sexually oriented use lawfully operating on the effective date of this chapter that is in violation of this chapter shall be deemed a nonconforming use. A sexually oriented use lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private elementary or secondary school, public park or library within one thousand (1,000) feet, or a Residential District or use within five hundred (500) feet, of the sexually oriented business.
- (f) Abandonment of Nonconforming Sexually Oriented Uses. When a nonconforming sexually oriented use of a structure or premises is voluntarily discontinued or abandoned for more than six months, the structure, building, or premises shall not thereafter be used except in conformity with this Development Code.
- (g) Buffering Standards Applying to Sexually Oriented Uses. In addition to location restrictions applying to Sexually Oriented Uses, buffering standards may apply to Sexually Oriented Uses on lots abutting residential districts; see Section 1050.03 “Buffering Standards.”

1040.24: Use-Specific Standards for Telecommunications Towers Uses

- (a) Definition of Telecommunications Towers Uses. See Chapter 1053 Glossary.
- (b) Purpose. These regulations governing wireless telecommunication facilities are established to provide for the construction, erection, maintenance, extension and removal of such facilities in certain zoning districts

in the City and are related to certain applications of technology and engineering in the field of wireless telecommunication. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996 (Public Law 104-104) and the interests of the City in regulating wireless telecommunication towers and related facilities for the following reasons:

- (1) To provide for orderly development within the City,
 - (2) To protect property values,
 - (3) To maintain the aesthetic appearance of the City, including, but not limited to, its residential character, unobstructed open spaces, and attractive commercial areas,
 - (4) To protect residential properties, parks, open spaces and the nonintensive commercial zoning districts which are characteristic of the City from the adverse effects of towers and related facilities,
 - (5) To promote collocation of wireless telecommunication facilities in order to decrease the total number of towers in the City, and
 - (6) To provide for and protect the residents and visitors of the City.
- (c) Applicability. No person shall construct, erect, maintain, extend, or remove a wireless telecommunication facility in the City without compliance with the provisions of this section.
- (d) Minimum Standards for Construction, Erection, Maintenance, Extension and Removal. All wireless telecommunication facilities shall comply with the following standards:
- (1) Use Regulations.
 - A. A wireless telecommunication facility may only be permitted as a conditional use in the following zoning districts: Commercial Center, Employment Flex, Industrial, or Natural. A wireless telecommunication facility is not permitted in any other zoning district in the City.

- B. The installation of a wireless telecommunication antenna, where the construction or erection of a tower is not proposed by the applicant, shall be permitted as an accessory use on existing towers or on existing buildings or structures being a minimum of five (5) stories in height from grade and where such towers, buildings or structures are located in the following zoning districts: Commercial Center, Employment Flex, Industrial, or Natural. To the extent the remaining standards of this subsection are applicable to the situation involving the installation of a wireless telecommunication antenna on an existing tower, building or structure, such standards shall govern the installation.

(2) Collocation.

- A. All applicants for construction or erection of wireless telecommunication towers shall be required to construct the tower on a base tower structure and structure foundation that are designed to be buildable up to, but not including, two hundred (200) feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate at least three antenna platforms or antenna arrays of equal loading capacity for three separate providers of service to be located on the structure when constructed to the maximum allowable height. The wireless telecommunication facility shall also be designed to show that the applicant has enough space on its site plan for an equipment shelter large enough to accommodate at least three separate users of the facility. If an equipment shelter is initially constructed to accommodate only one (1) user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least three separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the property owner, if different from the owner/user of the tower. Written documentation must be presented

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to the Building Commissioner (or designee) evidencing that the property owner of the property on which the tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding collocation of another user of the facility within thirty (30) days after receipt of written inquiry. Copies of all written requests to collocate and all written responses shall be sent to the Building Commissioner (or designee).

B. The applicant requesting permission to install a new tower shall provide:

1. Evidence that there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower, building or structure within the geographic area to be served; and
2. Subject to economic and technical feasibility, evidence that the most current technology in the field of personal wireless services is being utilized in the application. With its application, the applicant shall also identify the location of every tower, building, or structure that could support the proposed antenna(s) or the area where it would be technically suitable to locate so as to allow it to serve its intended function. As part of its application, the applicant shall provide a scaled map of all of its existing, proposed, or planned antenna locations within a five-mile radius of the site which is the subject of the application.

C. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building, or structure. If an existing tower, building or structure is technically suitable, the applicant must demonstrate that it has made written request to collocate on the existing tower, building, or structure and the request was rejected by the owner of the tower, building,

or structure. In all circumstances, owners of existing towers shall promptly respond in writing to requests for collocation, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for collocation. If another telecommunication tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna on another tower within the City which is owned or controlled by the applicant, if available, on commercially reasonable terms and the offer was not accepted.

- (3) Spacing. There shall be a separation of a minimum of one-quarter (1/4) mile between wireless telecommunication towers.
- (4) Height. The maximum height of a free-standing wireless telecommunication tower, including its antenna and all appurtenances, shall be less than two hundred (200) feet above grade. The maximum height of any wireless telecommunication antenna installed pursuant to 1040.24 (c)(1) "Installation of an Antenna on an Existing Tower or Building" hereof, shall be no greater than the height of the existing tower, building, or structure to which it is attached. The height of any equipment shelter shall not exceed fifteen (15) feet from grade.
- (5) Setbacks. All wireless telecommunication towers shall be set back from property lines of residentially zoned or residentially used properties a distance of at least one-hundred ten (110) percent of the height of the tower. In all cases, all towers and related facilities shall be a minimum of forty (40) feet from the front, rear and side property lines. In no event shall a wireless telecommunication tower or facility be located in front of the principal building on the lot.
- (6) Design.
 - A. All wireless telecommunication towers shall be of a monopole design, as opposed to a lattice design.

- B. All wireless telecommunication facilities shall be subject to review by the Design Review Board for the purpose of enhancing the compatibility of the facilities with their surroundings.
 - C. The color of a wireless telecommunication tower and/or antenna shall be as determined by the Design Review Board for the purpose of minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- (7)** Landscaping. Landscaping shall be consistent with requirements provided in Chapter 1050 Generally Applicable Regulations.
- (8)** Engineering Report. A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable Federal, State, County and City regulations. The report shall include a detailed description of the telecommunication tower, antenna(s), equipment shelter, and appurtenances, and shall certify that radio frequency (electromagnetic) emissions are in compliance with the regulations of the Federal Communications Commission (FCC).
- (9)** Maintenance.
- A. The applicant shall submit a plan documenting how the wireless telecommunication facility will be maintained on the site in an ongoing manner that meets industry standards.
 - B. On each biennial anniversary of the issuance of the building permit for a wireless telecommunication facility, or not more than ninety (90) days prior thereto, the owner/user shall submit to the City a report prepared by a licensed professional engineer which shall verify continued compliance of the facility with all governmental requirements, including, but not limited to, the structural integrity and stability of any towers or antennas, electrical safety standards, and auxiliary power source safety standards.
- (10)** Lighting Prohibited. Except as required by law, an antenna, or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulations, the most visually nonobtrusive state-of-the-art lighting available shall be used, unless otherwise required by the FAA.
- (11)** Security.
- A. A security fence not less than eight (8) feet in height shall fully enclose those portions of the wireless telecommunication facility which come in contact with the ground. Gates shall be locked at all times.
 - B. A permanent warning sign with a minimum size of two (2) square feet and a maximum size of six (6) square feet shall be posted on the site, as well as an emergency telephone number of the owner/user of each set of antennas on the site. The owner/user shall also provide the Building Commissioner (or designee), the City Fire Department, and the City Police the owner's telephone number in event of an emergency.
- (12)** Advertising Prohibited. No advertising signs or devices shall be permitted anywhere on a wireless telecommunication facility site.
- (13)** Outdoor Storage. There shall be no outdoor storage of equipment or other items on the wireless telecommunication facility site except during the facility construction period and to supply emergency power to the facility only during a power outage.
- (14)** Access to Facility. The access driveway to the wireless telecommunication facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the facility shall be a minimum of eighteen (18) feet in width with a minimum overhead clearance of eleven (11) feet and shall be set back a minimum of twenty (20) feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment.

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If the access road to the facility is more than one-thousand five-hundred (1,500) feet from the public right-of-way, a turnaround shall be provided for emergency vehicles at the site and a by-pass, adequate for emergency vehicles, with an approachable access, shall be provided for each additional one-thousand five-hundred (1,500) feet of the driveway. There shall be a maximum of one (1) off-street parking space on the facility site.

be dismantled and removed from the site within that same ninety (90)-day period at the cost of the owner/user. The owner/user of the wireless telecommunication facility shall, on no less than an annual basis from the date of issuance of the building permit, file a declaration with the Building Commissioner (or designee) as to the continuing operation of each of its facilities within the City.

(15) Accessory Equipment Shelter. The maximum cumulative total size of all equipment shelters accessory to a telecommunication tower or antenna on a lot shall be seven-hundred fifty (750) square feet and their maximum height shall not exceed fifteen (15) feet from grade. Only one (1) equipment shelter, or the configuration of more than one (1) shelter to appear that there is one (1) shelter, shall be permitted on a lot. Where it is technically feasible and reasonably practical to do so, an existing building or structure on a lot shall be used to shelter equipment associated with a wireless telecommunication facility.

(16) Underground Utilities. All utility lines from the utility source to the wireless telecommunication facility shall be underground.

(17) Time Limit for Commencement and Completion. After issuance of a building permit to construct a wireless telecommunication facility, the applicant shall commence construction within six (6) months and shall complete construction within one (1) year, or the building permit shall expire.

(18) Abandonment and Removal of Facilities

A. If at any time the use of the wireless telecommunication facility is discontinued for one-hundred eighty (180) consecutive days, said facility shall be deemed abandoned. The Building Commissioner (or designee) shall notify the owner/user in writing and advise such owner/user that the facility must be reactivated within ninety (90) days or it must

B. The applicant for the wireless telecommunication facility shall be required, as a condition of issuance of a building permit, to post a cash or surety bond acceptable to the Director of Law of not less than \$100.00 per vertical foot from grade of the wireless telecommunication facility, which bond shall insure that an abandoned, obsolete, or destroyed wireless telecommunication antenna or tower shall be removed within one-hundred eighty (180) days of cessation of use or abandonment. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the successor-in-interest or assignee occupies the facility.

(e) Exemption of Certain City Property. Regardless of the provisions of this section, a wireless telecommunication facility may be permitted on any property owned or controlled by the City and used for public services and shall be constructed, erected, maintained, extended, and removed under such conditions, standards, and regulations as required by Council. The design shall be approved by the Design Review Board prior to construction.

(f) Buffering Standards Applying to Telecommunications Tower Uses. Buffering standards may apply to Telecommunications Tower Uses on lots abutting residential districts; see Section 1050.03 "Buffering Standards."

1040.25: **Use-Specific Standards for Aerospace-Related Uses**

- (a) Definition of Aerospace-Related Uses. See Chapter 1053 Glossary.
- (b) FAA Approval Required. The City shall not grant a zoning permit or a conditional use approval for an aerospace-related use until it has received evidence that the proposed use will not conflict with traffic patterns of existing aircraft and airports or interfere with FAA-approved instrument landing procedures.
- (c) Fences Permitted for Aerospace-Related Uses. Aerospace-Related Uses shall be exempt fence standards in Section 1050.04 where such fence standards do not allow for adequate security or safety for Aerospace-Related Uses.
- (d) Buffering Standards Applying to Aerospace-Related Uses. Buffering standards may apply to Aerospace-Related Uses on lots abutting residential districts; see Section 1050.03 “Buffering Standards.”