

ADDITIONAL CONDITIONS FOR CERTAIN USES**§ 155.045 APPLICATION.**

These conditions apply only to uses “permitted with conditions” or by “special use permit” in the applicable zoning district as shown in § 155.031. Some uses are also restricted relative to their proximity to the Yadkin River and certain streams due to potential impacts on water quality. For these restrictions, please refer to §§ 155.025 to 155.031.

(Ord. passed 4-16-2018)

§ 155.046 ACCESSORY COMMUNICATION ANTENNAS.

(A) No antennas or radio towers shall be permitted in the TC District unless completely camouflaged or hidden from view at the street level.

(B) No antennas or radio towers shall be permitted adjacent to legal, conforming residential uses or on residentially zoned lots except for small (less than three-foot diameter) dish satellite and television antennas located on the roof. Short wave radio antennas shall not be permitted.

(C) If an antenna exceeds the height restrictions for the district in which it is located, it must be set back one foot from any adjacent property lines for each foot of height over the maximum for the district.

(D) Accessory antennas shall be concealed within or have an exterior appearance as a permitted principal or accessory structure permitted in the district where located.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.047 ACCESSORY USES, BUILDINGS, STRUCTURES, AND DWELLING UNITS, ATTACHED OR DETACHED.

(A) An accessory dwelling may be attached, within, or separate from the principal dwelling.

(B) The principal use of the lot shall be residential and the principal structure on the lot shall be a residential building (single-family, duplex, multi-family, or townhouse).

(C) No more than one accessory dwelling shall be permitted on a single lot of record in conjunction with the principal dwelling unit.

(D) The accessory dwelling shall be owned by the same person as the principal dwelling.

(E) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley or side street and the principal dwelling is accessed from a front or side street.

(F) A detached accessory dwelling may be a dwelling only or may combine a dwelling with garage, workshop, studio, or similar accessory use.

(G) A detached accessory dwelling shall be located in the rear yard.

(H) The owner of the accessory dwelling shall live on the parcel containing the accessory dwelling.

(I) Accessory buildings or structures located in the RA District shall be permitted only in a side or rear yard and shall not be less than ten feet from any property line, except that in the case of corner lots, such buildings or structures shall be set back at least 25 feet from any side street right-of-way line.

(J) (1) Accessory buildings or structures located in the RL, LTD, R-40, R-20, R-10, and R-8 District shall be permitted in a side or rear yard and shall be not less than ten feet from any property line except that in the case of corner lots, such buildings or structures shall be set back at least 25 feet from any side street right-of-way line.

(2) All accessory buildings or structures shall have size limitations and shall be limited to 50% of the heated area of the principal structure. Accessory buildings or structures associated with a lot that has "Lake lease lot area" may be located in the front yard, no closer than 20 feet to the street right-of-way, or they can be located on an adjacent lot within 200 feet from the lot containing the principal structure, in most cases located across the street. In that case the accessory building shall be no closer than 40 feet from the street right-of-way, 15 feet from the side and 20 feet from the rear property line.

(3) The accessory building shall not exceed 14 feet in height.

(K) Greenhouses and gardens which are incidental to a residential use and conducted on a noncommercial basis only shall be permitted provided that no greenhouse heating plant shall be located within 60 feet from any front property line or within 30 feet of any other property line.

(L) Horses for personal use and their related structure, provided that, except where horses are kept on a bona fide farm that is exempt from regulations under this chapter, the tract must contain at least two acres of total land area per horse and inclusive, one-half acre of fenced pasture area for every horse kept thereon, provided that, if this density figure is exceeded as a result of a mare giving birth, the colt or filly may remain for weaning purposes for a period not to exceed six months. A barn shall be required to house the proposed horses as a use allowed under this section with the number of stalls equal to or exceeding the number permitted thereon. Any barn that houses a horse or horses under this section shall meet the following minimum setback requirements:

(1) Fifty feet from adjacent property lines; and

(2) One hundred feet from pre-existing adjacent residences not resided in or owned by the horse owner.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.048 ADULT ESTABLISHMENTS.

(A) No adult establishment shall be located within 300 feet (determined by a straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of any church, school, daycare, public park, residence, or playground as measured by a horizontal straight line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.

(B) No adult establishment shall be located within 300 feet (determined by a straight line and not street distance) of any other adult establishment as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by each.

(C) No more than one adult establishment may be located within the same structure.

(D) Mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.

(E) Patrons of adult establishments shall be separated from entertainers, performers, or entertainment employees by a minimum of six feet.

(F) All performers or entertainment employees of adult establishments shall perform on an elevated stage or platform, elevated from the main floor by at least three feet.

(G) No printed material, slide, video, photograph, written text, live show, or other visual presentation shall not be visible to the public or an adjacent property or use, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

(H) Any retail establishment having more than an incidental amount, either in terms of the weight and importance of the material or in terms of greater volume of materials, of sexually-oriented devices shall be classified an adult establishment and shall meet all of the requirements of this chapter. (Ord. passed 4-16-2018) Penalty, see § 155.99

§ 155.049 AGRICULTURE, BONA FIDE FARMS.

(A) Outdoor storage of implements and equipment shall be located in the rear yard. Agricultural uses must maintain a minimum ten-foot vegetated buffer, or equivalent control as determined by the Soil and Water Conservation Commission along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute) topographic maps.

(B) No pens, enclosures, buildings, or other structures intended or used for the containment of animals shall be permitted within 250 feet of the property line. This shall not include pastures, riding rings, or similar areas intended or used for the containment of animals in such small numbers that they do not present any significant offsite impacts related to noise, odor, or stormwater runoff.

(C) Two or more principal buildings used as part of the bona fide farm operation may be placed on a single lot of record when such buildings meet the location requirements of this chapter.
(Ord. passed 4-16-2018)

§ 155.050 AGRICULTURE IMPLEMENT SALES AND SERVICE.

(A) Outdoor storage of implements and equipment shall be located in the rear yard only.

(B) Outdoor storage shall not occur within 250 feet of a legal, conforming residential use or residentially zoned lot.
(Ord. passed 4-16-2018)

§ 155.051 AMUSEMENTS; COMMERCIAL, INDOOR, AND OUTDOOR.

(A) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property located in a residential district or containing a legal, conforming residential use.

(B) No permanently established outdoor amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 500 of the closest point of any abutting property located in a residential district.

(C) Hours of operation for either type of facility shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

(D) Agriculture fairs, carnivals, recreational, and entertainment activities provided that:

(1) The applicant for a special use permit shall provide proposed location, intended activities, operation schedule, site plan layout, or any other information deemed necessary to evaluate impact on the neighborhood or community in general; and

(2) On a case-by-case basis, the Council may regulate the use and location of proposed buildings, set time of operations, or specify other conditions necessary to assure protection to the neighborhood or community in general.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.052 ARENAS; ASSEMBLY HALLS, COLISEUMS, AND THE LIKE.

(A) The facility shall have direct access to a major arterial.

(B) All facilities and structures related to the use shall be located at least 100 linear feet from any lot line and 500 linear feet from a residential district, except that the Zoning Officer may waive part or

all of this requirement where the design and location of the facilities or structures conform to accepted urban design principles and are compatible with nearby and adjacent residential uses.

(C) Two or more principal buildings used as part of an exhibition area or armory may be placed on a single lot of record when such buildings meet the location requirements of this chapter.
(Ord. passed 4-16-2018)

§ 155.053 AUTOMATIC TELLER MACHINES.

(A) Automatic teller machines shall be permitted as accessory uses to banks and other financial institutions as either freestanding or attached facilities.

(B) Automatic teller machines shall be permitted as accessory uses to any use when located on the inside of a building or when attached to the exterior of the principal building.

(C) Automatic teller machines shall be permitted as freestanding facilities in shopping center parking lots only when the location of such facilities do not present a hazard to the motoring public using the parking lot and they are lighted and located in such a manner as to maximize the safety of the public using the facility.
(Ord. passed 4-16-2018)

§ 155.054 BANQUET AND EVENTS FACILITIES.

A facility for lease for private parties. Such facilities may or may not provide catering, photography, or similar services associated with private parties, weddings, birthdays, and similar occasions.

(A) Hours of operation shall be no earlier than 7:00 a.m. and no later than 1:00 a.m. when the use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.

(B) Outdoor seating and entertainment areas shall not be permitted adjacent to a public street or within 50 feet of a residential use or a residentially zoned lot unless screened from view.

(C) Music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the facility shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the facility.
(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.055 BED AND BREAKFAST ESTABLISHMENT.

(A) The establishment shall serve only breakfast to registered guests of the establishment except that the establishment may also serve dinner to the general public for pay in the CB and HB Districts.

(B) The price of breakfast shall be included in the room rate.

(C) The establishment shall be the permanent residence of the owner of the establishment and shall contain no more than a maximum of 20 guest rooms.

(D) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard and overnight guest accommodations shall be in the principal structure only.

(E) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

(Ord. passed 4-16-2018)

§ 155.056 BOARDING OR ROOMING HOUSE.

(A) The house shall be the permanent residence of the owner of the establishment.

(B) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.

(C) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

(D) At all times the character of the use shall be residential and shall be designed and maintained to appear as a single-family use.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.057 BROADCAST STUDIOS, RADIO AND TELEVISION.

Broadcast studios shall be permitted only when the applicant can adequately demonstrate that any antenna and/or transmission related to the use will not interfere with the normal and customary television and radio reception enjoyed by town residents.

(Ord. passed 4-16-2018)

§ 155.058 BUILDING CONTRACTORS, GENERAL; HEAVY.

(A) All outdoor storage of non-passenger vehicles and building materials shall be kept at least 100 linear feet from any adjacent lot containing a legal, conforming residential use and shall be located in a side or rear yard only.

(B) Heavy building contractors shall not be located along major thoroughfares.
(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.059 BUILDING MATERIALS SUPPLY.

(A) All outdoor storage of logs, lumber, and building materials shall be kept at least 100 linear feet from any adjacent residential lot.

(B) Storage of logs, lumber, and building materials shall be located in a side or rear yard only.

(C) Saw mills shall not be permitted except as accessory uses to a building materials supply establishment.
(Ord. passed 4-16-2018)

§ 155.060 CAR WASH, AUTOMATIC OR FULL SERVICE.

(A) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials.

(B) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(C) Car washes, vacuums, and similar service devices shall be a minimum of 50 feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use.

(D) Car washes accessory to a principal use shall be located in the side or rear yard only.

(E) Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.
(Ord. passed 4-16-2018)

§ 155.061 CAR WASH, INDUSTRIAL.

(A) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials.

(B) Industrial car washes shall be permitted only as accessory uses to a permitted business or industrial use and shall be located in the rear yard only.

(C) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(D) Car washes, vacuums, and similar service devices shall be a minimum of 250 feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use.

(E) Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.
(Ord. passed 4-16-2018)

§ 155.062 CAR WASH, SELF-SERVICE.

(A) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials.

(B) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(C) Car washes, vacuums, and similar service devices shall be a minimum of 50 feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use.

(D) Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.
(Ord. passed 4-16-2018)

§ 155.063 CEMETERY.

(A) Tombstones, crypts, monuments, and mausoleums must be located at least 50 feet from any street right-of-way line or abutting property. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located. Grave sites shall also be set back at least 20 feet from any side or rear lot lines in cemeteries (or cemetery expansions).

(B) Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than 20 feet from any side lot line abutting a residential district and 40 feet from any such rear lot line. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.

(C) Notwithstanding any other provisions of this chapter, a minimum of three acres shall be needed for any cemetery being developed as a principal use.
(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.064 CHILDCARE INSTITUTION; DAYCARE CENTER.

(A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be

observed. On corner or through lots, a minimum 20-foot setback as measured from the abutting street right-of-way line shall be required.

(B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height.

(C) Outdoor activities are limited to the fenced area between 8:00 a.m. and 9:00 p.m.

(D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each 20 people enrolled. Adequate on-site turnaround area shall be provided for all loading/unloading and parking spaces.

(Ord. passed 4-16-2018)

§ 155.065 CHURCH OR RELIGIOUS INSTITUTION, COMMUNITY SCALE.

(A) Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.

(B) Convents, rectories, parsonages, or similar uses may be placed on the site as accessory uses.

(C) Accessory uses such as church offices, religious bookstores serving only the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and daycare centers on the same site or sites contiguous to the principal use shall be permitted. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such.

(D) Church accessory uses which are not permitted as principal uses in a district shall adhere to the following restrictions:

(1) No merchandise or merchandise display shall be visible from outside the building; and

(2) No business or identification sign pertaining to the accessory uses shall be visible from outside the building.

(E) Except as noted in division (C) above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited.

(F) Direct access to the site shall be provided by a major or minor thoroughfare, as depicted on the most up-to-date version of the thoroughfare plan.

(G) The minimum site area shall be three acres and the minimum setback shall be no less than 20 feet.

(H) Two or more principal buildings used as part of the church or religious institution may be permitted on a single lot of record when such buildings meet the location requirements of this chapter. (Ord. passed 4-16-2018)

§ 155.066 CIVIC, FRATERNAL, CULTURAL, AND COMMUNITY FACILITIES, NOT OTHERWISE LISTED.

(A) Such use has direct access to an arterial or collector street.

(B) No active part of the site (buildings, parking, recreational areas, and the like) are permitted within 50 feet of an adjacent single-family residential use.

(C) An auditorium or assembly hall is only permitted provided that:

(1) Such use is permitted as a principal use in the district; or

(2) Such use is limited to a seating capacity of no more than 150 people.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.067 CLUBS, PRIVATE.

(A) Private clubs shall be open to members of the club and their guests only.

(B) Hours of operation shall be no earlier than 7:00 a.m. and no later than 1:00 a.m. when the use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.

(C) Outdoor seating areas shall not be permitted adjacent to a public street or within 250 feet of a residential use or a residentially zoned lot.

(D) Outdoor entertainment areas, except areas devoted strictly to seating, shall not be permitted.

(E) Music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the club shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the club.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.068 CLUSTER SUBDIVISIONS.

(A) All lots within the development shall be accessed solely by interior streets, except that lots used for permitted nonresidential uses may have driveway access to adjacent streets if approved by the town.

(B) No nonresidential use in the development shall be permitted within 150 feet of the perimeter of the development site unless the adjacent zoning district permits such use.

(C) The overall density of the cluster subdivision shall not exceed that of an unclustered subdivision. Land "saved" by clustering shall be dedicated for open space according to the requirements of § 155.147.

(Ord. passed 4-16-2018)

§ 155.069 COLLEGE OR UNIVERSITY.

(A) Schools shall be located on streets sized to accommodate normal traffic volumes of existing uses plus the additional traffic projected to be generated by the school(s).

(B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.

(C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs, a minimum three feet in height (expected height at maturity minimum six feet), six feet on center at installation.

(D) Two or more principal buildings used as part of the college or university may be permitted on a single lot of record when such buildings meet the location requirements of this chapter.

(Ord. passed 4-16-2018)

§ 155.070 COMMERCIAL STABLES.

(A) Commercial stables shall occupy a zoning lot containing not less than five acres.

(B) Commercial stables, including any structures housing permitted veterinarian services, shall be set back not less than 150 feet from any adjoining zoning lot and 100 feet from any street right-of-way.

(Ord. passed 4-16-2018)

§ 155.071 COMMUNITY CENTER.

Any community center having a seating capacity in excess of 500 persons shall have direct access to a major or minor arterial.

(Ord. passed 4-16-2018)

§ 155.072 CONSTRUCTION VEHICLE AND HEAVY MACHINERY SALES, REPAIR, AND THE LIKE.

Outdoor storage of construction vehicles and heavy machinery associated with sales, repair, leasing, maintenance, and storage operations shall be permitted according to the following standards.

(A) Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street.

(B) Where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way.

(C) The area of outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

(Ord. passed 4-16-2018)

§ 155.073 DAYCARE HOME, LARGE AND SMALL.

(A) A daycare home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.

(B) No outdoor play shall be permitted after dark and care shall not be provided on a 24-hour basis in any residential district.

(C) The facility shall be staffed by persons residing in the dwelling in which the daycare is located except that up to one non-resident may report to work at a daycare home.

(D) The daycare shall be located in a structure originally constructed as and designed for a single-family dwelling which shall be the principal structure on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.

(E) The owner of the daycare home shall reside on premises.

(Ord. passed 4-16-2018)

§ 155.074 DORMITORY.

(A) Dormitories shall be permitted only as accessory uses to a college, university, or boarding school.

(B) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.

(C) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

(Ord. passed 4-16-2018)

§ 155.075 DRY CLEANING, LAUNDRY PLANTS, AND PICK-UP STATIONS.

(A) Dry cleaning and laundry plants shall not be permitted within 500 feet of a residential use and shall only be permitted as separate freestanding facilities.

(B) Pick-up stations shall be restricted to non-flammable cleaning products.

(Ord. passed 4-16-2018)

§ 155.076 FARMERS MARKET.

Farmers markets shall be permitted only when the products sold are locally grown food and floral produce or products made from such produce such as fruit preserves, candies, cakes, wreathes, and the like.

(Ord. passed 4-16-2018)

§ 155.077 FEED AND SEED STORES.

All outdoor storage shall be kept at least 100 linear feet from any adjacent lot containing a legal, conforming residential use and shall be located in a side or rear yard only.

(Ord. passed 4-16-2018)

§ 155.078 FREIGHT TERMINALS.

(A) All freight terminals shall be accessory to an industrial and/or business park or an individual industry or business use.

(B) The area designated for truck parking shall be located no closer than 40 feet from an abutting street right-of-way.

(C) The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.

(D) The use shall be located on or have direct access to a major or minor arterial; truck terminals shall not be sited such that collector streets are regularly traversed to access the larger capacity road.

(E) The area designated for truck parking and/or container storage (including trailer storage) shall be located no closer than 50 feet from public street right-of-way and no closer than 250 feet from a lot containing a legal, conforming residential use or residentially zoned lot unless separated by an arterial street or railroad right-of-way.

(F) Truck parking areas are exempt from parking lot landscaping requirements but shall be substantially screened from view from public streets and from all abutting non-industrial properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.

(G) The use shall be located on or directly accessible to a major or minor arterial, freeway, or railroad right-of-way. Terminals shall not be sited such that collector or neighborhood streets are regularly traversed to access a larger capacity road or railroad.
(Ord. passed 4-16-2018)

§ 155.079 FUNERAL HOMES.

Funeral homes shall provide a semi-opaque screen when abutting property located in a residential district or a lot containing a legal, conforming residential use.
(Ord. passed 4-16-2018)

§ 155.080 GASOLINE STATION, LARGE; NEIGHBORHOOD.

(A) Hours of operation shall be no earlier than 6:00 a.m. and no later than 12:00 midnight when this use abuts a lot containing a legal, conforming residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from such residential use or a residentially zoned lot by a major arterial street.

(B) Any accessory motor vehicle repair service shall store any wrecked, partially dismantled, or inoperative vehicles located on-site in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this chapter for outdoor storage.

(C) The overnight storage of all merchandise and vehicles shall be indoors and all repair work and similar activities shall be conducted entirely within enclosed structures.

(D) All fuel pumps shall be located a minimum of 20 feet from any adjacent property line.

(E) All fuel pumps and canopies shall be located in the side or rear yard only. On corner lots, fuel pumps, and canopies located in side yards shall be on the side of the principal structure located away from the street intersection.

(Ord. passed 4-16-2018)

§ 155.081 GOVERNMENT-OWNED BUILDINGS, FACILITIES, AND INSTITUTIONS.

(A) Such uses shall not include storage, disposal, processing, or manufacture of hazardous or toxic materials as a principal activity.

(B) In addition:

(1) These uses shall not create smoke, odor, dust, or noise which would cause health hazard or nuisance to surrounding property;

(2) All dangerous apparatus shall be enclosed by a chain link fence at least eight feet in height;

(3) The maximum height of any building shall be 45 feet, provided a 50-foot setback from the road right-of-ways and property lines is maintained. Buildings not exceeding 35 feet in height shall maintain setbacks as provided by § 155.131(B);

(4) These uses shall be limited to offices or to training, housing, incarceration, treatment, or care of individuals, unless otherwise included within the list of permitted or special uses of this district; and

(5) Two or more principal buildings associated with the government use may be permitted on a single lot of record when such buildings meet the location requirements of this chapter
(Ord. passed 4-16-2018)

§ 155.082 GROUP HOMES, A OR B.

(A) The zoning lot on which the group home or care facility is proposed shall not be located within a one-half mile radius of a zoning lot containing another such facility.

(B) The group home shall be located in a structure originally constructed as and designed for a single-family dwelling which shall be the principal structure on the lot. The structure shall not be altered nor the site used in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.

(Ord. passed 4-16-2018)

§ 155.083 HABITATION FACILITY, A OR B.

(A) Outdoor activity areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed. On corner or through lots, a minimum 20-foot setback as measured from the abutting street right-of-way line shall be required.

(B) All outdoor activity areas shall be surrounded by a fence or wall at least four feet in height.

(C) Outdoor activities shall be permitted only between the hours of 8:00 a.m. and 10:00 p.m.

(D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each 20 people enrolled.

(Ord. passed 4-16-2018)

§ 155.084 HELIPORT.

(A) Heliports shall be permitted as accessory uses to hospitals only.

(B) Landing pads for on-grade heliports shall be set back a minimum of 400 feet from any property line and 400 feet from buildings used for residential purposes, public or private schools, or public parks. These distance requirements may be reduced one foot for each one foot of the elevation above ground level for elevated heliport.

(C) The heliport landing area shall be constructed of a material which is free of dust and loose particles which may be blown about by the down blast of the helicopter rotor.

(D) Lighting is to be provided according to Federal Aviation Administration (FAA) requirements and is to be oriented as much as possible away from adjacent uses.

(E) An on-ground landing area shall be surrounded by a fence or other barrier which prohibits access except at controlled access points. Adequate access for fire and other emergency vehicles shall be provided to on-ground sites.

(Ord. passed 4-16-2018)

§ 155.085 HOME OCCUPATION, CUSTOMARY AND RURAL.

(A) A customary home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements.

(1) The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the residential dwelling.

(2) A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.

(3) The use shall employ no more than one person who is not a resident of the dwelling.

(4) A home occupation housed within the dwelling shall occupy no more than 25% of the total floor area of the dwelling.

(5) There shall be no visible outside display of stock in trade which is sold on the premises.

(6) There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, except equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.

(7) Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.

(8) Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.

(9) The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.

(10) Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis except that instruction in music, dance, voice, and similar activities shall be limited to two students at one time.

(11) Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of ten feet from abutting property lines.

(12) No advertising signs shall be permitted.

(B) Rural home occupations shall be permitted as accessory uses to residential uses located on tracts of ten acres or more located apart from any coordinated residential subdivision, provided that the following requirements are met.

(1) A building containing a rural home occupation shall be located no less than 50 feet from a street right-of-way and at least 30 feet from any exterior property line where a lot line adjoins a residential or residential agricultural tract of land.

(2) In the case where a lot line adjoins a commercially zoned lot, the adjoining minimum required yard (rear, side, and/or front) for any building containing a rural home occupation shall be as required for accessory buildings in the RA, Residential-Agricultural District.

(3) A rural home occupation shall be contained entirely within one building with a maximum floor area of 2,000 square feet devoted to the use, and there shall be no outside storage of materials or equipment.

(4) One rural home occupation shall be permitted per lot.

(5) The operator of the rural home occupation must reside on the same parcel of land or on an adjoining parcel of land in his or her ownership, upon which the rural home occupation is located.

(6) No more than three people who do not reside on the premises may be employed by a rural home occupation.

(7) The rural home occupation shall not create smoke, odor, dust, or noise which would cause health hazard or nuisance to surrounding property.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.086 KENNEL.

(A) Any structure which houses animals which is not fully enclosed shall be located at least 100 feet from any lot line and 250 feet from a residential or mixed-use district.

(B) Any run located partially or wholly outdoors shall be located at least 100 feet from any lot line and 500 feet from a lot containing a residential use.

(C) A maximum of ten weaned animals with a maximum of ten outside runs shall be permitted with up to 40 weaned animals with a maximum of 40 outside runs with the issuance of a special use permit by the Board of Adjustment.

(D) Facilities shall at all times be maintained in neat and sanitary condition.

(E) Two or more principal buildings used as part of the kennel may be located on a single lot of record when such buildings meet the location requirements of this chapter.

(Ord. passed 4-16-2018)

§ 155.087 LAUNDRY AND LINEN SUPPLY SERVICE.

Laundry and linen supply service establishments located within the NB District shall be neighborhood in scale.

(Ord. passed 4-16-2018)

§ 155.088 MANUFACTURED HOME.

(A) *Design standards.* In addition to the standards listed below, all manufactured homes shall meet the design standards for residential structures in the underlying district in which they are located except that the Zoning Administrator may exempt a home from one or more standards if such standard is determined to be impracticable.

(B) *Exterior finish.* At a minimum, the exterior siding shall consist predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint, wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

(C) *Roof construction and pitch.* The roof shall be designed to have a minimum rise of 2.2 feet for each 12 feet of horizontal run and finished with a type of shingle that is commonly used in standard residential construction. Elevated roof pitches with dormers are preferred.

(D) *Placement of homes.* All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site. On corner lots the side with the greatest road frontage shall be considered the front. On cul-de-sacs, the home shall be sited with the front running parallel to the street access.

(E) *Chassis and tongue removal.* The towing tongue shall be removed upon final placement of the unit.

(F) *Foundation.* All manufactured homes shall be placed on permanent masonry foundations with no visible concrete block.

(G) *Decks and permanent steps.* All manufactured homes shall have either a deck or porch with steps at each entrance constructed and installed in accordance with the standards set by the State Building Code. The minimum square footage of the floor of such porch or deck shall measure at least 32 square feet.

(Ord. passed 4-16-2018)

§ 155.089 MOTOR VEHICLE REPAIR AND MAINTENANCE.

(A) The lot containing such use shall be located at least 200 feet from any lot containing a legal, conforming residential use or residentially zoned lot.

(B) A motor vehicle repair, service, body, or paint shop which has wrecked, partially dismantled, or inoperative vehicles located on-site shall store these vehicles in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this chapter for such yards.

(Ord. passed 4-16-2018)

§ 155.090 MOTOR VEHICLES SALES, RENTAL, AND LEASING.

(A) Motor vehicle sales, lease, and rental lots shall front on a major or minor arterial.

(B) Vehicles for sale or lease may be displayed in the established front yard under the following conditions:

(1) All new display areas must be paved;

(2) No vehicle shall be displayed within 15 feet of the street right-of-way; and

(3) A strip averaging eight feet in width, but in no case less than five feet in width, located in the area of the lot between the street right-of-way and the vehicle display area shall be heavily landscaped with evergreen shrubs and flowering plants which are suitable for this climate and the growing conditions present on the site. A recommended plant list for shrubs is available from the Town Planning Department. This strip shall be immediately adjacent to the vehicle display area. The number of plantings may be reduced if used in conjunction with and placed on the street side of an opaque, decorative wall at least two and one-half feet in height. This requirement is in addition to any other screening requirements established by this chapter.

(C) Outdoor storage of vehicles in process of repair and vehicles for sale or lease that are in the process of dealer preparation for buyer/lessee pick up are permitted as follows.

(1) Such storage areas are exempt from the interior landscaping requirements for parking lots. However, the perimeter landscaping requirements of parking lots shall apply to such storage areas and screen by an opaque fence.

(2) Such storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street.

(D) Businesses are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).

(E) No more than 25 vehicles shall be permitted to be stored outside on the site at any given time. (Ord. passed 4-16-2018)

§ 155.091 NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL.

(A) Up to four storage containers/trailers are permitted to be placed on the lot.

(B) Storage containers shall be set back a minimum of 20 feet from any adjoining property line or street right-of-way.

(C) Where permitted as a principal use on a lot, the area of storage for live plants shall be no closer than ten feet from an abutting street right-of-way and the area of storage for all other items shall be no closer than 40 feet from an abutting street right-of-way.
(Ord. passed 4-16-2018)

§ 155.092 NURSING CARE INSTITUTIONS AND CONGREGATE CARE FACILITIES.

(A) Any facility which is licensed to have more than 50 residents shall maintain a side setback of at least 20 feet and a rear setback of at least 40 feet when the side or rear yard is in or abuts a residential district.

(B) Driveway access to accessory structures shall be through the main entrance to the facility.

(C) Accessory structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.

(D) Any portion of a building which contains living areas shall be set back a minimum of 15 feet from internal driveways and parking areas. This standard shall only apply to the living areas of buildings which contain a mixture of uses such as offices, storage, and living areas.

(E) No single building shall be greater than 40,000 square feet if located within 500 feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.

(F) Two or more principal buildings used as part of the nursing care or congregate care facility may be permitted on a single lot of record when such buildings meet the location requirements of this chapter
(Ord. passed 4-16-2018)

§ 155.093 OUTDOOR DISPLAY AND SALES OF MERCHANDISE.

All display and sales of merchandise shall be conducted completely within enclosed buildings, except as accessory uses conducted expressly as detailed below.

(A) Outdoor seating for restaurants provided that such:

- (1) Shall not be located in any street right-of-way;
- (2) Shall be permitted only along the business' tenant bay or storefront facade; and
- (3) Shall not block the entrance to the business or building.

(B) Outdoor display or sales of merchandise accessory to a principal use provided that:

(1) Such merchandise shall not be located in any public street right-of-way and shall not block the entrance to the business or building;

(2) Merchandise stored or sold on private property shall be screened from the public and adjacent residential uses with a minimum six-foot opaque screen composed of vegetation, fencing, walls, or a combination of such; and

(3) Storefront displays located on the public sidewalk or other public space as permitted by the town shall be located against the building facade, shall be permitted only along the business' tenant bay or storefront facade, and shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day.

(Ord. passed 4-16-2018)

§ 155.094 PARKING LOT OR DECK.

Parking lots and decks not accessory to a building on the same development site shall meet all requirements elsewhere herein for such uses, except that:

(A) Parking lots may be constructed up to the prevailing established setback line in developed areas or the required setback line in undeveloped areas. In developed areas, the prevailing setback line shall be determined by existing structures lying within 300 feet in either direction on the same side of the same street as the proposed parking lot. If the proposed parking lot lies at a street intersection, the prevailing established setback shall be determined for both the fronting street and any abutting side street in the same manner; and

(B) Parking decks shall, to the maximum extent practicable, meet the design standards for buildings.
(Ord. passed 4-16-2018)

§ 155.095 PROGRESSIVE CARE COMMUNITY.

(A) Accessory buildings shall only include accessory dwellings containing no more than four dwelling units or recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings, the use of which shall be for multi-family dwellings, congregate or nursing care.

(B) Driveway access to accessory structures shall be through the main entrance to the community.

(C) Structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.

(D) Paved walkways shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.

(E) All lease/sale arrangements for accessory dwellings shall be under the direct control of the management company responsible for the progressive care community.

(F) Principal and accessory buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, the following features: roof pitch, facade material, and size, type, and placement of windows and doors.

(G) No single building shall be greater than 40,000 square feet if located within 500 feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.

(H) No site shall have a density greater than ten units per acre for accessory residential dwellings. For the purposes of calculating density, all land lying underneath and within 20 feet of any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.

(I) A minimum of five acres shall be required. All land used for the progressive care community shall be contiguous and shall not be divided or transected by public roads, private roads granting easement(s) to tracts of land not included within the community, or natural features which would visually and functionally divide the development, including, but not limited to, preventing the free flow of pedestrian and vehicular traffic.

(J) All structures are limited in occupancy to persons aged 62 years or older, the physically handicapped, and their spouses except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.

(K) Two or more principal buildings used as part of the progressive care facility shall be permitted on a single lot of record when such buildings meet the location requirements of this chapter.
(Ord. passed 4-16-2018)

§ 155.096 PUBLIC SAFETY FACILITIES.

(A) Architectural drawings and site plans shall be submitted with each application for gun ranges intended for the training of law enforcement personnel demonstrating that the safe use of the property and its ability to integrate with the area in which it is located is possible.

(B) Public safety gun ranges shall only be permitted in the RA or M-1 District.

(C) Two or more principal buildings used as part of the public safety facility shall be permitted on a single lot of record when such buildings meet the location requirements of this chapter.
(Ord. passed 4-16-2018)

§ 155.097 PUBLIC WORKS AND PUBLIC UTILITY FACILITIES.

(A) All outdoor storage of equipment and materials shall be located a minimum of 100 feet from public street rights-of-way and property lines of abutting residential uses.

(B) To the maximum extent practicable, all outdoor storage of equipment and materials shall be screened from view of adjacent properties and public streets.

(Ord. passed 4-16-2018)

§ 155.098 RECREATIONAL FACILITIES, GOLF COURSES, AND DRIVING RANGES, PUBLIC OR PRIVATE.

(A) Hours of operation of public or private recreational facilities, golf courses, and driving ranges will be no earlier than 7:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.

(B) All outdoor swimming facilities shall be located at least 100 feet from any adjoining residentially zoned lot and shall meet the requirements for fencing as listed in § 155.205.

(C) Private recreational facilities located in a residential zoning district shall be open to members of the club and their guests only.

(D) Two or more principal buildings used as part of the recreational facility shall be permitted on a single lot of record when such buildings meet the location requirements of this chapter.

(Ord. passed 4-16-2018)

§ 155.099 RECREATION SERVICES, INDOORS AND OUTDOORS.

(A) Service areas will be separated by an opaque screen from the view from any street and from abutting properties.

(B) Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum three feet in height and six feet on center at installation.

(C) Outdoor lighting associated with outdoor recreational facilities shall not shine directly into yards of a residential use nor into the windows of a residential structure.

(D) Hours of operation shall be no earlier than 6:00 a.m. for indoor facilities/events and no earlier than 7:00 a.m. for outdoor facilities/events. No facility shall operate after 12:00 midnight.

(E) All outdoor activities must have a buffer strip as provided in § 155.146 on any side or rear lot line which abuts a residential district.

(F) Two or more principal buildings used as part of the recreation facility shall be permitted on a single lot of record when such buildings meet the location requirements of this chapter.
(Ord. passed 4-16-2018)

§ 155.100 RECYCLING CENTER.

(A) A 50-foot side and rear yard buffer shall be required for any site which abuts a residential or mixed-use district.

(B) No outdoor storage of goods to be recycled shall be permitted. All such materials shall be enclosed within bins, buildings, or storage containers.
(Ord. passed 4-16-2018)

§ 155.101 RESIDENTIAL BUILDING, DUPLEX.

Duplexes are permitted on corner or through lots in any residential or mixed-use district according to the following standards.

(A) The entrances to each unit shall face different streets.

(B) The dwelling shall meet the minimum front yard setback from both streets upon which a unit faces.

(C) The dwelling shall be designed and sited to complement and coordinate with the neighborhood in which it is located.
(Ord. passed 4-16-2018)

§ 155.102 RESIDENTIAL BUILDING, MULTI-FAMILY; TOWNHOUSE.

(A) Primary access to the development site shall be from a state or town maintained street. The developer may be required to provide turn lanes and other off-site transportation improvements to ensure safe and adequate access.

(B) On small infill development sites in residential districts, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to setbacks, driveway and garage orientation and location, porches, and sidewalks.

(C) Site designs shall create a sense of “neighborhood” and shall include:

(1) An internal vehicular circulation system for private streets, when included, that is reflective of a single-family residential street system;

(2) Buildings that are sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots;

(3) Parking lots that are located behind buildings or screened from view from internal streets, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district;

(4) Walkways that connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site; and

(5) Plazas, clubhouses, pools, and recreational facilities which are centrally located, when provided.

(D) Two or more principal buildings used as part of the multi-family complex shall be permitted on a single lot of record when such buildings meet the location requirements of this chapter. (Ord. passed 4-16-2018)

§ 155.103 RESTAURANT, WITH OR WITHOUT DRIVE-THROUGH SERVICE.

(A) All restaurants with drive-through service shall provide a minimum of five stacking spaces associated with each drive-through window.

(B) No required or intended stacking spaces shall block the safe flow of motoring and pedestrian traffic within the parking lot.

(C) Drive-through facilities located closer than 300 feet to a residential use shall operate no earlier than 6:00 a.m. or later than 12:00 a.m.

(D) No part of the active use area of a drive-through restaurant shall be located closer than 300 feet to a lot containing a legal, conforming residential use.

(E) All restaurants located within the NB District shall be limited to a capacity of 80 seats.

(F) All restaurants that abut residential districts shall be screened entirely from view of adjacent residential properties by an opaque fence and/or vegetative screen to a minimum height of six feet. Such screen shall meet the minimum height requirement at the time of issuance of a certificate of occupancy. (Ord. passed 4-16-2018)

§ 155.104 RETAIL.

(A) No outside storage shall be permitted unless preapproved by the Zoning Officer and shown on the site plan as part of the certificate of zoning compliance.

(B) All proposed areas for outside display and storage shall be clearly marked on the site plan, including, but not limited to, open displays of garden supplies, equipment, and other materials and any cargo containers, tractor trailers, storage buildings, or similar structures used or intended to be used to contain materials for sale, maintenance, construction, and the like.

(C) The parking of recreational vehicles overnight or camping in any manner on any portion of the lot shall be prohibited.

(D) Any area intended for use by vendors, civic groups, and other parties either on a temporary or permanent basis for outdoor display, sales, fundraising, and the like shall be clearly marked on the approved site plan.

(E) Should a structure and/or lot containing an approved retail establishment become vacant, the exterior of such structure and lot shall be maintained by the owner in the same manner as during occupancy including the condition of landscaping, paved surfaces, exterior lighting, facade, and the like. The reuse of the structure or lot for any purpose shall be approved by the Zoning Officer prior to such reuse.

(Ord. passed 4-16-2018)

§ 155.105 SCHOOLS, ELEMENTARY AND SECONDARY, INCLUDING SCHOOL STADIUMS.

(A) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.

(B) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected minimum height at maturity is six feet), six feet on center at installation.

(C) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).

(D) Senior high schools shall be on a lot which abuts an arterial and primary vehicular access shall be provided from the arterial.

(E) Schools shall be planned, sized, and sited to serve as community assets and to integrate with and complement surrounding development. Whenever possible, large schools on greenfield sites away from town should be avoided.

(F) Two or more principal buildings used as part of the school facility shall be permitted on a single lot of record when such buildings meet the location requirements of this chapter.

(G) The school shall submit an engineered traffic study as part of the approval process and shall be certified to the findings.

(Ord. passed 4-16-2018)

§ 155.106 SCHOOLS, VOCATIONAL OR PROFESSIONAL.

(A) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).

(B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.

(C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs, a minimum three feet in height (expected minimum height at maturity is six feet), six feet on center at installation.

(D) Truck driving schools with outdoor maneuvering areas shall not be permitted.

(E) Schools shall be planned, sized, and sited to serve as community assets and to integrate with and complement surrounding development.

(F) Two or more principal buildings used as part of the school facility shall be permitted on a single lot of record when such buildings meet the location requirements of this chapter.

(G) The school shall submit an engineered traffic study as part of the approval process and shall be certified to the findings.

(Ord. passed 4-16-2018)

§ 155.107 SERVICES B, BUSINESS.

All storage, repair, and maintenance of equipment shall occur inside an enclosed building or shall be restricted to the rear yard and screened entirely from the view of adjacent lots and public streets.

(Ord. passed 4-16-2018)

§ 155.108 TELECOMMUNICATION TOWERS AND FACILITIES.

(A) Telecommunications towers and facilities are allowed only as special uses in the RA and GB Districts.

(B) Each application for a special use permit shall be accompanied by plot plans showing:

(1) The actual dimensions of the lot to be built upon or leased. If leased, then also the dimensions of the lot on which leased portion is located;

(2) The size and height of the tower to be erected;

(3) Tower type (e.g., monopole or lattice);

(4) The location of any existing structures on the lot, if any;

(5) The distance to the nearest residential structure;

(6) Setbacks or the collapse zone. If collapse zone is used, documentation verifying the collapse zone dimensions; and

(7) Other information as may be essential and any information requested by the Board of Adjustment which is necessary for determining whether the provisions of this chapter are met.

(C) Requests for special use permits can be denied on the basis of negative influence on property values or on aesthetic concerns, provided that there is evidence to prove the impact on adjacent property owners will be significant. The following factors may be used to evaluate a tower for aesthetic reasons:

(1) The effect of the tower on the public view of scenic areas, unique natural features, scenic roadways, and the like;

(2) A concentration or threat of concentration of towers in one specific area; and

(3) The ability to modify the height, design, placement, and other characteristics of the tower to have a less intrusive visual impact on the town.

(D) Supplementary regulations for new telecommunications towers, antennas, and facilities. If it is determined that telecommunications providers cannot provide an adequate service level from co-locating on an existing telecommunications tower, locate on an existing Duke Power transmission tower or similar structure, or locate camouflaged antennas within an existing structure, then telecommunications towers and facilities will be allowed, subject to the following regulations in addition to applicable requirements set forth in each underlying zoning district and elsewhere in this chapter.

(1) All telecommunication towers shall be of a monopole design and construction. All monopoles must be designed to "telescope" or collapse inward unless documentation can be provided to prove that such design is not feasible.

(2) It is the intent of the town to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in the town. Unless it is determined to be unfeasible, new communications towers should be capable of supporting additional communications antennas. This will assist the town in reducing the total number of towers in the town. The town requires providers to negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms,

and to publicize the fact that space is available on a lease basis as part of the certificate of zoning compliance process.

(3) The maximum allowable height of a tower is 199.9 feet. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (e.g., cannot provide a reasonable level of service in the area). The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

(4) Where a telecommunication tower is to be located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road at least 12 feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.

(5) The town encourages stealth tower locations. Telecommunications towers which can locate in or on an existing structure or which can be camouflaged to resemble a tree (not a flagpole) are encouraged. Or towers which are located in a stand of trees, rather than in an open field, are preferred.

(6) (a) Towers are prohibited on the top of buildings or structures in all the residential and business underlying zoning districts. In the industrial underlying zoning districts, towers may be permitted on roofs or walls after submittal of a report by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antennas to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated, for review by the Board of Adjustment.

(b) Towers on roofs may be allowed when the tower height does not exceed more than 30% of the height of the building, or is no more than 50 feet above the building/structure, whichever is less. Towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.

(7) The town recognizes that telecommunications facilities (both towers and co-locators) cannot be prohibited, nor can a request for a telecommunications tower be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the federal radio frequency emission standards. The town requires that each applicant for a certificate of zoning compliance must provide documentation proving that their telecommunications equipment complies with the federal radio frequency emission standards.

(8) All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the underlying zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. This means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.

(9) A minimum eight-foot high chain link fence is required immediately around the telecommunications tower and any equipment building(s) since the tower can be considered an attractive

nuisance. Barbed wire shall be used along the top of the fence and access to the tower area and equipment buildings shall be through a locked gate. The Board of Adjustment may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose. Note: applicants building new towers shall plan the fence and screening (see below) to accommodate all future providers on the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.

(10) (a) Landscape screening shall be required along the outside area of the perimeter-fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape materials shall consist of evergreen shrubs planted with a 20-foot screen/buffer with 12 trees (one-third shall be evergreen) and 20 shrubs required per 100 feet of buffer strip. Evergreen shrubs should be of a size expected to reach a minimum of six feet in height at maturity. Trees may be evergreen or deciduous. All landscaping shall be xeriscape (drought) tolerant or irrigated to ensure good health and vitality.

(b) Screening requirements shall not apply to telecommunications providers who have camouflaged (stealth towers) towers or who have located antennas within another structure (such as a steeple), or who have co-located on an existing tower. Nor shall screening apply when an antenna will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, and the like or similar structures.

(c) The Board of Adjustment may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on site will screen the property as effectively as the required screening, provided that the spirit and intent of this division (D)(10) are met. The Board may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site (e.g., a floodplain, and the like).

1. *Plant standards and plant installation standards.*

a. Minimum tree caliper measured six inches above ground on all trees shall be two and one-half inches and the minimum height shall be eight feet.

b. Shrubs must be at least two feet tall when planted and shall be of a variety and adequately maintained so that an average height of five to six feet could be expected as normal growth within three years of planting.

c. All plant material installed shall be free from disease.

d. Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.

e. All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.

2. *Landscaping maintenance.* The plantings that constitute a required landscaping shall be properly maintained in order for the landscaping to fulfill the purpose for which it is established. The owner of the property and any tenant on the property where a screen is required shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris and to keep plantings healthy. Any vegetation that constitutes part of a screen shall be replaced in the event that it dies.

(11) (a) Minimum setback requirements for free-standing towers shall be one foot for every one foot of actual tower height (e.g., a 199.9 foot tower would require a 199.9 foot setback on all sides), or the documented collapse zone, whichever is less. These setback requirements are applicable on all sides of the property including any side along the road right-of-way, and for all leased areas of a parcel. The purpose of these setback requirements is to prevent icfall materials and/or debris from tower failure or collapse from damaging off-site property. For the purpose of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located, unless the tower is located in a leased area. Setbacks for towers located on leased parcels shall be measured to the edge of the parcel in which the leased area is located.

(b) The Board of Adjustment may reduce minimum setback requirements, if warranted, or to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

(12) All towers shall be a minimum of 300 feet from the nearest residential dwelling unit.

(13) Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain a written, signed certification from the property owner that no future development or subdivisions or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (e.g., is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.

(14) Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower (no longer used for its original intent) for a period greater than 90 consecutive days. Such removal (clearing from the site) shall take place within six months of the first day the tower was abandoned, and be completed within this same six-month period. It shall be the responsibility of the applicant to notify the Zoning Enforcement Officer when the tower has been abandoned for greater than 90 days. A sufficient bond to the town shall be submitted to the Zoning Officer each July 1, with a written estimate for removal of such tower by a contractor.

(15) Towers having a height of 199.9 feet or less shall not contain lights or light fixtures at a height exceeding 15 feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare onto adjacent properties. It is recognized that towers over 200 feet in height require night time strobe lights as per the Federal Aviation Administration (FAA).

(16) Freestanding telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.

(17) (a) Any planned increase in tower height to an existing approved telecommunication tower shall require the provider to apply for a special use permit. Once the permit has been approved by the Board of Adjustment, a zoning compliance authorization can be issued to permit the increase in tower height.

(b) Normal maintenance and repair of the structure can be completed without the issuance of a certificate of zoning compliance at the discretion of the Zoning Enforcement Officer.

(18) (a) Applications by providers to use co-location space on a legally conforming existing tower shall be permitted by right provided that the tower height is not increased. The issuance of a certificate of zoning compliance shall be required.

(b) If the co-locator or owner proposes to increase the tower height on an existing legally conforming telecommunications tower, a certificate of zoning compliance shall be required.

(19) Freestanding signs are prohibited. Wall signs shall be limited to identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine square feet in size; and “no trespassing” signs, “danger - high voltage” signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be installed and/or mounted on the perimeter fence, and/or on the tower at its base.

(20) The provider must show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a zoning compliance authorization. Once such authorization is approved, documentation of adequate insurance must be provided to the Zoning Administrator every 12 months.

(21) Outdoor storage of equipment or other related items is prohibited.

(22) Associated telecommunications equipment buildings located in any zoning district shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(23) All applications for a special use permit or certificate of zoning compliance, or any amendment to an existing certificate of zoning compliance, must include the following information in addition to any other applicable information contained in this chapter:

(a) Identification of intended provider(s);

(b) Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user, if applicable. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate;

(c) A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;

(d) Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property (for leased sites this means the edge of the larger parcel in which the leased portion is located), as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design. Notification of property owners is also required for amendments to an existing certificate of zoning compliance;

(e) Documentation that the telecommunication equipment complies with federal radio frequency emission standards;

(f) Documentation that towers over 199.9 feet are necessary for a minimal level of service;

(g) A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius, and landscape screening, detailing the type of landscaping, amount of plantings, and location. A site plan is not needed for providers who are seeking co-location on an existing legally conforming tower, when the equipment building is to be located within the existing fenced area;

(h) Documentation of monopole tower or lattice tower collapse area, if applicable;

(i) Expert testimony that demonstrates to the satisfaction of the Board of Adjustment that the provider has explored all means for stealth tower locations and co-location opportunities, if applicable; and

(j) Evidence may consist of the following:

1. Existing or approved telecommunications towers with available co-location space are not located within the search area;

2. Existing or approved towers or structures are not of sufficient height to meet the provider's specifications;

3. Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennas;

4. The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennas on an existing or planned tower, (e.g., the spacing requirement between antennas cannot be met);

5. Existing or approved towers lack co-location space; and/or

6. If it is determined that an existing tower does not have the structural strength or integrity to support additional antennas and associated equipment, then the proposed provider shall

provide documentation that the existing tower can not be structurally strengthened to accommodate an additional user.

(24) Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with the Federal Aviation Administration (FAA) standards.

(25) The following requirements apply for a telecommunications tower certificate of zoning compliance.

(a) Decisions by the Board of Adjustment to approve or deny a certificate of zoning compliance for a telecommunications tower must be in writing to the applicant, along with detailed reasoning for the approval/denial, as per federal law.

(b) The applicant and the public are requested to submit their comments and arguments in writing prior to addressing the Board of Adjustment at the public hearing, as suggested by federal law.

(c) The decision of the Board of Adjustment must be based upon substantial evidence, which shall be recorded in the minutes.

(d) In determining if a telecommunications tower should be approved/denied, the Board of Adjustment may take into account the tower's harmony with the surrounding area and its compatibility with adjacent properties. The aesthetic effects of the tower, as well as any mitigating factors concerning the aesthetics, may be used to evaluate the telecommunications tower request. In reaching a decision, the Board of Adjustment may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.

(E) Supplementary regulations for telecommunications antennas and associated equipment locating on existing towers and structures.

(1) Applications by providers to use co-location space on a legally conforming existing telecommunications tower shall be allowed by right provided that the tower height is not increased. Any co-location which will result in an increase to the tower height shall require the co-locator or applicant to apply for an amendment to the telecommunications tower certificate of zoning compliance, allowing an increase in tower height if the tower existed prior to the adoption of these regulations.

(2) Provided the structural integrity of the structure/tower is not compromised or diminished as determined or documented by a licensed professional structural engineer, telecommunications antennas and its associated equipment buildings may locate on any Duke Power transmission tower, water tank/tower, or similar structures by right in all underlying zoning districts so long as the addition does not increase the original height of the existing structure or tower, when zoning compliance authorization has been approved. Such antennas shall be painted to match the color of the building/structure or the background against which it is most commonly seen. Note: no antennas used for the purpose of telecommunications shall be mounted on any structure used solely for residential purposes.

(3) The town requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the federal radio frequency emission standards.

(4) Screening requirements shall not apply to telecommunications providers who camouflage antennas within another structure (stealth locations) such as a church steeple, or co-locate on an existing tower. Nor shall any screening apply when an antennas will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, and the like or similar structures.

(5) Outdoor storage of equipment or other related or non-related items are prohibited.

(6) The associated telecommunication antennas equipment buildings located in all underlying zoning districts shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(7) Telecommunications antennas and associated equipment shall not restrict or interfere with air traffic or air travel to or from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.
(Ord. passed 4-16-2018)

§ 155.109 TEMPORARY SEASONAL USES AND STRUCTURES, INCLUDING SEASONAL MARKETS.

(A) The establishment of temporary sales lots for Christmas trees and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of three months upon the issuance of a temporary use certificate of zoning compliance by the Zoning Administrator.

(B) The following conditions and exceptions shall apply.

(1) No more than one trailer shall be used to store goods for sale.

(2) The use may only be located on a vacant lot, on a lot occupied by a nonresidential use, or on the site of a bona fide farm operation.

(3) Off-street parking may be provided behind or to the side of the established use, but not forward of the required front setback.

(4) On-site parking may be provided on a dust-free, pervious surface area and need not comply with additional paving requirements.

(5) Such uses shall not include flea markets or any sales of merchandise or products not related to the seasonal sale of agricultural produce.

(6) Farm-type enterprises when considered as being part of bona fide farms, such as plant nurseries, commercial greenhouses, fruit or vegetable packing sheds, retail sale of products grown on

premises, hatcheries, tobacco storage for sales, and similar commercial and processing activities, shall be permitted in the RA District without a certificate of zoning compliance unless new parking, driveways, or structures are required.

(Ord. passed 4-16-2018)

§ 155.110 TEMPORARY UNITS AND TEMPORARY DWELLINGS.

(A) (1) A temporary certificate of zoning compliance may be issued for a period of one year, according to specific use and other requirements of the zoning district in which the unit is to be located, under the following circumstances:

(a) An urgent hardship situation is established upon review by the Zoning Enforcement Officer (such hardship shall involve loss of a principal dwelling due to disaster);

(b) Housing need of parents or dependents of the family occupying the principal dwelling, considering factors such as illness, need to care for elderly, lack of space within the principal dwelling; or

(c) Financial hardship.

(2) All state and local laws also shall apply.

(B) Extensions shall be possible only upon administrative review by the Board of Adjustment establishing continued hardship, except that financial hardship alone shall not be the basis for any extension. Extensions shall be granted in one year increments. No more than two extensions shall be permitted.

(C) The Zoning Enforcement Officer may approve a temporary certificate of zoning compliance of a camper or other mobile unit to be used as an office by a builder during construction in any district. Certificate of zoning compliances for two consecutive six-month periods may be issued provided that construction is carried on diligently. Any further extension of certificate of zoning compliances for temporary units shall be approved as provided in § 155.222. No temporary unit shall be used as temporary living quarters unless approved as provided by § 155.222.

(D) All other applications not meeting the above conditions may be taken before the Board of Adjustment for review under variance procedures as presented in section 9-8.

(Ord. passed 4-16-2018)

§ 155.111 UTILITIES, ABOVE GROUND.

(A) Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, shall be

installed underground, unless subsurface conditions make underground installation not possible or practical.

(B) Facilities used for the operation of above ground utilities shall, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage and may include one or more principal structures on a single lot of record when such buildings meet the location requirements of this chapter.

(C) Areas around water towers, water and wastewater treatment facilities, substations, and power plants shall be enclosed by a fence, not easily climbable, at least six feet in height. The fence shall be located at least 20 feet from any public street right-of-way and abutting property line and shall be planted on the exterior side with a semi-opaque vegetative screen with expected height of at least six feet at maturity.

(D) All buildings shall (except public utility cabinets) be set back at least 20 feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area. (Ord. passed 4-16-2018)

§ 155.112 UTILITY SERVICE AREAS.

All equipment associated with a utility service area shall be designed and installed to be as inconspicuous as possible; shall not interfere with the installation or enjoyment of public facilities or facilities that serve the public such as sidewalks, bike paths, and driveways; and shall be installed away from public streets and residences to the maximum extent practicable. (Ord. passed 4-16-2018)

§ 155.113 VETERINARY SERVICES.

(A) Any structure which houses animals which is not fully enclosed shall be located at least 100 feet from any lot line and 250 feet from a legal conforming residential use or lot located within a residential or mixed-use district.

(B) Any run located partially or wholly outdoors shall be located at least 100 feet from any lot line, except in the GB District where such lot line abuts another lot zoned GB, in which case all runs shall be at least 50 feet from that lot line.

(C) Any run located partially or wholly outdoors shall be located at least 250 feet from a lot containing a legal, conforming residential use or lot located within a residential or mixed-use district.

(D) Facilities shall at all times be maintained in a neat and sanitary condition.

(E) Two or more principal buildings used as part of the veterinary facility shall be permitted on a single lot of record when such buildings meet the location requirements of this chapter.
(Ord. passed 4-16-2018)

§ 155.114 WAREHOUSING, SELF STORAGE.

(A) Self storage warehouse spaces shall be used for storage only. No space shall be leased for any other purpose other than storage at any time.

(B) Outside storage shall be screened and shall not be located closer than 100 feet to a residential or mixed-use zoning district or a lot containing a legal, conforming residential use.

(C) All driveways and parking areas between and around buildings shall be paved with asphalt or concrete including parking areas for the storage of boats, recreational vehicles, and similar vehicles.

(D) Two or more principal buildings used as part of the warehouse facility shall be permitted on a single lot of record when such buildings meet the location requirements of this chapter
(Ord. passed 4-16-2018)

§ 155.115 WASTE TRANSFER STATION, RECYCLING ONLY.

(A) Waste transfer stations shall be limited to the collection and transfer of household recyclables.

(B) Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers, and stoves; lead acid batteries; motor oil; cardboard; and other recyclables of residential origin.

(C) The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least eight feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.

(D) The active use areas of the site shall be separated by a 100-foot buffer from all adjacent properties and shielded by an opaque screen from all public streets.

(E) Active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen at least 20 feet from a public street right-of-way and 100 feet from abutting property lines.

(F) No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed-use.

(G) Vehicular access to the proposed use will not be provided by a minor collector or neighborhood street, and access roads to the site will connect directly to a designated arterial.
(Ord. passed 4-16-2018)

§ 155.116 ADULT GAMING ESTABLISHMENTS.

(A) *Location.*

(1) Adult gaming establishments shall not be located in the same building or property where any place of worship, any public or private school, any licensed child daycare facility, or any other existing adult gaming establishment is located.

(2) Adult gaming establishments shall also not be placed on properties within 500 feet of any of the aforementioned uses, measured by a straight line from nearest point of property line to nearest point of property line and shall be a principal use.

(B) *Access.*

(1) All adult gaming establishments shall be open, unobstructed, and visible from the front interior of the establishment. At all times while open for business and while patrons are on the premises, adult gaming establishments shall be open for direct, unobstructed access by police officers, Fire Department personnel, land development staff, and emergency response personnel.

(2) Entrance doors shall remain unlocked at all times while patrons are on the premises. Police officers, Fire Department personnel, land development, and emergency response personnel shall have direct access to the premises without requiring assistance from an employee, agent, or owner of the establishment. Parking areas shall not be screened from the road by any means.

(C) *Hours of operation.* No person or entity engaged in adult gaming establishments shall engage in the business before 10:00 a.m. or after 10:00 p.m. Monday through Saturday and shall not engage in business before 1:00 p.m. or after 9:00 p.m. on Sundays. No playing on any device shall be allowed during the times when computer gaming establishments are required by this chapter to remain closed.

(D) *Age restrictions.* No adult gaming establishment shall allow, permit, or condone any person under the age of 18 to engage in adult gaming operations or supervise operation of machines.

(E) *Signage.* Adult gaming establishments shall prominently post the rules of their games.

(F) *Maximum number.* The maximum number of terminals, computers, machines, and gaming stations is eight or total number of patrons using gaming apparatus at one time within an adult gaming establishment is 16. One machine is allowed per 200 square feet of heated square footage.
(Ord. passed 4-16-2018)

DESIGN STANDARDS**§ 155.130 PURPOSE AND APPLICATION.**

In order to ensure that new development, renovations, and reconstructions are designed, sized, and sited to complement the area in which they are located and the character of the town in general; and to minimize traffic hazards and situations which endanger public safety; and to protect existing development and property values through the promotion of high standards of design and compatibility; and to provide for a high quality of life for our citizens by promoting a variety of housing styles, transportation choices, and well-planned parks and open spaces; the following standards shall apply to all commercial, mixed use, and multi-family residential development in all zoning districts unless otherwise noted.
(Ord. passed 4-16-2018)

§ 155.131 DESIGN STANDARDS FOR BUILDINGS.

(A) *Arcades, awnings, and canopies.* In order to promote the appropriate use of arcades, awnings, and canopies, the following standards shall apply to all arcades, awnings, and canopies on all buildings, unless otherwise noted.

(1) Awnings and canopies, where provided, shall be placed at the top of window and door openings and shall relate to the shape of the top of the window or doorway.

(2) Awnings and canopies shall be made of canvas or similar material. Vinyl or metal awnings shall not be used unless they are constructed and designed to successfully mimic the style and appearance of canvas awnings or unless they are constructed of copper and designed as accent pieces for windows or doors.

(3) No awning, which encroaches on a sidewalk, shall extend out from the building more than two-thirds the width of the sidewalk or nine feet, whichever is less, nor shall it at any point be less than seven and one-half feet above the sidewalk.

(4) Awnings and canopies shall be self-supporting from the wall; no supports shall rest on or interfere with the use of pedestrian walkways or streets.

(5) In no case shall any awning, canopy, or arcade extend beyond the street curb or interfere with street trees or public utilities.

(6) Where provided, arcades shall cover the entire sidewalk from the building front to the sidewalk edge, but shall not extend continuously from one building to the next.

(7) Where provided, arcades shall be designed as an integral part of the building and as such shall relate in design, placement, material, color, and scale to the building facade.

(B) *Building height and width.* In order to define urban street space, foster compatibility between development sites, and to emphasize the downtown as the core of the community, the following standards shall apply to all buildings, unless otherwise noted. Additions and new construction adjacent to and within the Central Business District should maintain the existing building wall pattern by extending the building front from side lot line to side lot line, except that an appropriate architectural wall or similar design feature may be used instead of a building extension.

(C) *Building presentation.* In order to have buildings that successfully address public streets and public places, the following standards shall apply to all buildings, unless otherwise noted.

(1) Building facades shall be substantially parallel to the front property line except that:

(a) Corner buildings may be oriented to address the corner; and

(b) Buildings interior to a development site may be arranged to front a common courtyard, parking area, driveway, or private street.

(2) All development sites shall front public streets.

(3) Any side of a building that is not intended to serve the public shall be screened from public view and the view of adjacent properties to the extent that all loading, storage, solid waste, maintenance equipment (brooms, mops, buckets, and the like), and similar items are not visible to the public.

(4) Any side of a building that faces an arterial or collector street shall be treated as a building facade.

(5) All buildings in the CB District shall be required to be built on an established build-to line that is the same as the property line (zero lot line construction).

(D) *Exterior materials.* In order to have buildings clad with a type, texture, and color of material that relates to natural material elements found in the county, and which respects our county's history and the area of town in which the building is located, the following standards shall apply to all building exteriors, unless otherwise noted.

(1) Concrete block is prohibited as an exterior material on all buildings; however, textured or patterned concrete block which mimics the appearance of brick, stone, or stucco is permissible.

(2) Additions and new construction shall use facing materials made of brick, stone (synthetic or natural), stucco, or wood limited to lap siding, cedar shakes, and similar traditional wood siding materials. The definition of traditional wood siding materials does not include any form of plywood, chip board, particle board, or similar materials.

(3) Under no circumstances shall metal or vinyl siding be used on any structure except that vinyl and aluminum imitation clapboard siding and shakes may be used as accent pieces on all floors above the ground level floor. (This does not prohibit the use of durable metal or vinyl accent pieces or

columns on street level surfaces when such are made to mimic traditional detailing (cornices, trim pieces, moldings, and the like).

(4) Large modular materials shall be avoided or used only as accent pieces on street fronting facades.

(5) Paint colors shall be of low reflectance, subtle, neutral, or earth tone colors or shall relate to natural material colors found within the county generally or on neighboring historic buildings. Contrasting colors of brighter hues, including pastels, may be used to accent architectural details and entrances.

(6) Roof materials and colors shall be low-reflecting.

(E) *Facades, windows, and roofs.* In order to have well designed facades that add to the town's architectural inventory and that provide visual interest to the pedestrian, the following standards shall apply to all facades, windows, and roofs.

(1) New construction and additions to or remodeling of existing buildings shall maintain a clear visual division between street level and any upper floors.

(2) Retail activities within buildings shall be oriented toward the street and have direct access from sidewalks through storefront entrances.

(3) No building front shall remain unbroken (unpierced) by a window or functional general access doorway for more than 50 feet.

(4) The primary entrance to a building shall be architecturally and functionally designed on the front facade of the building facing the primary public street.

(5) Building entrances shall be emphasized using design (massing), architectural features, and changes in the roofline.

(6) No less than 50% of the horizontal distance of any building front shall be designed with arcades, windows, entrances, awnings, or similar features.

(7) Buildings with uses serving the public shall have recessed or covered doorways at each building front to shelter customers from the weather.

(8) Windows on the street level front of commercial buildings shall constitute at least 20% and not more than 50% of the front facade. Windows on subsequent levels shall be a minimum of 15 square feet each.

(9) Display windows on commercial buildings shall be clear, transparent glass and shall not be lower than 12 inches above the sidewalk (including the lintel).

(10) Frames and sashes for windows shall be of wood, vinyl, or pre-finished metal and shall have stone, brick, or cast concrete lintels and sills.

(11) Window glass in nonresidential buildings shall always be set back from the building face rather than flush.

(12) Architectural embellishments that add visual interest to a facade or roof such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.

(F) *Size, scale, and compatibility of design.* In order to promote compatibility of design within the built environment while encouraging creativity and variety, the following standards shall apply to all buildings, unless otherwise noted.

(1) Large commercial buildings shall be broken down in scale by exterior architectural features (e.g., massing, designing the facade to mimic the appearance of multiple contiguous buildings, and the like).

(2) Building or store entrances serving the public shall occur at least once every 150 feet along a building facade.

(3) Wall articulations (or breaks in the facade or roofline) shall be designed into all buildings not less than every 100 feet or more than every 25 feet along the building facade.

(4) Retail stores in the Central Business District shall be limited to a footprint of no more than 60,000 square feet.
(Ord. passed 4-16-2018)

§ 155.132 DESIGN STANDARDS FOR LOTS.

(A) *Lot size and configuration.*

(1) Flag lots and zero frontage lots shall only be permitted to serve above ground utility sites, including telecommunication towers.

(2) All new lots shall meet the dimensional requirements outlined in this chapter for the district in which they are located.

(B) *Access.* The intent of these standards is to promote safe, convenient, and sufficient access to all properties by vehicles, pedestrians, and bicyclists. The following standards shall apply to all uses, unless otherwise noted.

(1) All vehicular access to a development containing multiple destinations (e.g., malls, strip centers, multiple building developments, and the like) shall be provided by means of a shared driveway, side street, or frontage road.

(2) No new driveway on any development site, which accesses a major arterial or collector street with a posted speed limit in excess of 30 mph and an average daily traffic volume greater than 5,000 vehicles per day, shall be created less than 80 feet from an existing driveway except where such prohibition would deny access to the property or where a safe sight distance cannot be achieved otherwise. No new driveway shall be permitted to access Main Street within the CB District.

(3) No new driveway on any development site shall be created less than 80 feet from a street intersection except where such prohibition would deny access to the property or where a safe sight distance cannot be achieved otherwise.

(4) The approaches to loading and unloading areas in mixed-use and commercial districts shall be designed to minimize conflict with on-site vehicular, pedestrian, and bicycle traffic and with adjacent residential uses.

(5) Buildings with uses requiring public access shall provide the primary pedestrian access from the street front except that buildings backing up to Main Street located on multi-building development sites shall be permitted to have their primary access from the interior of the development site since vehicular access to Main Street is restricted.

(6) At least one driveway or other vehicular link shall be provided between adjacent mixed-use and commercial properties, such as shops and offices, which require public access.

(7) Whenever practicable, driveways shall be aligned with driveways on the opposite side of the public street.

(8) Shared driveways are encouraged.

(9) A site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan may be permitted, on a case-by-case basis, to be served by a private street network and shall only be required to abut a public street along some portion of the development site, the minimum distance of which shall be determined by the town to be adequate for public and emergency vehicle access but which shall not be less than 35 feet.

(10) The number of driveway intersections along major arterial streets with a posted speed limit in excess of 30 mph and an average daily traffic volume greater than 5,000 vehicles per day shall be minimized whenever practicable, but in no case shall there be more than one driveway per street frontage on a lot or development site except:

(a) Where street frontage exceeds 700 feet, there may be two driveways; and

(b) Where street frontage exceeds 1,200 feet, three such points may be allowed; but

(c) Three driveways shall be the maximum allowable on any street frontage.

(11) Sidewalks shall be provided between the building and all new public streets in the CB District. Such sidewalks shall be made of concrete or brick, they shall be a minimum of ten feet in width, and they shall continue along the entire property frontage parallel to the street. All sidewalks shall be dedicated for public use.

(12) A coordinated system of service alleys shall be designed and used in the CB District to permit utility and service access, including the loading and unloading of goods. Such alleys shall connect whenever possible and shall not be restricted except as intended by design as stated in this section. (Ord. passed 4-16-2018)

§ 155.133 DESIGN STANDARDS FOR SERVICES AND UTILITIES.

In order to subordinate the appearance of services and utilities on individual sites and throughout the town's jurisdiction, the following standards shall apply to all services and utilities in all districts unless otherwise noted.

(A) *Mechanical equipment.*

(1) Mechanical equipment at ground level shall be placed on the parking lot side of buildings away from public streets and buildings on adjacent sites. All such equipment shall be substantially screened from public view.

(2) Mechanical equipment and antennas located on rooftops shall be camouflaged as a normal architectural feature of the building, or hidden by a decorative cornice or parapet wall, as seen from the ground.

(B) *Utility lines and equipment.*

(1) All utility equipment (includes meters, boxes, valves, and the like but does not include overhead power lines, light poles, and similar equipment) shall be designed and located to be as inconspicuous as possible and shall not be located on the street-side of a principal structure.

(2) All utility lines serving new development or subdivisions shall be placed underground.

(3) Utilities shall run along alleys whenever practicable.

(C) *Trash, garbage, and recycling.*

(1) All trash and recycling receptacles and storage areas shall be located away from public streets and screened entirely from public view.

(2) All non-vegetative screening used to block public view of trash and recycling receptacles and storage areas shall be made of materials compatible in color and type to the principal structure(s) on the property.

(D) *Drive-through windows and similar accessories.*

(1) Drive-through windows, freestanding ATMs, fuel pumps, and similar devices shall only be placed in areas that will not interfere with the safe movement of pedestrians and vehicles in parking and driveway areas.

(2) Drive-through windows, freestanding ATMs, fuel pumps, and similar devices shall not be placed between the primary facade of a building and the public street.

(3) Drive-through services are discouraged in the CB District. If provided, they shall be located to the rear or side of buildings away from public streets.

(E) *Engineered stormwater control facilities.* All stormwater detention and/or retention ponds and basins shall be designed as an integral part of the development site and shall be aesthetically pleasing (e.g., neatly landscaped, well-maintained, vegetated slopes, decorative fencing if fencing is used, and the like).

(Ord. passed 4-16-2018)

§ 155.134 DESIGN STANDARDS FOR PARKING AND LOADING/UNLOADING AREAS.

In order to have safe, well designed parking areas that successfully accommodate the pedestrian and are subordinate in design and appearance to adjacent buildings, the following standards apply to all accessory and principal use parking lots in all districts unless otherwise noted.

(A) *Location.*

(1) Parking shall be located primarily to the rear of the principal building and may be accessed from the front, side, or rear of the property. No more than two rows of parking shall be located between a primary facade and the street.

(2) On multi-building development sites where the principal buildings are located close to the perimeter of the development site, parking may be permitted to be located in the front of any building which does not front a public street (such as an interior courtyard parking arrangement). On such sites, any street fronting portion of the development, whether for lease or sale, which is intended to provide screening between the public street and interior parking lot(s) but which has not yet been developed shall, in addition to outparcel landscaping requirements, be subject to the landscaping and screening requirements for parking lots adjacent to street frontages prior to issuance of a certificate of occupancy for any use on site after the interior parking lot is constructed. At the discretion of the Planning Director, such additional landscaping may be incorporated into the parking lot itself instead of the outparcel and may only be required for that portion of the lot which is exposed to the public street.

(3) Parking lots and parking garages shall not abut an intersection of arterial streets or occupy lots which terminate a vista (a distant view through or along a street or public space).

(4) On-street parking directly in front of the zoning lot shall count toward fulfilling the parking requirement of that lot.

(B) *Connectivity.*

(1) New parking areas on adjacent lots shall be connected unless the town determines that topography or other natural features prevents it.

(2) All off-street parking shall be served by interior circulation drives. No private off-street parking spaces shall directly connect to public streets.

(C) *Paving.*

(1) All driveway and parking areas shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, and peak parking.

(2) All parking areas shall be curbed; however, broken curbing is allowed to permit the flow of storm water.

(3) Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement, or brick pavers.

(D) *Aisles.*

(1) No more than two parking aisles (defined as a travel lane and the parking located on each side) shall abut. Otherwise, parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. (See § 155.145 for landscaping requirements.)

(2) No more than 30 parking spaces shall be contained within one parking aisle.

(3) Driveway aisles shall be a minimum of 24 feet in width if serving two-way traffic and a minimum of 12 feet in width if serving one-way traffic.

(4) No parking aisle serving the general public that contains more than ten parking spaces shall dead end. Any parking aisle that dead ends shall be provided a suitable turnaround.

(E) *Spaces and loading/unloading areas.*

(1) Required parking shall be provided on-site or adjacent to the development site requiring the parking. Shared parking areas are encouraged and shall be permitted whenever the Zoning Administrator determines that the minimum parking requirements can be met for each use. Loading docks shall be located on the rear or side whenever possible. Additional screening shall be required as approved by the Zoning Officer.

(2) Parking spaces shall be clearly marked on the ground for all uses except single-family detached residential.

(3) In addition to required parking spaces, drive-through facilities shall provide a minimum of five stacking spaces per drive-through facility, window, or bay, except for the following.

(a) Fast food restaurants shall have an additional five stacking spaces. A minimum of five of the total stacking spaces shall be located at or prior to the ordering station.

(b) Non-automated car washes shall only be required to have a minimum of two stacking spaces per bay, one of which is located for use as a dry down area.

(c) Automated car washes shall be required to have an additional two stacking spaces per bay.

(4) Stacking spaces shall be located entirely outside of a required driveway or parking aisle needed to access required parking spaces.

(5) Adequate on-site turnaround area shall be provided for all parking spaces.

(6) Adequate on-site turnaround area shall be provided for all loading and unloading areas.

(7) Each automobile parking space shall not be less than ten feet wide and 20 feet long, exclusive of adequate egress and ingress drives and maneuvering space, as determined by the Zoning Enforcement Officer. Typical aisle width is 12 feet for one-way and 24 feet for two-way vehicle traffic. Such space shall be provided with vehicular access to a street or alley and shall be designed by use of landscaping or wheel guards to prevent commercial traffic from backing onto any public roadway. Such use shall not thereafter be encroached upon or altered, and shall be equal in number to at least the minimum requirements for the specific use set forth below.

<i>Use Classification</i>	<i>Parking Space Requirement</i>
Adult gaming establishments	One and one-half parking spaces per machine.
Automobile sales and repair	One space for each two employees at maximum employment on a single shift, plus two spaces for each 300 square feet or repair or maintenance space.
Bowling alleys	Two spaces for each alley, plus one additional space for each two employees.
Churches	One space for each four seats in the main chapel.
Elementary schools and junior high schools, both public and private	One space for each employee.

Norwood - Land Usage

<i>Use Classification</i>	<i>Parking Space Requirement</i>
Hospitals	One space for each four patient beds, plus one space for each staff or visiting doctor, plus one space for each four employees.
Medical offices and clinics	Four spaces for each doctor practicing at the clinic, plus one space for each employee.
Mobile home parks	Two spaces for each trailer house.
Mortuary or funeral home	One space for each four seats in each chapel or family room, or 50 spaces for each chapel or family room, whichever is greater.
Motels, tourist home, tourist courts, and hotels	One space for each 200 square feet of gross floor area.
Offices, professional, business, public, including banks	One space for each 200 square feet of gross floor area.
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, pool room, theaters, stadiums, gymnasiums, community centers, amusement parks, armories, and all similar places of public assembly	One space for each four seats provided for patron use, plus one space for each 100 square feet of floor or ground area used for amusement or assembly, but not containing fixed seats.
Residential dwellings	Two spaces for each dwelling unit.
Restaurants	One space for each three seating accommodations, plus one space for each two employees on the shift of largest employment.
Restaurants, drive-in, or similar uses designed for curb-type service	Five square feet of parking area for each one square foot of gross floor area; provided further, however, that no facility shall have less than 15 spaces.
Retail businesses floor	One space for each 200 square feet of gross area.
Rooming and boarding houses	One space for each two guest rooms, plus one additional space for the owners, if resident on the premises.
Sanitariums, rest or convalescent homes, homes for the aged, and similar institutions	One space for each four patient beds, plus one space for each staff or visiting doctor, plus one space for each two employees.
Senior high schools and colleges, both public and private	One space for each five students for whom the school was designed, plus one space for each employee.
Service stations	Two spaces for each gas pump, plus three spaces for each grease rack or similar facility.
Shopping centers	Two square feet of parking area for each square foot of gross floor area.
Wholesaling and industrial	One space for each two employees at maximum employment on a single shift

(F) *Other uses.* Uses not listed or similar to above may be approved on a case-by-case basis by the Zoning Officer upon review of the proposed parking impact and research to other similar town parking

standards. A cross parking agreement in writing may be considered when it is in best interest of the town and environmental conditions.

(G) *Handicap accessible parking*. All handicap accessible parking shall adhere to the State Building Code, as amended, for the number of required spaces and design of such spaces.
(Ord. passed 4-16-2018)

LANDSCAPING, BUFFERING, AND OPEN SPACE REQUIREMENTS

§ 155.145 LANDSCAPING STANDARDS.

(A) *Landscaping*. In order to maintain and enhance the existing tree coverage in the town, to promote careful landscaping of outdoor areas, to soften and enhance the human-made environment, and to promote the design and construction of appropriate walls and fences, the following standards shall apply in all zoning districts unless otherwise noted.

(1) *General*.

(a) Commercial outparcels shall be landscaped while vacant to maintain an attractive appearance. Landscaping shall consist of turf grass, shrubs, trees, or any other vegetative cover that will secure the soil and create an attractive appearance.

(b) All required plantings installed shall be nursery grown stock that is free from disease or growth problems and shall comply with the latest edition of the *American Standards for Nursery Stock* published by the American Nurserymen's Association.

(c) All required plantings shall be installed in a manner that ensures the availability of sufficient soil and water for healthy growth and that is not intrusive to above and below ground utilities.

(d) Only landscaping and approved fences and walls shall be permitted within a required buffer or streetyard area, except that sidewalks and other pedestrian walkways, bicycle paths, aboveground utilities, drainage ways, and approved signs shall be permitted where they do not comprise of more than 20% of the total area of the required buffer or streetyard. Underground utilities are permitted wherever they do not interfere with the ability to provide the required buffer or streetyard area and landscaping.

(e) Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape, except where uniformity is required for opaque screening.

(f) Landscaping, including berms, shall be installed and maintained so as not to interfere with the sight distance requirements of this section or the sight distance needs of drivers in parking areas and at entrance and exit locations.

(g) Small trees are permitted to be substituted for required large trees whenever the larger tree would interfere with existing overhead utility lines.

(h) Native species and related cultivars are encouraged.

(i) Monoculture and over planting shall be avoided except that a single species of tree may be planted in formal parks or in conjunction with a streetscape plan.

(j) Whenever trees are required (street yards, buffers, parking lots, and the like), a minimum of 50% shall be canopy trees, and a minimum of 20% shall be evergreen.

(k) Whenever shrubs are required for screening, they shall be of a type that retains their foliage to within six inches of the ground on a year-round basis.

(l) No more than 30% of all shrubs required shall be deciduous.

(m) No required planting area shall contain less than 50 square feet and no planting area shall be less than eight feet in diameter around a required tree.

(n) The town may require changes to any planting schedule or plant size requirement and may require plant substitution when, in its opinion, the size, nature, and/or spacing of plantings will compromise the safety and security of the public.

(o) The Zoning Administrator may approve revisions to a landscaping plan approved by the Town Council or Board of Adjustment in order to accommodate seasonal planting problems or a lack of plant availability as long as:

1. There is no reduction in the quantity of plant material;
2. There is no significant change in the size or location of plant materials; and
3. The new plants are of the same general category and have the same general design characteristics as the materials being replaced.

(2) *Plant size.*

<i>Type</i>	<i>Minimum Height at Maturity (Ft.)</i>	<i>Minimum Crown Spread at Maturity</i>	<i>Minimum Height at Planting</i>	<i>Minimum Caliper¹ at Planting (In.)</i>	<i>Minimum Spacing (Ft. on Center)</i>
Large tree	>40	>30 feet ²	8 feet	2	35 feet
Small tree	>15	<30 feet ²	5 feet	1.5	15 feet

<i>Type</i>	<i>Minimum Height at Maturity (Ft.)</i>	<i>Minimum Crown Spread at Maturity</i>	<i>Minimum Height at Planting</i>	<i>Minimum Caliper¹ at Planting (In.)</i>	<i>Minimum Spacing (Ft. on Center)</i>
Shrubs ³	24 inches	18 inches	n/a	24 inches	
1. Caliper shall be measured six inches above the ground. 2. The minimum crown spread of trees shall only apply to canopy trees. 3. Shrubs do not include ground covers.					

(3) *Existing trees.*

(a) Except when necessary to provide access to a site or to ensure the safety and security of people and property, any existing healthy tree that is eight inches or greater in caliper, located within a public right-of-way or undeveloped required yard on any development site except single-family detached and duplex residential shall be retained unless approved for removal during site plan review. In addition, every reasonable effort shall be made to protect and retain existing trees and shrubs not actually lying in planned roadways, drainage ways, building foundation sites, and construction activity areas on all development sites.

(b) Existing trees and shrubs shall count towards meeting the requirements of this section as long as such are:

1. Free from disease or growth problems;
2. Clearly shown on the site plan;
3. Approved by the Zoning Administrator prior to development as meeting the intent of the landscaping requirements;
4. Are not considered nuisance or noxious plants; and
5. Are adequately protected during grading and development of the site.

(c) Protective measures, as outlined below, shall be taken to minimize damage to existing trees and other vegetation to be retained.

1. Site plans shall show the location of trees and shrubs to be retained and the locations of protection fencing.
2. Prior to construction, grading, or other land disturbing activity, protective barriers shall be placed around the root protection area of all trees and shrubs to be saved. For trees, the root protection area shall not be less than the drip line.

3. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment are allowed in the areas designated for protection.

4. Root pruning shall be kept to an absolute minimum.

5. Pruning of existing trees shall be done according to the National Arborists' Association Standards in a manner that preserves the character of the tree.

6. No ropes, signs, wires, electrical device or other material shall be secured or fastened around or through a tree or shrub designated for protection.

7. If a single tree or small group of trees of significant size are identified for protection, lightning protection measures are recommended to help ensure their protection during storms.

(4) *Landscaping installation and maintenance responsibility.*

(a) To ensure compliance with this section and to encourage required vegetation to be installed during the appropriate season, a letter of compliance may be accepted by the town in lieu of installation prior to the issuance of a certificate of occupancy for the site. This letter shall be in the form of an affidavit signed by the property owner and shall:

1. Acknowledge that such owner is aware of any landscaping and/or screening requirements which apply to the property;

2. Stipulate that he or she will comply with those requirements by a specific date within the next appropriate planting season, but in no case more than nine months after the date of the affidavit, unless otherwise approved by the Zoning Administrator; and

3. Acknowledge that failure to comply with the provisions of this section within the time frame specified in the letter shall constitute a violation of this section which shall subject the property owner to any and all enforcement actions permitted by law.

(b) All landscape materials required or committed voluntarily by the developer, whether used for screening, buffering, open space, streetyards, or other required landscaping areas, shall be properly maintained by the property owner. *MAINTENANCE* includes all actions necessary to keep landscaping materials healthy, neat, and orderly in appearance, and free of litter and debris. Any landscaping lost or diseased shall be removed and replaced unless, in the opinion of the Zoning Administrator, the maturity of the remaining vegetation compensates for the loss of an individual shrub or tree, thereby causing the intent of the landscape standard to still be met without replacement.

(5) *Berms.* The following standards shall apply to all berms.

(a) No structures, including fences, shall be placed on a berm unless approved by the town as part of the landscaping requirements for a development site.

(b) Berms shall not be used for the display of vehicles or other merchandise.

(c) If included in the landscape design, berms shall:

1. Have a minimum height of 18 inches, a minimum crown width of two feet, and a side slope with a width to height ratio of no greater than three to one. No berm shall exceed four feet in height;

2. Be designed and constructed with an undulating appearance which mimics, as much as is practicable, a natural topographical feature of the site;

3. Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch, or similar material;

4. Be fully installed, planted, and stabilized prior to certification of zoning compliance; and

5. Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.

(6) *Streetyards.*

(a) Streetyards shall be required along all arterial and collector streets whenever new development, except single-family detached and duplex residential, or major subdivision is approved or an existing commercial use is expanded by more than 20% except that:

1. Streetyards shall not be required in the CB District; and

2. Along streets that are scheduled for widening by the state in the near future which might affect the location of the right-of-way, the Zoning Administrator may allow the developer to delay all or a portion of the streetyard requirements. Whenever a delay is allowed, a letter of compliance pursuant to this section shall be required.

(b) Where the location of existing permanent buildings on an existing site reduces the area available for a streetyard, streetyard requirements shall be met to the maximum extent practicable. Where implementation of the streetyard requirements on an existing site would require the removal of parking spaces, the Zoning Administrator may approve a reduction of up to 20% of the required parking spaces in order to make room for required landscaping.

(c) Along streets that are well-forested or new streets that are to be maintained in a forested condition by the developer, the requirements of this section may be reduced or eliminated upon approval of the Zoning Administrator to minimize grading and enhance preservation of existing, mature trees.

(d) All required streetyards shall be no less than eight feet in width at any point and average ten feet in width, as measured perpendicularly to the street, along the entire length of the property.

(e) The planting schedule for streetyards shall be as follows.

<i>Type</i>	<i>Minimum Number Per 100 Linear Feet⁽¹⁾</i>
Large trees	3
Small trees	4
Shrubs	30

(1) Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a 50-foot area would be required to have two large trees, two small trees, and 15 shrubs.)

(f) The area between trees and shrubs in a streetyard shall be completely filled in with perennials, annual flowers, ornamental grasses, turf grasses, a minimum of three inches of landscaping mulch, or a combination thereof except that additional plantings may not be required in significant natural forested areas maintained within the streetyard.

(g) Berms shall be permitted to augment required streetyard plantings as follows.

1. Shrubs may be reduced to a minimum of 12 inches in height at the time of planting if the combined height of the berm and the shrubs will be at least three feet in three years.
2. A minimum of 50% of all required trees and shrubs shall be planted along the street front portion of the berm.
3. If the berm is at least three feet in height, no shrubs are required.

(B) *Fences, hedges, and walls.* Fences consisting of either: masonry, rock, wire, or wooden material and hedges may be installed on the boundaries of any residential lot, except that the height of such fencing or screening shall be limited to a maximum height of three feet between the street right-of-way line and the normal building line for that section adjacent to the street. Fencing and hedges on all other boundaries of residential property shall be limited to a maximum of eight feet in height, except as otherwise specifically stipulated herein. A temporary certificate of zoning compliance may be issued for circumstances under hardship or duress. Written application for a temporary fence exceeding the height requirements may be allowed on an annual basis due to a temporary hardship with approval from the Zoning Administrator. Basis for such approval shall be for reasons of safety, health, welfare, or other related hardships. Such temporary fence shall be removed within 30 days of the ending of the hardship. Reapplication shall be made before termination of the annual renewal or be subject to revocation.

(1) *General.* The following standards shall apply to all fences and walls in all zoning districts unless otherwise noted.

(a) Fences and walls shall be maintained in good order.

(b) Fences shall not contain advertising, signs, logos, or other lettering unless expressly permitted by the Zoning Administrator.

(c) Where a fence or wall is used as part of required screening, all required vegetation shall be planted on the exterior side of the fence or wall (exterior to the lot).

(d) Fences and walls shall be installed and maintained so as not to interfere with the sight distance requirements of this section or the sight distance needs of drivers in parking areas and at entrance and exit locations.

(2) *Material and design.* The following standards shall apply to all fences and walls in all zoning districts, unless otherwise noted.

(a) Chain link and other wire material fences shall not be permitted in a front setback along any street except that such may be placed on the inside of a split rail or other wooden fence or is screened by vegetation.

(b) Security walls and fences shall be accompanied by vertical landscaping to screen the wall or fence from view.

(c) Barbed wire, razor wire, concertina wire, and similar high security fencing material shall not be used in any area unless substantially screened from public view.

(d) Walls and fences used for landscaping or screening shall be constructed of masonry, stone, wood, vinyl, or a material similar in composition and appearance as the principal building. Such walls and fences shall be opaque or shall be of a design approved by the Zoning Administrator.

(e) Fences and walls within a development shall be compatible in design and material.

(f) Unfinished concrete block walls shall not be permitted within any required yard.

(3) *Height.* The maximum height of fences and walls shall be four feet above grade when located within a required yard adjacent to a public street and a maximum of six feet when located within any required side or rear yard not located adjacent to a public street.

(C) *Parking lot landscaping.*

(1) The following standards shall apply to all new parking areas with 12 or more spaces and all expansions to existing parking areas which add 12 or more spaces, unless otherwise noted. In an expansion, only the area of expansion is required to be included in the calculation; however, the landscaping may be provided anywhere within the parking area.

(2) Trees and shrubs shall be planted along all internal driveways as follows.

<i>Type</i>	<i>Minimum Number Per 100 Linear Feet⁽¹⁾</i>
Large trees	2
Small trees	3
Shrubs	40
(1) Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a 50-foot area would be required to have one large tree, two small trees, and 20 shrubs.)	

(3) The area between required trees and shrubs shall be completely filled in with perennials, annual flowers, ornamental grasses, turf grasses, a minimum of three inches of landscaping mulch, or a combination thereof.

(4) Plantings and plant material shall be selected and arranged to ensure the maximum safety of the public. No landscaping area shall be installed or maintained in such a way that it provides cover or refuge for criminal activities.

(5) No more than two parking aisles (defined as a travel lane and the parking located on each side) shall abut. Otherwise, parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. No more than 30 parking spaces shall be contained within one parking aisle.

(6) All parking aisles, except where they are permitted to abut or they directly adjoin a building, shall be landscaped around their perimeter, excluding access points, as shown in the following table. Where the perimeter of the parking aisle is a property boundary, buffer, streetyard, or internal driveway, that side shall meet the more stringent of the two.

<i>Type</i>	<i>Minimum Number Per 100 Linear Feet⁽¹⁾</i>
Large trees	2
Small trees	2

<i>Type</i>	<i>Minimum Number Per 100 Linear Feet⁽¹⁾</i>
Shrubs	30
(1) Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a 50-foot area would be required to have one large tree, two small trees, and 20 shrubs.)	

(7) Whenever parking areas abut streets, an opaque wall or fence a minimum of three feet in height shall be installed adjacent to or within a required streetyard or adjacent to a street right-of-way where no streetyard is required except that:

(a) A hedge may be substituted for the wall or fence in any district, except in the CB District, as long as the hedge is a minimum of two feet in height at the time of planting, has the ability to achieve a height of three feet during its first full growing season; and

(b) A vegetated berm may be substituted for a portion of the wall, fence, or hedge, except in the CB District.
(Ord. passed 4-16-2018)

§ 155.146 LANDSCAPE BUFFERS.

(A) The purpose of a landscape buffer is to help provide transition between different types of land uses, to break up or soften the appearance of paved surfaces, and to provide the shade and greenery necessary to create a livable urban environment.

(B) Notwithstanding any other requirements of this section, buffers shall be required for all commercial development as follows.

(1) Buffers shall be required whenever new development is approved or an existing use is expanded by more than 20% wherever a commercial use abuts a residential use, except where commercial and residential uses within the CB District abut. In addition, buffers meeting the standards of this section shall be met whenever required by direct reference in any other section of this chapter.

(2) Planting requirements in buffer areas may be altered on a case-by-case basis by the Zoning Administrator in locations where the required buffer is wholly or partially within an existing easement.

(3) Along areas that are scheduled for easement or right-of-way acquisition or expansion by the state in the near future, the Zoning Administrator may allow a postponement of all or a portion of the buffer planting. Whenever postponement is allowed, a letter of compliance pursuant to this section shall be required.

(4) The landscape buffer shall average 35 feet in width, but not be less than 20 feet in width at any point, and shall contain:

- (a) Two large trees per 100 linear feet;
- (b) Ten small trees per 100 linear feet; and
- (c) Forty shrubs per 100 linear feet.

(5) Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number.

(6) Exceptions include the following.

(a) Fences and walls of uniform design and material shall be allowed to replace required shrubbery in any landscape buffer when, in the opinion of the Zoning Administrator, such fence or wall will achieve the same effect as the shrubbery and will contribute positively to the overall design of the property.

(b) Buffer width requirements may be reduced by 50% when a six-foot continuous opaque fence, wall, or berm is approved and constructed within the landscape buffer. A minimum of 50% of all required plantings shall be placed on the exterior side of such fence, wall, or berm.

(c) In the event of unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or sub-surface condition of the site would make strict adherence to the requirements of this part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer plantings, the Zoning Administrator may alter the requirements of this part as long as the existing features of the development site comply with the spirit and intent herein. Such an alteration may occur only at the request of the property owner who shall submit a plan to the Zoning Administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer the proposed use.
(Ord. passed 4-16-2018)

§ 155.147 OPEN SPACE.

(A) *In general.* In order to develop a system of quality open spaces and recreation areas throughout the town's jurisdiction, the following standards shall apply to all developments and all open space and recreation areas in all zoning districts unless otherwise noted.

(1) In developments with 20 or more residential units, open space shall account for a minimum of 30% of the total land area of the site. Open space shall include recreational areas, wooded areas, and environmental open space. **ENVIRONMENTAL OPEN SPACE** is defined as any pervious area set aside for the protection, enhancement, or creation of water quality buffers, wildlife habitat, view corridors, flood hazard mitigation, or similar environmental features and may or may not include public access. Priority shall be given to environmental open space dedicated to and accomplishing the purpose of protecting, restoring, or enhancing rural vistas. Such open space may be forested land, pasture, cropland, wetlands, or similar rural open spaces approved by the Zoning Administrator.

(2) Public open space and recreation areas, except environmental open space, shall have direct access from public streets.

(3) Public open space and recreation areas, except environmental open space, shall be visible and easily accessible.

(4) Public open space and recreation areas, except environmental open space, shall have multiple points of entry.

(5) All open space and recreation areas, except environmental open space, shall be well buffered from moving vehicles.

(6) Open space not meeting the criteria of environmental open space shall be substantially clustered around the edges of the development to buffer the development against adjacent tracts of land, especially land used for agriculture and low density residential development.

(7) The land used for required open space and recreation areas, except environmental open space, shall have an average slope of 5% or less with no portion of the land exceeding a 15% slope.

(8) Required open space and recreation areas may be publicly or privately owned. The planning, construction, and maintenance of privately-owned facilities shall adhere to the following.

(a) Private open space intended to count towards the open space requirements of this section shall be held and maintained by a legally constituted homeowner's association. Public open space may be held by any unit of government or private nonprofit organization created for such purposes that has been approved by the Town Council.

(b) High maintenance cost facilities such as swimming pools shall not be counted in determining compliance with the minimum open space and recreation area requirements of this section. Bridges along pedestrian and bicycle paths and similar high cost facilities shall not be permitted as an integral part of any required open space or recreational area unless no feasible alternative exists.

(c) Each phase of a phased development shall meet the minimum requirements for open space and recreational areas. All plans for such developments shall demonstrate compliance for each phase. No certificates of occupancy shall be issued until all such required facilities have been installed or bonded by the developer and approved by the town.

(d) The responsibility for the perpetual maintenance of open space in conformity with this chapter shall be with the owner. Failure to adequately maintain open space shall constitute a violation of this chapter and shall subject the owner to any and all remedies permitted herein.

(B) *Alternative open space.*

(1) As an alternative to incorporating required open space on a development site, the developer has the option of requesting that the town permit the purchase of land lying within an identified rural

view corridor, a planned public park, or open space system within or immediately adjacent to the town's zoning jurisdiction and its dedication to the appropriate public or nonprofit authority. Such requests shall be heard and decided by the Town Council prior to subdivision or site plan approval.

(2) In considering a request for alternative open space, the Town Council may:

- (a) Approve the request without modification;
- (b) Approve the request with modifications or conditions agreed to by the developer;
- (c) Approve only a portion of the request, requiring a portion of the required open space to be included on the site of the proposed development; or
- (d) Deny the request.

(C) *Clustering permitted.* In order to provide the open space required by this chapter, a developer shall be allowed to cluster lots on the development site in a manner such that the same number of developable lots are possible as would be permitted if no open space were preserved. However, under no circumstances shall any lot be created within a cluster subdivision that is more than 30% less than the minimum lot size allowed within the district or 15,000 square feet, whichever is greater. In addition, all clustered lots shall be located a minimum of 50 feet from existing public streets.
(Ord. passed 4-16-2018)

SIGN AND LIGHTING STANDARDS

§ 155.160 PURPOSE AND SCOPE.

This section is intended to regulate and control signs and their placement throughout the town for the following purposes:

- (A) To provide a pleasing overall environmental setting and good community appearance;
- (B) To create and promote a productive, enterprising, professional business atmosphere;
- (C) To allow signs appropriate to the planned character and development of each zoning district;
- (D) To ensure that permitted signs do not become a hazard or nuisance;
- (E) To promote traffic safety and safe way-finding for motorists, cyclists, and pedestrians;
- (F) To prevent permanent and temporary signs from conflicting with public safety signs;

(G) To protect and enhance the value of properties; and

(H) To ensure that the constitutionally guaranteed right of free speech is protected.

(Ord. passed 4-16-2018)

§ 155.161 APPLICATION.

(A) It shall be unlawful to construct, enlarge, modify, move, or replace any sign or cause the same to be done, without first obtaining a zoning permit for such sign from the Zoning Officer as required by this chapter. A fee shall be charged for each sign permit issued.

(B) Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the physical dimensions of the sign so as to render it in violation of this chapter.

(C) If any section, specific provision, or standard of these regulations, that now exists or may exist in the future, is found by a court of competent jurisdiction to be invalid for any reason, the decision of the courts shall not affect the validity of any other section, provision, or standard of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.162 GENERAL PROVISIONS.

The following regulations shall apply to all signs.

(A) *Construction standards.*

(1) All signs shall be constructed and installed in accordance with the applicable provisions of the State Building Code.

(2) All temporary signs shall be constructed of materials and printed on by inks capable of withstanding normal weather conditions.

(3) All signs, except for banners, flags, temporary signs, and window signs, conforming in all respects with the requirements of this chapter shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(B) *Electrical standards.* All illuminated signs shall be installed in accordance with the applicable provisions of the State Electrical Code and all detached signs shall be illuminated by an underground electrical source.

(C) *Maintenance of signs.* All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters, and exposed light bulbs shall be evidence of a lack of maintenance.

(D) *Obstructions prohibited.* No sign shall be placed so as to obstruct the clear sight triangle at a street intersection nor shall any sign obstruct the view of motorists entering or leaving an off-street parking area.

(E) *Relation to other building elements.*

(1) Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows.

(2) Sign material and style shall complement the building facade in terms of design, scale, and materials.

(3) Individual shop signs in a single storefront shall relate to each other in terms of design, size, placement on the building, and lettering style.

(4) Signs placed on the inside of the window areas shall conceal no more than 25% of the area of the window on which the signs are located.

(F) *Sign lighting.*

(1) Neon, argon, and similar lighting fixtures shall not be used anywhere on the exterior of a building; however, such signs, if non-flashing and nonmoving, may be mounted on the inside of store windows.

(2) Signs shall be lighted with indirect light sources (e.g., backlighting). Floodlights may also be used if the light is directed only on the sign and not onto adjacent properties, roadways, or the sky and the light fixtures are fully shielded from view through the use of landscaping.

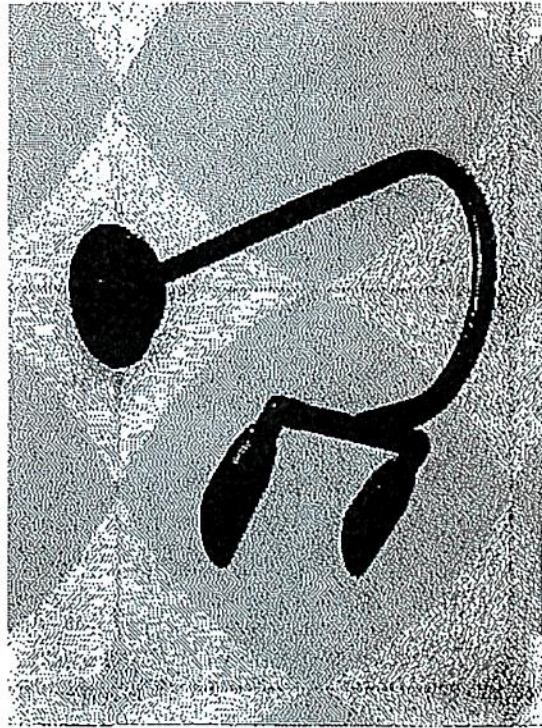
(3) No sign (other than a ground-mounted sign) within 100 linear feet of a pre-existing residential structure shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

- (4) See division (K) below for provisions for electronic message signs and LED signs.

Figure A - Flag Light



Figure B - Sign Light



- (5) Regulations for lighting of signs and flags include the following.

(a) For signs not internally illuminated, top-mounted fixtures are preferred for legally existing lighted signs. Lighting fixtures used to externally illuminate a sign are preferred to be mounted on the top of the sign structure and direct all light down toward the sign. See Figure B. Fixtures mounted on the ground shall use the minimum lumens necessary to illuminate the sign and shall not exceed 3,700 lumens. All such fixtures shall comply with the shielding requirements of this section.

(b) Signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Total lamp lumens per sign shall not exceed 3,700 lumens.

(c) Top-mounted fixtures for the illumination of any flags are preferred. Lighting fixtures used to illuminate a flag can be mounted on the top of the flagpole and direct all light down toward the flag. See Figure A above.

(d) Ground mounted fixtures shall not exceed 3,700 lumens and shall be directed specifically on the flag and no other features. All such fixtures shall comply with the shielding requirements of this section.

(e) No sign within 100 linear feet of a pre-existing residential structure shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

(f) All illuminated signs must comply with the maximum luminance level of 750 cd/m² or Nits at least one-half hour before apparent sunset (dusk), as determined by the National Oceanic and Atmospheric Administration (NOAA), for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until apparent sunrise, (dawn) as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.

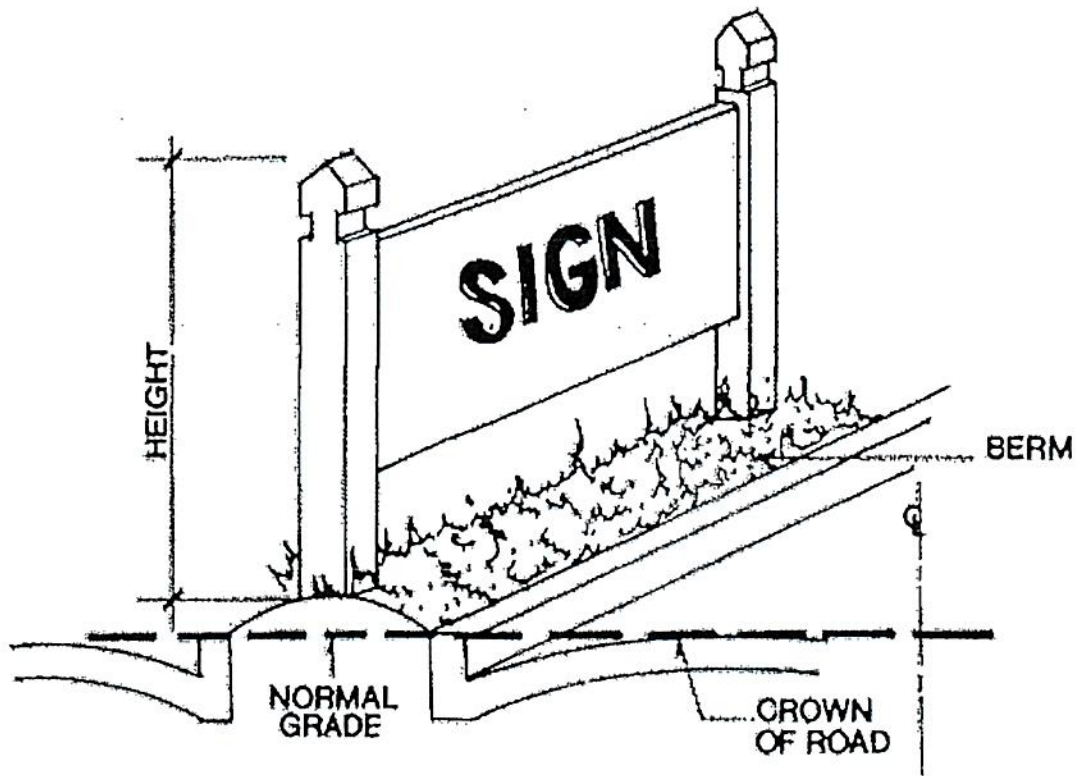
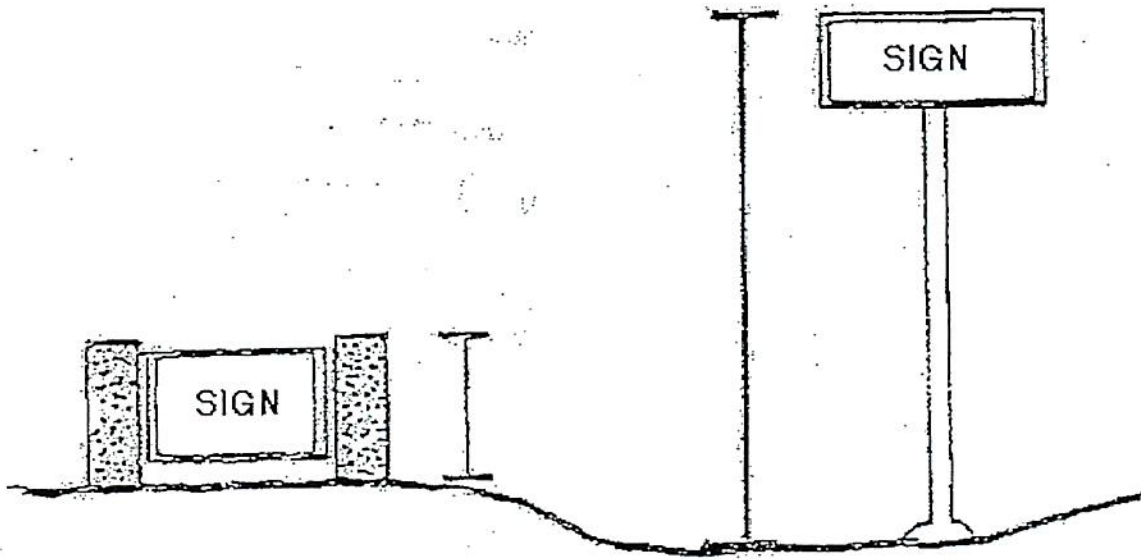
(g) All signs along state-maintained roadways must meet the state's Department of Transportation regulations.

(h) Any interior lighted signs may not be lit at night when the face of the sign is removed or damaged in such a way that the light may distract drivers or adjacent property owners.

(G) *Sign height computation.*

(1) Sign height shall be computed from the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. If a sign is to be erected on a slope, the sign height shall be determined by averaging the sign's height from the lowest point directly under the sign and the highest point of the sign including frame. The calculation of the height of any sign placed upon a berm or mound shall include the height of the berm or mound.

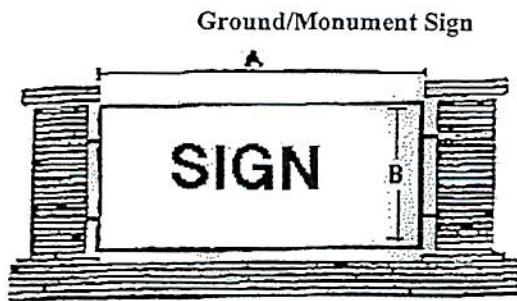
(2) Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure.



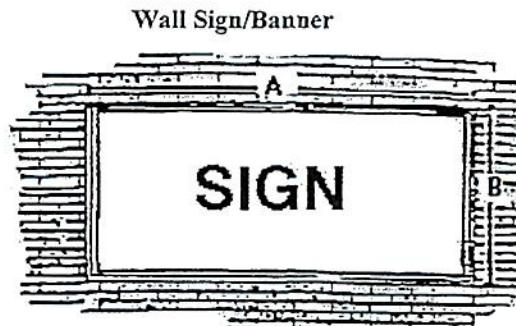
(H) *Sign area computation.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any structural supports, materials, or colors forming an integral part of the background of the display.

(I) *Sign area computation for multi-faced signs.* The sign area for a sign with multiple faces shall be computed by adding together the area of all sign faces visible from any one point. When a sign is composed of two or more sign faces, only one of which can be viewed from any one point, and when such sign faces are part of the same structure, the sign area shall be computed by the measurement of one of the faces. For billboards, please see § 155.163(E).

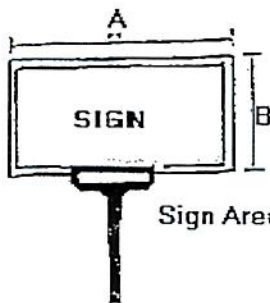
Examples of Sign Area Computation



Sign Area = (A)x(B)



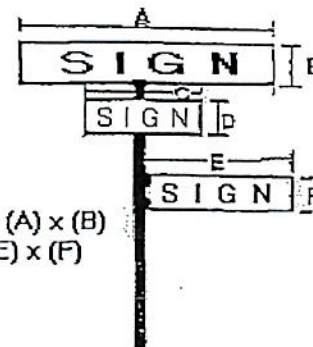
Sign Area = (A)x(B)



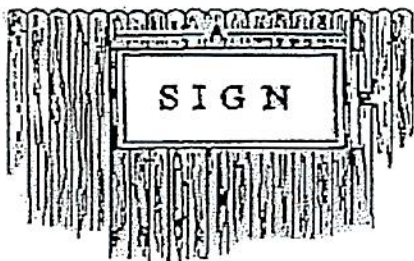
Sign Area = (A)x(B)



Sign Area = (3.14)x(R)²



Sign Area = (A) x (B) + (C)x(D) + (E) x (F)



Sign Area = (A) x (B)



Sign Area = (A) x (B)

(J) *Forfeiture of illegal signs placed on or over public property.* Any sign installed or placed on or over public property, except in conformance with the requirements of this section, shall be forfeited to the public and be subject to confiscation and disposal. In addition to other remedies provided by this section and the town ordinances, the town shall have the right to recover from the sign owner and/or installer the full costs of removal and disposal of such sign.

(K) *Electronic message signs, LED signs, and all illuminated signs including outdoor advertising.* Electronic message signs displaying time or temperature or a message are permitted as freestanding, wall, projecting, monument, or outdoor advertising signs where allowed based on the following conditions:

- (1) The message changes no more than once every five seconds;
- (2) The electronic display shall not be flashing, intermittent, moving, scrolling, or animated;
- (3) A change in message must be accomplished within an interval of two seconds or less;
- (4) The sign must contain a default design that will freeze the sign in one position if a malfunction occurs;
- (5) The maximum brightness shall be 5,000 Nits during daylight hours (dawn to dusk). All illuminated signs must comply with the maximum luminance level of 750 cd/m² or Nits at least one-half hour before apparent sunset (dusk), as determined by the National Oceanic and Atmospheric Administration (NOAA), for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until apparent sunrise, (dawn) as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions; and
- (6) All signs along state-maintained roadways must meet the state's Department of Transportation regulations.
(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.163 SIGN PLACEMENT AND GENERAL CONDITIONS.

The following provisions shall apply to the placement of all signs in all districts.

(A) *In general.*

- (1) Signs must be located entirely on private property, unless otherwise permitted by this section.
- (2) No sign may be located so that it blocks the sight triangle at any driveway or public street intersection.

(B) *Wall signs, suspended signs, and projecting signs.*

(1) Wall mounted and projecting signs shall not extend above the eave or parapet of any building.

(2) Projecting signs shall not extend more than four feet from a building wall in any zoning district.

(3) Suspended signs and projecting signs located in CB and NB Districts may extend up to four feet into the public right-of-way and must be at least eight and one-half feet above the ground level below the sign.

(4) No wall sign shall exceed 18 inches from the wall face. In the CB and NB Districts a wall sign may project up to 18 inches into the right-of-way if the bottom of the sign is at least eight and one-half feet above grade.

(5) Painted wall signs (murals) are allowed only in districts zoned for business and shall not exceed 50% of the wall area upon which the sign is located.

(C) *Freestanding signs.*

(1) All parts of freestanding signs must be set back a minimum of five feet from the right-of-way and ten feet from any adjacent lot line.

(2) A 20-foot side-yard setback shall be required if the side lot line abuts a residential district.

(3) No freestanding sign shall be located closer than five feet from another structure on the same zoning lot.

(4) No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way, unless expressly permitted by this section.

(5) A freestanding sign shall not be permitted if a principal structure is located less than 30 feet from the edge of that portion of the road right-of-way parallel to the front of said structure.

(6) Only one freestanding sign is permitted except two shall be permitted if the lot has direct access from two or more public roads. If two signs are allowed, they shall be located at least 200 feet apart as measured using the shortest straight-line distance between the two signs.

(D) *Temporary signs.*

(1) Temporary signs shall be located on private property unless expressly permitted by this section to be posted on public property.

(2) All temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by strong winds or heavy rains.

(3) Temporary displays of holiday or civic events shall not be located in a street right-of-way unless permitted by the Town Council or the state's Department of Transportation.

(E) *Outdoor advertising, billboards.*

(1) All billboards shall be no larger than 400 square feet.

(2) All signs may be illuminated in accordance with § 155.162(F) and (K).

(3) No more than two sign faces are allowed per billboard.

(4) Where a billboard has two faces, each face shall be back-to-back with no more than a ten-foot separation or exceed a V-shape in excess of 45 degrees. V-signs that exceed 45 degrees shall be counted as one face and thus shall reduce the allowable permitted sign area.

(5) No portion of the billboard shall be closer than 35 feet from any street right-of-way or adjoining property line.

(6) No billboard shall be located any closer than 50 feet to any building or structure on the property or within 200 feet of any pre-existing residential structure on adjoining property measured in a straight-line distance from the nearest point of the sign or residence.

(F) *Murals and the like.* Murals, building wraps, and super graphics:

(1) Shall be located only on the unfinished walls which are devoid of windows, doors, or other points of access and shall not cover architectural features;

(2) Shall not use changeable-copy, electronic message centers, or video displays;

(3) Must be maintained and be removed or replaced if deterioration is evident with rips, failure of anchoring, fading, or discoloration;

(4) Anchoring to the building must be substantial and not risk harm to any architectural features of the building; and

(5) Murals, building wraps, and super graphics are allowed only in districts zoned for business and shall not exceed 50% of the wall area upon which the sign is located.

(G) *Attention-getting devices and statues.* Objects such as statues, symbols, and other items used to attract attention to a lot, building, business, or activity:

(1) Must meet the requirements for freestanding signs, see division (C) above;

- (2) Shall not be mounted above the roof or parapet; and
- (3) Must not contain any prohibited elements as described in § 155.170.

(H) *Window signs - rear projection.*

(1) Rear-projection displays are allowed, but shall not cover more than 25% of the actual window area on the same facade on the same floor of the building.

(2) Any interactive window displays must provide an appropriate place for people to stand while performing the interaction which does not impede pedestrian or other transportation.

(3) If rear-projection displays are to be used for more than 60 days at the same location, they shall be considered a permanent sign and shall require a permit.
(Ord. passed 4-16-2018)

§ 155.164 PERMANENT SIGNS BY ZONING DISTRICT.

Signs shall be permitted and prohibited within certain zoning districts as follows.

<i>Permanent Signs by Sign Type and Zoning District</i>							
<i>Sign Type</i>	<i>RA R-20 R-10</i>	<i>R-8 RMH</i>	<i>NB</i>	<i>HB</i>	<i>CB</i>	<i>GB</i>	<i>M-1 /M-2</i>
Canopy/awning	-	-	Z	Z	Z	Z	Z
Directional/incidental	P	-	P	P	P	P	P
Directory	-	-	Z	Z	Z	Z	Z
Flag	P	P	P	P	P	P	P
Freestanding (pole)	-	-	-	Z	-	Z	Z
Marquee	-	-	Z	Z	Z	Z	Z
Monument (ground)	Z	Z	Z	Z	Z	Z	Z
Murals, super graphics	-	-	Z	Z	Z	Z	-
Outdoor advertising (billboard)	-	-	-	-	-	-	Z
Planned development (shopping center)	-	-	Z	Z	Z	Z	Z
Portable	-	-	P	P	P	P	P

<i>Permanent Signs by Sign Type and Zoning District</i>							
<i>Sign Type</i>	<i>RA R-20 R-10</i>	<i>R-8 RMH</i>	<i>NB</i>	<i>HB</i>	<i>CB</i>	<i>GB</i>	<i>M-1 /M-2</i>
Projecting	-	-	Z	Z	Z	Z	Z
Suspended	-	-	Z	Z	Z	Z	Z
Wall and projection	Z	-	Z	Z	Z	Z	Z
Window and rear projection	-	-	P	P	P	P	P
P = permitted without a permit Z = permitted only upon issuance of a valid zoning permit - = not permitted							

(Ord. passed 4-16-2018)

§ 155.165 SIGN HEIGHT.

The following provisions shall apply to the height of all signs.

(A) Supporting elements of freestanding signs shall not extend above the sign face and shall be included in the measurement of sign height.

(B) Maximum sign height shall be limited by the type of sign and the zoning district in which it is located, as follows.

<i>Maximum Sign Height by Sign Type (in feet)</i>							
<i>Sign Type</i>	<i>RA R-40 R-20 R-10</i>	<i>R-8 RMH</i>	<i>NB</i>	<i>HB</i>	<i>CB</i>	<i>GB</i>	<i>M-1</i>
Canopy/awning	-	n/a	n/a	n/a	n/a	n/a	n/a
Directional/incidental	2	-	4	4	4	4	4
Directory	-	-	4	4	4	4	4
Flag, permanent	*	*	*	*	*	*	*
Freestanding (pole)	-	-	10	10	8	10	10
Marquee	-	-	n/a	n/a	n/a	n/a	n/a
Monument (ground)	4	4	5	5	4	5	5

<i>Maximum Sign Height by Sign Type (in feet)</i>							
<i>Sign Type</i>	<i>RA R-40 R-20 R-10</i>	<i>R-8 RMH</i>	<i>NB</i>	<i>HB</i>	<i>CB</i>	<i>GB</i>	<i>M-1</i>
Murals, super graphics	-	-	(3)	(3)	(3)	(3)	-
Outdoor advertising (billboard)	-	-	-	-	-	-	10
Planned development (shopping center)	-	-	5	5	5	5	6
Portable	-	-	4	5	4	5	5
Projecting	-	-	(1)	(1)	(1)	(1)	(1)
Suspended	-	-	(1)	(1)	(1)	(1)	(1)
Wall and projecting	n/a	-	n/a	n/a	n/a	n/a	n/a
Window and rear projecting	-	-	(2)	(2)	(2)	(2)	(2)
<p>* Flag poles shall not exceed twice the maximum building height of the highest building on the lot or 40 feet, whichever is less.</p> <p>(1) Projecting and suspended signs shall be at least eight and one-half feet above the ground level below the sign.</p> <p>(2) Sign placed on the inside of the window areas shall conceal no more than 25% of the area of the window on which the sign(s) are located.</p> <p>(3) Murals shall not extend above the height of the building to which it is attached.</p>							

(Ord. passed 4-16-2018)

§ 155.166 NUMBER OF SIGNS PERMITTED.

The number of signs by sign type permitted on an individual zoning lot shall be as follows.

<i>Maximum Number of Signs per Sign Type per Zoning Lot</i>							
<i>Sign Type</i>	<i>RA R-40 R-20 R-10</i>	<i>R-8 RMH</i>	<i>NB</i>	<i>HB</i>	<i>CB</i>	<i>GB</i>	<i>M-1</i>
Canopy/awning	-	-	1 ⁽¹⁾	1 ⁽¹⁾	1 ⁽¹⁾	1 ⁽¹⁾	1 ⁽¹⁾
Directional/incidental	2 ⁽⁴⁾	2 ⁽⁴⁾	2 ⁽⁴⁾	2 ⁽⁴⁾	2 ⁽⁴⁾	2 ⁽⁴⁾	2 ⁽⁴⁾
Directory	-	-	1	1	1	1	1
Flag permanent	4	4	4	4	4	4	4
Freestanding (pole)	-	-	2 ⁽⁶⁾	2 ⁽⁶⁾	-	2 ⁽⁶⁾	2 ⁽⁶⁾

<i>Maximum Number of Signs per Sign Type per Zoning Lot</i>							
<i>Sign Type</i>	<i>RA R-40 R-20 R-10</i>	<i>R-8 RMH</i>	<i>NB</i>	<i>HB</i>	<i>CB</i>	<i>GB</i>	<i>M-1</i>
Marquee	-	1	1	1	1	1	1
Monument (ground)	1 ⁽⁶⁾	1 ⁽⁶⁾	1 ⁽⁶⁾	1 ⁽⁶⁾	1 ⁽⁶⁾	1 ⁽⁶⁾	1 ⁽⁶⁾
Murals, super graphics	-	-	3 ⁽⁷⁾	3 ⁽⁷⁾	3 ⁽⁷⁾	3 ⁽⁷⁾	-
Outdoor advertising (billboard)	-	-	-	-	-	-	1 ⁽⁵⁾
Planned development (shopping center)	-	-	1 ⁽³⁾	1 ⁽³⁾	1 ⁽³⁾	1 ⁽³⁾	1 ⁽³⁾
Portable	-	-	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾	-
Projecting	-	-	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾
Suspended	-	-	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾
Wall and projection	1	-	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾	1 ⁽²⁾
Window and rear projection	-	-	n/a	n/a	n/a	n/a	n/a
(1) Per canopy or awning (2) Per storefront (3) Per street front (4) Per development entrance (5) May be a two-sided (double-faced) sign (6) A second freestanding sign is allowed only if the lot has a direct access to two or more public roads per § 155.163(C)(6) (7) Up to three signs are allowed but shall not exceed 50% of the unfinished facade of the building in total							

(Ord. passed 4-16-2018)

§ 155.167 SIGN AREA BY ZONING DISTRICT.

The amount of sign area permitted for each sign on a zoning lot shall be as follows.

<i>Maximum Sign Area Per Sign Per Zoning Lot (in square feet)</i>							
<i>Sign Type</i>	<i>RA R-40 R-20 R-10</i>	<i>R-8 RMH</i>	<i>NB</i>	<i>HB</i>	<i>CB</i>	<i>GB</i>	<i>M-1</i>
Canopy/awning	-	(4)	(4)	(4)	(4)	(4)	(4)
Directional/incidental	2	2	2	2	2	2	2

<i>Maximum Sign Area Per Sign Per Zoning Lot (in square feet)</i>							
<i>Sign Type</i>	<i>RA R-40 R-20 R-10</i>	<i>R-8 RMH</i>	<i>NB</i>	<i>HB</i>	<i>CB</i>	<i>GB</i>	<i>M-1</i>
Directory	-	-	15	15	15	15	15
Flag permanent	32	32	32	48	32	48	48
Freestanding (pole)	40	-	40	96	40	40	96
Marquee	-	(1)	(1)	(1)	(1)	(1)	(1)
Monument (ground)	16	16	24	32	24	24	24
Murals, super graphics	-	-	(6)	(6)	(6)	(6)	-
Outdoor advertising (billboard)	-	-	-	-	-	-	32
Planned development (shopping center)	-	-	24	32	24	24	24
Portable	-	-	12	12	12	-	-
Projecting	-	-	12	12	12	12	12
Suspended	-	-	6	6	6	6	6
Wall and projection	8	8	(2)	(2)	(2)(5)	(2)	(2)
Window and rear projection	-	-	(3)	(3)	(3)	(3)	(3)
(1) Shall not exceed 75% of the size of the marquee (2) Shall not exceed 10% of the wall area of the facade on which it is located (3) Shall not exceed 25% of the window area (4) Shall not exceed 10% of the canopy or awning (5) Painted wall signs shall not exceed 50% of the wall area upon which the sign is painted (6) Murals, building wraps, and super graphics shall not exceed 50% of the unfinished facade of the building							

(Ord. passed 4-16-2018)

§ 155.168 PERMANENT SIGNS LIMITED.

(A) Notwithstanding § 155.164, and in addition thereto, the following permanent signs shall be permitted without a zoning permit:

(1) Historical markers, regulatory signs, public interest signs, and warning signs erected and maintained by the county or state or an agent of such;

(2) Directional signs not exceeding four feet in height nor six square feet in area;

- (3) Identification signs not exceeding two feet in height nor two square feet in area;
- (4) Incidental signs;
- (5) Flags on permanent poles mounted to ground or building;
- (6) Any sign not legible or easily noticeable from a public right-of-way and obviously not intended to attract the attention of the public;
- (7) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- (8) Traffic-control signs on private property, the face of which meets Department of Transportation standards;
- (9) Memorial signs, plaques, grave markers, or monuments;
- (10) Integral decorative or architectural features of buildings and works of art; and
- (11) Signs located within a stadium, ballpark, park, historic site, or arena intended to be read only by persons within the facility.

(B) Notwithstanding § 155.164, and in addition thereto, the following permanent signs shall be permitted upon the issuance of a valid zoning permit. Any sign not expressly listed as permitted without a permit shall require the issuance of a valid zoning permit prior to installation.
(Ord. passed 4-16-2018)

§ 155.169 TEMPORARY SIGNS AND FLAGS LIMITED.

(A) Temporary signs and flags permitted without a permit.

- (1) The following temporary signs and flags are permitted without a zoning permit in all residential zoning districts, but shall be in conformance with all other requirements of this chapter:
 - (a) Balloons: less than two feet in diameter;
 - (b) Banners and posters: 24 square feet or less;
 - (c) Blade, flutter, or feather flags: 42 square feet or less;
 - (d) Decorations and holiday displays exhibited for less than 60 days;
 - (e) Flags: 42 square feet or less based on zoning district;

- (f) Freestanding: 24 square feet or less, one per lot; and
- (g) People signs: 16 square feet or less or as costumed.

(2) The following temporary signs and flags are permitted without a zoning permit in all commercial and industrial zoning districts, but shall be in conformance with all other requirements of this chapter:

- (a) Balloons: less than two feet in diameter;
- (b) Banners and posters: 24 square feet or less;
- (c) Blade, flutter, or feather flags: 42 square feet or less;
- (d) Decorations and holiday displays: in place no longer than 60 consecutive days;
- (e) Flags: 42 square feet or less based on zoning district;
- (f) Freestanding: 24 square feet or less, one per lot;
- (g) People signs: 16 square feet or less or as costumed;
- (h) Sidewalk signs: 12 square feet or less;
- (i) Umbrellas: no higher than eight feet from ground or balcony;
- (j) Vehicle signs: permit is required only if the vehicle is stationary during operating hours and located in view of a public right-of-way; and
- (k) Window signs: covering less than 25% of window space.

(B) *Temporary signs and flags requiring a permit.* Any temporary sign not expressly listed as permitted without a permit shall require the issuance of a valid zoning permit prior to installation.

(C) *Temporary signs in all districts other than CB or NB.* Temporary signs in all districts other than CB or NB shall be placed in accordance with the following.

- (1) No sign shall be permitted in the right-of-way of a public road, sidewalk, bikeway, or trail.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 60 inches above the edge of the pavement of the road except for balloons, vehicles, flags, blade flags, umbrellas, and attention-getting devices.

(5) No sign shall obscure or replace another sign.

(6) A temporary sign shall be removed within seven days following the completion of the purpose for which the sign was erected.

(7) Balloons and other floating devices may be utilized but shall not be tethered at a height which, due to the wind, will cause the device to be above adjacent property not owned or leased by the primary user.

(8) Umbrellas imprinted with logos and lettering may be utilized but may not exceed eight feet in height above the surface or any balcony visible from a public right-of-way.

(9) Signs painted on or attached to parked vehicles (vehicular signs) visible from a public right-of-way and located on the same or nearby property shall be considered a temporary sign unless the vehicle is mounted to a pole or to the ground.

(D) *Temporary signs in CB or NB District.* Temporary signs in CB or NB District shall be placed in accordance with the following.

(1) No sign shall prevent the traffic flow of a public sidewalk, bikeway, or trail or be located within a street.

(2) No sign shall obscure motorist visibility at an intersection.

(3) No sign shall obscure or replace another sign.

(4) No sign shall be higher than 48 inches above the edge of the pavement of the road except for balloons, umbrellas, flags, blade flags, inflatable, air activated, and attention-getting devices.

(5) Other than window signs, all signs shall be displayed only when property/facility is open to the public.

(6) Vehicular signs may not be used in the CB or NB Districts.

(7) Balloons and other floating devices may not extend above the height of the primary use structure.

(8) Umbrellas imprinted with logos and lettering may be utilized but may not exceed eight feet in height above the surface or any balcony visible from a public right-of-way.

(E) *Temporary flags.* Temporary flags such as blade, flutter, or feather flags:

(1) Shall meet the requirements of temporary signs in divisions (C) and (D) above except (4);

(2) No temporary flag may be higher than 180 inches (15 feet) above the edge of the pavement of the road;

(3) Shall not be permanently mounted to the ground. (A removable stake is not considered a permanent mount);

(4) Shall be displayed only when property/facility is open to the public; and

(5) Temporary flags may be located on a public sidewalk only in the CB or NB Zoning Districts.

(F) *Balloon, inflatable and air-activated signs.* Balloon, inflatable and air-activated signs shall:

(1) Be located at the lot of the use;

(2) Meet the requirements of temporary signs in divisions (C) and (D) above except (4);

(3) Be securely fastened to the ground or a structure;

(4) Comply with all applicable building codes;

(5) Have only one air-activated sign with movement per lot of use; and

(6) A sign permit is required for any balloon, inflatable device, or air-activated sign which is more than three feet in height or which remains on display for longer than 60 days.

(G) *Banners and poster signs.* Banners and posters are regulated by the following:

(1) Banners and posters attached to buildings shall be mounted below the roof line;

(2) Banner signs may be utilized for up to 60 days in place of a permanent sign;

(3) No more than two freestanding or fence-mounted banner signs per lot;

(4) Shall meet the requirements of temporary signs in divisions (C) and (D) above;

(5) If mounted to walls, must meet the requirements for wall signs. If a permanent wall sign is present, any added banner or poster is cumulative in the sum of wall signage allowed per this section; and

(6) May not be attached to permanent poles or frames including light poles and sign supports, traffic bollards, or support posts for structures.

(H) *People signs.*

(1) No person holding or acting as a sign shall obstruct a right-of-way including streets, trails, bikeways, and sidewalks.

(2) No sign held by a person shall have an area exceeding 16 square feet.

(3) One people sign is permitted per lot or storefront whichever is greater.

(4) May only be used during open hours.

(5) Shall not use animations, lighting, or amplified sounds including bullhorns, speaker systems, or megaphones.

(I) *Portable signs.* Portable message signs, sidewalk signs, and changeable copy signs:

(1) Are only allowed in the NB and CB Districts;

(2) Meet the requirements of temporary signs in division (C) above;

(3) If sign is an electronic message sign or LED sign it must meet the requirements in § 155.162(K); and

(4) Shall not exceed 12 square feet in area.

(J) *Projected-image signs (exterior).* These signs:

(1) Must meet the requirements of temporary signs in divisions (C) and (D) above;

(2) Shall be considered as wall signs for measurement of height and area;

(3) Shall have message changes occur no more than once every eight seconds;

(4) Shall not have the image projected be flashing, intermittent, moving, and scrolling or animated;

(5) A change in message must be accomplished within an interval of one second or less;

(6) The projected-image must contain a default design that will freeze the image in one position if a malfunction occurs;

(7) The maximum light level shall be 0.5 foot candle at any residential property line and 1.0 foot candle at any nonresidential property line;

(8) All projector lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam is not visible from adjacent properties, the public street right-of-way, or the night sky;

(9) Shall not project an image onto any building containing a residential use;

(10) Projection of images onto the sidewalk or ground require that the projector be securely mounted to a structure and be at least eight and one-half feet above the ground; and

(11) Ground projections shall not extend beyond the property lines or beyond lines drawn from the extension of the existing property lines into the right-of-way of a sidewalk.

(K) *Attention-getting devices and statues.* These signs:

(1) Must meet the requirements of temporary signs in divisions (C) and (D) above; and

(2) A sign permit is required for any attention-getting device or statue which is more than three feet in height or which remains on display for longer than 60 days.

(L) *Window signs/interactive displays.*

(1) Posters and opaque signs are limited to covering 25% of window area.

(2) Writing and graphics on the same window or set of windows should maintain a similar style.

(3) Translucent/semi-transparent graphics must allow for 75% of the window area to be clear and allow unobstructed visibility from the exterior of the building.

(4) Rear-projection displays are allowed, but shall not cover more than 25% of the window area on the same facade on the same floor. Any interactive window displays must provide an appropriate place for people to stand while performing the interaction which does not impede pedestrian or other transportation.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.170 PROHIBITED SIGNS.

Notwithstanding § 155.164, and in addition thereto, the following signs, both permanent and temporary, are prohibited in all zoning districts:

(A) Signs extending into the public right-of-way other than those expressly permitted by this section or otherwise approved by the County Commission;

(B) Roof signs;

(C) Flashing, swinging, wind-activated, rotating, smoking, steaming, fume emitting, sound/noise emitting, or animated signs;

(D) Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street, sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad crossing, or which interferes with the effectiveness of any traffic sign, device, or signal;

(E) Illuminated or highly reflective signs which hamper the vision of motorists, pedestrians, or cyclists;

(F) Any sign that resembles traffic signals, traffic signs, or emergency vehicle lights and any other sign not erected by a public authority which may be erroneously construed as governmental signs or emergency warning signs;

(G) Beacons, pennants, and strings of lights not permanently mounted to a rigid background, except those permitted as temporary signs;

(H) Any sign that interferes with free passage from or obstructs any fire escape, down spout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air except for permitted window signs;

(I) Any sign mounted on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other similar structure or surface unless expressly permitted in this section;

(J) Any sign located on, over, or across any public street right-of-way or property unless expressly authorized by this section or the Town Council; and

(K) Any sign listed as not permitted in § 155.164 or any sign not expressly permitted by this section.

(Ord. passed 4-16-2018) Penalty, see § 155.999

§ 155.171 ENFORCEMENT OF REGULATIONS.

(A) Any structure defined as a sign herein that is erected or placed anywhere in the county after adoption of this chapter that is not in compliance with the provisions of this section shall be subject to the enforcement provisions outlined in § 155.163.

(B) Notwithstanding any other provision of this section or of related standards referenced in this chapter, applications for permits and enforcement actions will be reviewed only with respect to sign structure or placement, and excluding any reference to message, category, subject, topic, or viewpoint. (Ord. passed 4-16-2018)

§ 155.172 PUBLIC PURPOSE SIGNS.

Signs posted by duly constituted public authorities in pursuance of their public duties are permitted in any zoned district provided that they meet all requirements of §§ 155.160 to 155.173.
(Ord. passed 4-16-2018)

§ 155.173 TEMPORARY SIGNS AND BANNERS.

Temporary special event signs for religious, charitable, civic, fraternal, or similar nonprofit organizations will be allowed provided that:

(A) Signs shall be erected no sooner than ten days prior to the event and removed no later than two days following the event. In order to erect a temporary sign for the above-described reasons, a permit must be obtained from the town's Police Department (at no cost). If the sign is not removed within the prescribed time, a fine of \$10 shall be charged and the town's Police Department shall remove the sign or banner. If such person or group does not pay the fine, no other permits for temporary signs will be issued until the fine has been paid;

(B) Permits for "profit" events will not be allowed;

(C) Yard sale signs may be displayed, but must be removed within two days after the yard sale has occurred; and

(D) Businesses displaying soft drink banners are limited to one display banner per location.
(Ord. 104, passed - -2003)

BUILDING REGULATIONS**§ 155.185 CONFORMITY REQUIRED.**

No person may use, occupy, or sell any land, structure, or building or authorize or allow the use, occupancy, or sale of any land, structure, or building under his or her control except in accordance with all of the applicable provisions of this chapter. For the purpose of this chapter, the use or occupancy of structures and buildings shall relate to anything and everything that is done to, on, or in the land, structures, or buildings.

(Ord. passed 4-16-2018) Penalty, see § 155.999