

## **CHAPTER 1280** **Special Use Regulations**

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### **1280.01 PURPOSE.**

The characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Planning and Zoning Code should provide for more detailed evaluation of each use listed as a special use in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, requirements for public facilities and traffic generation. Accordingly, a special use shall be approved only when such proposed special use meets the requirements set forth in this chapter as determined by the Planning Commission according to the procedures set forth in [Chapter 1230](#).

(Ord. 58-01. Passed 5-29-01.)

### **1280.02 GENERAL CRITERIA FOR ALL SPECIAL USES.**

A special use, and uses accessory to such special use, shall be permitted in a district only when specified as a special use in such district, and only if such use conforms to the following general criteria, which are in addition to specific conditions, standards and regulations set forth in Sections [1280.03](#) through [1280.06](#). The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following criteria and shall find adequate evidence that:

(a) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety or general welfare.

(b) The special use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area.

(c) The special use will not be hazardous or disturbing to the existing and future use and enjoyment of properties in the immediate vicinity, nor substantially diminish or impair property values within the neighborhood.

(d) The hours of operation of the proposed special use are similar to other uses permitted in the district.

(e) The establishment of the special use in the proposed location will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(f) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets.

(g) The establishment of the special use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools.

(h) There is minimal potential for future hardship on the special use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.

(Ord. 58-01. Passed 5-29-01.)

### **1280.03 SPECIFIC CONDITIONS FOR SPECIAL USES.**

In addition to the general criteria established in Section [1280.02](#), the following specific conditions shall apply.

(a) Supplementary Conditions and Safeguards. Nothing in these regulations shall prohibit the Planning Commission from prescribing supplementary conditions and safeguards in addition to these requirements in order to ensure compliance with the criteria set forth in Section [1280.02](#).

(b) Conformance with District Regulations. A special use shall conform to the regulations of the district in which it is located and to other substantive requirements of this Planning and Zoning Code, as well as satisfy the conditions, standards and requirements of this chapter. Whenever there is a difference between the provisions of the special use regulations and the district regulations, the provisions of this chapter shall prevail, unless clearly indicated differently in the regulations.

(c) Overall Development Standards.

(1) The Planning Commission may limit the hours of operation to ensure that a special use is compatible with the surrounding uses.

(2) No lighting shall constitute a nuisance and in no way shall impair safe movement of traffic on any street or highway. All outside lighting shall be shielded from adjacent properties.

(3) Floodlights, loudspeakers or similar structures shall not be erected or used in any manner that will cause hazards or annoyance to the public generally or to the occupants of adjacent property.

(4) Landscaping and buffering shall be provided in compliance with [Chapter 1294](#).

(5) All trash receptacles shall be adequately screened in compliance with the regulations set forth in [Chapter 1294](#).

(6) The special use will be designed and constructed so that all access drives, access points to public streets, driveways, parking and service areas shall be in compliance with the regulations set forth in [Chapter 1292](#).

(7) All access drives shall be located as far as practicable from an existing intersection in order to minimize congestion and constricted turning movements.

(8) In any residential district, the percentage of a lot covered by buildings shall not exceed 30% of the total area of the lot.

(Ord. 58-01. Passed 5-29-01.)

**1280.04 MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN RESIDENTIAL DISTRICTS.**

Schedule [1280.04](#) sets forth regulations governing minimum lot area, minimum lot width and minimum yard requirements for principal and accessory buildings and parking areas for special uses in residential districts. Supplemental requirements pertaining to such uses are set forth in [1280.06](#), and the specific divisions are referenced in Schedule [1280.04](#), below.

Schedule 1280.04

Special Use	Special Use in District	Minimum Lot Regulations		Minimum Building Setbacks		Minimum Parking Setbacks <sup>(1)</sup>		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
(a) Accessory farm building	R-1 R-2 R-3	(2)	(2)	(2)	(2)	NP	20 ft.	1280.06 (b)
(b) Bed and breakfast	R-1 R-2	15,000 sq. ft.	100 ft.	(2)	(2)	(3)	5 ft.	1280.06 (d)
(c) Cemeteries	R-1 R-2 R-3	10 acres	400 ft.	100 ft.	50 ft.	50 ft.	50 ft.	1280.06 (f)
(d) Churches and places of worship	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (g)
(e) Commercial farm building	R-1 R-2	2 acres	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (b)

	R-3							
(f) Congregate care/assisted living facility	R-1 R-2 R-3	5 acres	350 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (h)
(g) Day care facility, child and adult	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (i)
(h) Family home for handicapped persons	R-1 R-2 R-3	15,000 sq. ft.	100 ft.	(2)	(2)	(3)	20 ft.	1280.06 (k)
(i) Flag lots	R-1 R-2	30,000 sq. ft. (4)	60 ft.	(2)	(2)	(2)	(2)	1280.06 (l)
(j) Golf courses	R-1 R-2	25 acres	400 ft.	50 ft.	(5)	50 ft.	(5)	1280.06 (n)
(k) Group home for handicapped persons	R-2 R-3	25,000 sq. ft.	150 ft.	(2)	20 ft.	(3)	20 ft.	1280.06 (o)
(l) Library	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (g)
(m) Public parks and public recreation facilities	R-1 R-2 R-3	None	None	(2)	50 ft.	50 ft.	20 ft.	1280.06 (z)
(n) Public safety facilities	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (aa)
(o) Public utility substation	R-1 R-2 R-3	None	None	(2)	(2)	None	None	1280.06 (bb)
(p) Public cultural institutions	R-1 R-2 R-3	1 acre	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06(g)
(q) Roadside stand	R-1 R-2	None	None	5 ft.	(2)	None	None	1280.06(gg)

(r) Schools, public or private	R-1 R-2 R-3	2 acres	150 ft.	(2)	50 ft.	NP	20 ft.	1280.06 (g)
(s) Recyclable materials containers	R-1 <sub>6</sub> R-2 <sub>6</sub> R-3 <sub>6</sub>	None	None	None	None	None	None	1280.06(II)

Notes to Schedule [1280.04](#):

- (1) Except that special uses in an R-3 District shall comply with the parking setbacks established in Section [1264.09](#).
  - (2) Shall comply with the regulations for the district in which the special use is located.
  - (3) Parking spaces for more than 2 vehicles shall be located in the rear yard.
  - (4) If the portion of the lot providing access to the street right-of-way is less than 100 feet in width, this portion shall not be included in lot area calculations.
  - (5) See Section [1280.06](#)(n) for development standards.
  - (6) Only on properties designated as requiring a special use permit.
- NP = Not Permitted

(Ord. 58-01. Passed 5-29-01; Ord. 222-03. Passed 11-10-03; Ord. 249-03. Passed 12-22-03; Ord. 30-05. Passed 3-28-05.)

**[1280.05](#) MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS.**

Schedule [1280.05](#) sets forth regulations governing minimum lot area and minimum lot width requirements for special uses in commercial, office and industrial districts. Supplemental requirements pertaining to such uses are set forth in Section [1280.06](#), and the specific divisions are referenced in Schedule [1280.05](#).

Schedule 1280.05

<u>MINIMUM LOT AND YARD REGULATIONS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS</u>				
Special Use	<u>Special Use in District</u>	<u>Minimum Lot Regulations</u>		<u>Also See Section:</u>
		<u>Area</u>	<u>Width</u>	
(a)(1) An aboveground storage container of flammable/combustible liquids, LPG (liquefied petroleum gas), CNG (compressed natural gas) or	M-1 M-2	(1)	(1)	<a href="#">1280.06</a> (a), <a href="#">1280.06</a> (w)(2) - (w)(7)

hazardous materials exceeding 1,500 gallons*				
(a)(2) An aboveground storage container of flammable/combustible liquids, LPG (liquified petroleum gas), CNG (compressed natural gas) or hazardous materials in any size, for the sole purpose of on-site power generation*	C-1, C-2, C-3, C-4, O-1, O-2			<a href="#">1280.06(a)</a> , <a href="#">1280.06(w)(2)</a> - (w)(7)
(a)(3) An aboveground storage container of flammable/combustible liquids, LPG (liquified petroleum gas), CNG (compressed natural gas) or hazardous materials larger than 25 gallons but less than 1,500 gallons for sale or distribution*	C-3, C-4	(1)	(1)	<a href="#">1280.06(a)</a> , <a href="#">1280.06(w)(2)</a> - (w)(7)
(b) Auto service station	C-3	(1)	(1)	<a href="#">1280.06(c)</a>
(c) Bed and breakfast	C-1, C-2	(1)	(1)	<a href="#">1280.06(d)</a>
(d) Car wash	C-3	(1)	(1)	<a href="#">1280.06(e)</a>
(e) Day care facility, child and adult	O-1 O-2	(1)	(1)	<a href="#">1280.06(i)</a>
(f) Drive-thru facility in association with permitted use	C-1 C-2 C-3	1 acre	150 ft.	<a href="#">1280.06(j)</a>
(g) Funeral home	C-1, C-2	1 acre	150 ft.	<a href="#">1280.06(m)</a>
(h) Gasoline station	C-3	(1)	(1)	<a href="#">1280.06(c)</a>
(i) Helistop	O-2	(1)	(1)	<a href="#">1280.06(p)</a>
(j) Hospital	C-4 O-1 O-2	5 acres	400 ft.	<a href="#">1280.06(q)</a>
(k) Indoor commercial recreation	M-1 M-2	(1)	(1)	<a href="#">1280.06(r)</a>
(l) Library and museum	C-1 C-2 C-3	1 acre	150 ft.	<a href="#">1280.06(g)</a>

(m) Manufacture of products from raw materials	M-1	5 acres	400 ft.	<a href="#">1280.06(s)</a>
(n) Mass transit terminal	O-2	5 acres	400 ft.	<a href="#">1280.06(hh)</a>
(o) Mini/self storage facility	M-1	2 acres	200 ft.	<a href="#">1280.06(t)</a>
(p) Offices, business, professional and administrative	C-3	(1)	(1)	--
(q) Offices, medical	C-3	(1)	(1)	--
(r) Outdoor display	C-1 C-2 C-3	NA	NA	<a href="#">1280.06(u)</a>
(s) Outdoor commercial recreation	C-4 M-1 M-2	(1)	(1)	<a href="#">1280.06(v)</a>
(t) Outdoor storage	C-1, C-2, C-3, C-4, O-2	(1)	(1)	<a href="#">1280.06(w)</a>
(u) Parking as a principal use	C-1, C-2	(1)	(1)	<a href="#">1280.06(x)</a>
(v) Post office with outdoor storage of fleet vehicles	C-1, C-2, C-3, C-4	1 acre	150 ft.	<a href="#">1280.06(y)</a>
(w) Public safety facilities	C-1 C-2 C-3 O-1 O-2	1 acre	150 ft.	<a href="#">1280.06(aa)</a>
(x) Public utility substation	C-1 C-2 C-3 O-1 O-2	(1)	(1)	<a href="#">1280.06(bb)</a>
(y) Research and testing facilities	O-1	(1)	(1)	--
(z) Restaurants (no outdoor seating)	C-1	(1)	(1)	<a href="#">1280.06(cc)</a>
(aa) Restaurants (no indoor seating)	C-3 C-4	(1)	(1)	1280.06(ee)

(bb) Restaurants (with outdoor seating)	C-1, C-2, C-3, C-4	(1)	(1)	1280.06(dd)
(cc) Rifle ranges, skeet shooting and pistol ranges	M-1 M-2	(1)	(1)	1280.06(ff)
(dd) Studios for instruction	C-3	(1)	(1)	1280.06(hh)
(ee) Truck/transit transfer terminal	M-1	5 acres	400 ft.	1280.06(ii)
(ff) Urgent care clinics	C-3 C-4	(1)	(1)	1280.06(jj)
(gg) Veterinary offices	C-3	(1)	(1)	1280.06(kk)
(hh) Recyclable materials containers	All Non-Residential Districts	None	None	1280.06(ll)
(ii) Congregate care/assisted living facilities	C-4	5 acres	350 ft.	1280.06(h)
(jj) Hotels/motels	C-1 C-2	(1)	(1)	-
(kk) Animal boarding	C-4	(1)	(1)	
(ll) Auto detailing	C-2 C-3	(1)	(1)	
<p><u>Notes to Schedule 1280.05:</u>  (1) Shall comply with district regulations.  NA Not Applicable  * = Must comply with ACO Section <a href="#">1610.17</a></p>				

(Ord. 58-01. Passed 5-29-01; Ord. 30-05. Passed 3-28-05; Ord. 1-08. Passed 2-11-08; Ord. 169-08. Passed 1-12-09; Ord. 54-09. Passed 5-26-09; Ord. 26-10. Passed 5-10-10; Ord. 35-12. Passed 6-11-12; Ord. 33-12. Passed 7-9-12; Ord. 34-12. Passed 7-9-12; Ord. 128-12. Passed 12-27-12; Ord. 11-13. Passed 2-25-13.)

**1280.06 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.**

The following are specific conditions, standards and regulations for certain special uses and are in addition to the criteria and standards set forth in Sections [1280.02](#) through [1280.05](#).

(a) (1) Aboveground storage of flammable/combustible liquids. LPG (liquified petroleum gas), CNG (compressed natural gas) or hazardous materials in excess of 1,500 gallons in M-1 or M-2. An aboveground storage container of flammable/combustible liquids, LPG (liquified petroleum gas), CNG (compressed natural gas) or hazardous materials in excess of 1,500 gallons



in M-1 or M-2 shall comply with State and National Fire Code regulations as well as Section [1610.17](#) of the ACO. The Fire Marshal shall make a recommendation to the Planning Commission.

(2) Aboveground storage of flammable/combustible liquids, LPG (liquified petroleum gas), CNG (compressed natural gas) or hazardous materials in any size used solely for the purpose of on-site power generation in O-1 or O-2. An aboveground storage container of flammable/combustible liquids, LPG (liquified petroleum gas), CNG (compressed natural gas) or hazardous materials in O-1 or O-2 shall comply with State and National Fire Code regulations as well as Section [1610.17](#) of the ACO. The Fire Marshal shall make a recommendation to the Planning Commission.

(3) Aboveground storage of flammable/combustible liquids, LPG (liquified petroleum gas), CNG (compressed natural gas) or hazardous materials in containers larger than 25 gallons but less than 1,500 gallons for sale or distribution in C-3 and C-4. An aboveground container storage of flammable/combustible liquids, LPG (liquified petroleum gas), CNG (compressed natural gas) or hazardous materials larger than 25 gallons but less than 1,500 gallons for sale or distribution in C-3 and C-4 shall comply with State and National Fire Code regulations as well as Section [1610.17](#) of the ACO. The Fire Marshal shall make a recommendation to the Planning Commission.

(b) Accessory Farm Building and Commercial Farm Buildings.

(1) Accessory farm buildings and commercial farm buildings shall be located no closer to the side or rear lot line than a distance equal to the length of the building wall facing the lot line.

(2) All parking areas shall be screened from adjacent residential lots in compliance with [Chapter 1294](#).

(3) Commercial farm building shall only be permitted on arterial and collector streets.

(4) Commercial farm buildings shall provide a sufficient number of parking spaces. The Planning Commission shall use Schedule [1292.04](#) as a guide in determining the number of parking spaces required.

(c) Auto Service Station or Gasoline Station. When located on a corner lot, such uses shall have not less than 150 feet frontage on each of the two intersecting streets. The location of access drives shall be placed as far as possible from the intersection, and shall be limited to no more than one access drive per street frontage. The facility shall also comply with the standards set forth in Section [1270.08](#).

(d) Bed and Breakfast.

(1) Such use shall occupy an existing structure that was previously occupied for residential purposes.

(2) The bed and breakfast facility shall be located on an arterial or collector street.

(3) In a residential district, a maximum of three guestrooms shall be permitted and shall be located within the dwelling. In a business district, a maximum of six guestrooms shall be permitted and shall be located within the dwelling.

(4) In residential districts, the following regulations shall apply:

A. The building shall not contain a commercial kitchen and guestrooms shall not contain cooking facilities.

B. Meals shall be provided only to guests taking lodging in the facility.

C. Guests shall be permitted to reside at the home for not longer than two continuous weeks.

D. Deliveries of food and other items shall be made at the rear of the building and shall be conducted during daytime hours.

E. The building owner or manager shall reside on the premises.

(e) Car Wash.

(1) The facility shall be located in an area covered by a roof.

(2) The area for the facility shall be located on the lot so as to utilize the maximum amount of the lot for the purpose of containing the waiting line of cars prior to the time the cars or other vehicles are actually serviced.

(3) A car wash establishment may be combined with a gasoline station, provided that the minimum lot area for the combined uses shall be 60,000 square feet.

(f) Cemetery.

(1) Interior drives shall be installed, including the required pavement, as development progresses and as indicated in the final plans approved by the Planning Commission.

(2) Adequate room for vehicle pull-off shall be provided throughout the cemetery so that vehicles parked along any interior driveway will not block traffic flow.

(3) No gravesite shall be located within 50 feet of a public street right-of-way or residential property line.

(4) No mausoleum or crematory shall be located within 100 feet of a public street right-of-way or residential property line.

(g) Church/Place of Worship, Library, Museum, Public Cultural Institution or School.

(1) Such uses should be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.

(2) In any district, the Planning Commission may require all outdoor children's activity areas to be enclosed by a fence or wall having a height of at least five feet but not exceeding six feet. An entry gate shall be securely fastened.

(3) Places of worship and schools may be erected to a height not to exceed 55 feet, provided that the building is set back from each lot line one foot for each foot of additional building height in excess of the district limitation. For places of worship, steeples/spires may be erected to a height not to exceed 75 feet and shall not be subject to an additional setback requirement.

(4) All activities, programs and other events shall be directly related to the special use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard, and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

(5) Associated uses such as a convent, faculty residence, cafeteria, field house, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this chapter.

(6) The development plan shall indicate the emergency entrances or exits.

(h) Congregate Care Facility.

(1) A congregate care facility is conditionally permitted in the R-3 and C-4 districts only in the following combinations:

A. Senior Independent Living - when developed as part of a CCRC or with Assisted Living.

B. Assisted living - when part of a CCRC, when developed with Senior Independent Living, or developed with Skilled Nursing Care.

C. Nursing care - when part of a CCRC, when developed with Assisted Living; or when developed independently.

(2) When located in an R-3 District, such facilities shall be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.

(3) When located in a C-4 District such facility shall comply with subsection (2), above, and be located in reasonable proximity to supporting medical, retail and/or community facilities, or where such facilities are reasonably anticipated, and, conversely, shall not be located in areas predominantly developed, or expected to be developed, with uses exclusively permitted in the industrial M-1 and M-2 Districts.

(4) The maximum number of units or beds permitted per acre is set forth in the following table.

**Permitted Density for Congregate Care Facilities**

*(Dwelling Units (du's) or Beds per acre)*

	<i><b>R-3 Multiple Family District</b></i>	<i><b>C-4 General Business District</b></i>
Continuing Care Retirement Community		17 du's
Senior Independent Living with Assisted Living	17 du's	

Assisted Living with Nursing Care		17 du's
Nursing Care		29 beds

(5) When located in a C-4 District, all regulations of [Chapter 1270](#) shall apply, except for the minimum lot regulations set forth in Section [1280.05\(ii\)](#).

(i) Day Care Facility, Child and/or Adult.

(1) For the protection of children and adults enrolled in the day care center, a fence or wall having a height of at least five feet shall enclose all outdoor activity areas. The entry gate shall be securely fastened.

(2) A drop-off/pick-up location that will not impede traffic on or off the site shall be provided to ensure the safety of the children and adults.

(3) In an R-1 or R-2 District, such use shall only be permitted in a church, other place or worship or a school facility.

(4) The location and design of the facility shall provide for the protection of the children and adults from the traffic, noise, and other hazards of the area and/or the arterial street location.

(5) A day care center for children shall comply with the following:

A. An outdoor play area equal in area to the ground floor area of the facility shall be provided. The required outdoor activity area shall not be located closer than 20 feet to any residential property.

B. Play structures and other similar apparatus shall not be located closer than 40 feet to any residential property.

(j) Drive-thru Facility.

(1) Such facilities shall be located on a collector or arterial street in an area least disruptive to pedestrian or vehicular traffic.

(2) Any proposed loudspeaker system shall be approved as part of the development plan.

(k) Family Home for Handicapped Persons.

(1) The persons residing in such residential home shall live as a single housekeeping unit in a single dwelling unit and maintain the home as their sole, bona fide, permanent residence. The term "permanent residence" means:

A. The resident intends to live at the dwelling on a continuing basis; and

B. The resident does not live at the dwelling in order to receive counseling, treatment, therapy or medical care.

(2) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 USC 3602(h), and that the resident can function adequately in a community residential setting. The

applicant or the placement agency shall have a continuing duty to provide such certification to the Planning Commission for each handicapped person who resides in the home after a special use permit is granted.

(3) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.

(4) In order to maintain the residential character of the area in which the family home is located, the applicant is required and shall agree that upon termination of this special use for any reason the applicant shall restore the premises to a condition in which it is marketable as a single-family dwelling, unless ownership and/or possession of the premises is transferred to a person(s) who has obtained a similar special use permit for the premises.

(5) Signs or other means of identification as a family home for handicapped persons shall not be permitted.

(6) The applicant shall comply with the applicable parking regulations of this Planning and Zoning Code for the type of residential structure used by the residential home, and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.

(7) In considering whether to grant the special use permit, the Planning Commission shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a family home be closer than 1,000 feet from where another family home or group home for handicapped persons is located.

(8) Evidence shall be presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's special use permit.

(9) Conversion of an existing dwelling to a family home shall require that the dwelling be brought into conformity with existing City regulations.

(l) Flag Lots.

(1) A minimum of 60 feet of frontage shall be required at the street right-of-way

(2) The Planning Commission shall review the arrangement of all buildings and accessory uses on the lot. Where there is potential for the future development of a dedicated street, the Planning Commission may determine the front lot line by the potential location of such street.

(m) Funeral Home.

(1) Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area.

(2) When feasible, off-street parking shall be located behind the principal building.

(n) Golf Courses.

(1) The following accessory uses are permitted, when operated in conjunction with a golf course:

A. Club houses, restaurants, snack bars, the sale of alcoholic beverages and golf pro shops;

B. Swimming pools, putting and lawn bowling greens, shuffle board courts, tennis courts and golf driving ranges;

C. Personal and other services which are necessary and incidental to the usual operation of the principal use.

(2) Side and rear yards shall be in accordance with the minimum requirements in Schedule [1280.06\(n\)](#).

Schedule 1280.06(n)

<u>GOLF COURSE DEVELOPMENT SETBACK REQUIREMENTS</u>		
<u>Use</u>	<u>Side and rear Yards</u>	
	<u>Adjacent to Residential District</u>	<u>Adjacent to Nonresidential District</u>
A. Golf course	30 feet	12 feet
B. Off-street parking areas.	30 feet	10 feet
C. Other accessory uses	100 feet	25 feet

(3) Clubhouse and accessory buildings should not conflict with a residential setting.

(4) Outside recreational facilities shall not be illuminated, except that a swimming pool may be illuminated if it does not appear to be illuminated from any public right-of-way or an adjacent Residential District not part of the golf course.

(5) By location, fencing or landscape barriers, tees, fairways, greens and golf driving ranges shall be arranged in such a fashion to reasonably prevent a misfired ball from landing out of the golf course.

(6) Off-street parking, swimming pools, tennis courts and golf driving ranges shall be screened from view from a public right-of-way or an adjacent Residential District.

(7) In addition to the submission requirements in Sections [1228.07](#) and [1230.03](#), the applicant shall submit a site plan which includes the proposed golf course layout, including the location of tees, fairways, roughs, greens and driving ranges (if any).

(o) Group Home for Handicapped Persons.

(1) Prior to a handicapped person commencing residence in the home, either the applicant or the placement agency shall certify that the resident is handicapped as defined in 42 USC 3602(h), and that the resident can function adequately in a community residential setting. The applicant or the placement agency shall have a continuing duty to provide such certification to the Planning Commission for each handicapped person who resides in the home after a special use permit is granted.

(2) The applicant shall demonstrate that adequate qualified supervision will exist in the home on a 24-hour per day basis.

(3) Evidence shall be presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the home's special use permit.

(4) The applicant shall comply with the applicable parking regulations of this Planning and Zoning Code for the type of residential structure used by the residential home and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.

(5) In considering whether to grant the special use permit, the Planning Commission shall take into consideration the proximity and location of other such homes for handicapped persons within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use, but in no event shall a group home be closer than 1,000 feet from where a family home or group home for handicapped persons is located.

(6) The architectural design and site layout of a group home and the height of any walls, screens, or fences connected with any such group home shall be compatible with adjoining land uses and the residential character of the neighborhood.

(p) Helistop. Helistops shall be sited in accordance with the ODOT Aeronautics Division requirements and the FAA recommended design guidelines.

(q) Hospital.

(1) Such use shall be located on an arterial or collector street.

(2) Outdoor storage of ambulances and other vehicles used in the operation of the principal use may be permitted, provided such storage areas are located in the side or rear yard in off-street parking areas.

(3) The areas devoted to the outdoor storage of such vehicles shall be enclosed with a fence six feet in height. Such fence shall provide screening in accordance with the requirements of Section [1294.05](#).

(r) Indoor Commercial Recreation. The proposed use shall not generate excessive noise beyond the premises. In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the district.

(s) Manufacture of Products from Raw Materials.

(1) The manufacture of products from raw materials and any associated outdoor storage areas shall not be permitted within 300 feet of a residential district or use.

(2) All buildings shall be located a minimum of 100 feet from a front, side or rear lot line.

(3) The outdoor storage of any raw materials shall be enclosed by a solid wall or fence, including solid gates, having a minimum height of six feet, which shall be maintained at all times.

(4) All fences or walls required in this section shall be constructed of uniform materials painted or otherwise preserved, and approved by the Planning Commission. Additional fences, walls or shrubs may be required by the Planning Commission, if necessary, to adequately screen the materials from adjoining districts or public streets.

(t) Mini/Self Storage Facility.

(1) The leases for all self-storage units shall include clauses prohibiting the following:

A. The storage of flammable liquids or radioactive, highly combustible, explosive or hazardous materials.

B. The use of property for uses other than dead storage.

(2) The Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.

(3) The maximum size of individual storage compartments shall be 500 square feet.

(4) Such uses should be located on an arterial street.

(u) Outdoor Display.

(1) Areas devoted to the outdoor display of goods, supplies and equipment shall comply with principal building setbacks established for the district in which the principal use is located

(2) Outdoor displays shall not be located in areas intended for traffic circulation according to the development plan.

(3) Outdoor displays shall comply with Section [1270.07](#).

(v) Outdoor Recreation, Commercial.

(1) The Planning Commission may require active recreation areas to be enclosed by a fence having a minimum height of five feet.

(2) The proposed use shall not generate excessive noise, odor, dust or smoke beyond the premises. In order to minimize any effects of the above, the Planning Commission may require all applicable surface areas to be paved, and impose additional noise reduction measures, including mounding, landscaping and sound barriers, to ensure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district.

(3) Delivery trucks shall not be used as refreshment stands, souvenir stands and/or concession stands.



(4) All activities, programs and other events shall be directly related to the special use permit so granted, and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

(5) An adequate number of public restrooms shall be provided and maintained.

(w) Outdoor Storage.

(1) Generally. Outdoor storage of materials shall include the storage of goods, materials, or products, or waste materials in containers associated with the principal use when such materials or products are customarily incidental to the permitted use of the property. The storage of radioactive, toxic or otherwise hazardous materials shall not be

permitted. The bulk storage of material such as mulch, wood chips, sand, etc. shall be permitted only if the material is effectively prevented from spreading and effectively screened pursuant to this section.

(2) Location.

A. Areas devoted to outdoor storage shall be located in a side or rear yard only and shall comply with the building setback requirements for the district in which such outdoor storage is located.

B. All outdoor storage areas shall be contiguous to the principal building.

C. No outdoor display or storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks or pedestrian access.

(3) Area. The area of the lot devoted to outdoor storage shall not exceed 25% of the ground floor area of the principal building. This limitation shall not apply to automotive sales, rental establishments and bulk material. (See definition of "bulk material" in Section [1222.02.](#))

(4) Surfacing. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.

(5) Signs. No signs shall be permitted in conjunction with outdoor storage areas except those otherwise in compliance with the sign regulations in [Chapter 1290.](#)

(6) Screening.

A. All outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.

B. All outdoor storage areas shall be effectively screened from all adjacent residential districts, public parking areas and public streets according to the screening requirements set forth in Section [1294.05.](#) The Planning Commission may increase the minimum height of required screening when it is determined that additional height is needed to effectively conceal all

materials from view of any observer standing at grade level of an abutting residential district line or public street.

(7) Accessibility. All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.

(x) Parking as a Principal Use.

(1) A parking structure shall conform with all building standards and requirements for the district in which it is located. Such structure shall be screened in accordance with Section [1294.05](#).

(2) Surface parking lots shall be landscaped and screened in accordance with [Chapter 1294](#).

(3) An accessory ticket booth or similar accessory building associated with a surface parking lot that does not exceed 100 square feet may be located within the required building setback, provided such building complies with the parking setback for the district.

(y) Post Office.

(1) Outdoor storage of fleet vehicles used in the operation of the post office shall be permitted, provided such storage areas are located in the side or rear yard in off-street parking areas.

(2) The areas devoted to the outdoor storage of fleet vehicles shall be enclosed with a fence six feet in height. Such fence shall be screened according to the requirements of Section [1294.05](#).

(z) Public Park or Public Recreation Facility.

(1) The Planning Commission may require active recreation areas to be enclosed by a fence having a minimum height of five feet.

(2) Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

(aa) Public Safety Facility.

(1) In residential districts, facilities shall be limited to structures that are essential for the distribution of services to the local area.

(2) Outdoor storage of fleet vehicles used in the operation of the facility may be permitted provided such storage areas are located in the rear yard in off-street parking areas and are screened in accordance with [Chapter 1294](#).

(3) The areas devoted to the outdoor storage of fleet vehicles shall be enclosed with a fence six feet in height. Such fence shall be screened according to the requirements of Section [1294.05](#).

(bb) Public Utility Substation.

(1) Public utility substations shall be permitted as a special use only when the distribution of service is essential to the immediate neighborhood or when topological features restrict the location of such facilities.

(2) Natural or man-made barriers shall be provided to lessen any intrusion into a residential area.

(3) Storage of materials shall be within a completely enclosed building.

(4) Substations shall be located a minimum of 30 feet from any residential property line.

(5) A Wireless Telecommunication Facility shall comply with [Chapter 1284](#).

(cc) Restaurants (with no outdoor seating).

(1) A restaurant with no outdoor seating may be permitted in a C-1 District, provided that the lot area shall be adequate to accommodate the required off-street parking.

(2) The design of the structure and any signage shall be visually compatible with the surrounding area as determined by the Planning Commission.

(3) The applicant shall demonstrate to the satisfaction of the Planning Commission that the development will have minimal impact on traffic in adjacent residential areas.

(dd) Restaurants (with outdoor seating).

(1) The outdoor seating area shall be used in conjunction with, and is under the same management and exclusive control of, a restaurant located on the same or contiguous property.

(2) The outside seating area shall not exceed 35% of the gross square footage of the principal building area.

(3) The outdoor seating area shall not interfere with the public right-of-way. The Planning Commission shall determine to what extent, if any, such use may encroach upon the public right-of-way.

(4) Noise shall be adequately controlled to ensure that patrons do not create a nuisance.

(ee) Restaurants (with no outdoor seating).

(1) A restaurant with no indoor seating may be permitted in a C-3 or C-4 District but only where that zoning district exists north of Interstate 90.

(2) There must be a structure on-site having indoor men's and women's restrooms.

(3) There must be a full kitchen facility utilized in the preparation of the food for sale at the site.

(ff) Rifle ranges, skeet shooting ranges, and pistol ranges.

(1) Such facilities shall be located a minimum of 500 feet from any Residential District boundary line.

(2) Such facilities shall be designed so that shots are fired away from any adjacent residential uses.

(gg) Roadside stand.

(1) The agricultural products being sold shall be grown on the same property on which the stand is located.

(2) The stand shall be a maximum of eight feet by 16 feet.

(3) The stand shall be setback from the road as so not to interfere with traffic.

(4) Roadside stands shall only be permitted on arterial and collector streets.

(hh) Studios for Instruction.

(1) All activities shall take place in a fully enclosed sound-resistant building, with closed windows and double-door entrances that provide a sound lock.

(2) Such establishment offering non-academic instruction that is inactive during normal business hours should be located so as to minimize the amount of space located in a retail setting. Studios are encouraged to have associated retail uses located in the first floor space nearest the street in order to contribute to the retail environment of the district.

(ii) Truck/Transit Transfer Terminal or Mass Transit Terminal.

(1) Such uses shall be located on an arterial street.

(2) All vehicle waiting and stacking areas shall comply with the building setback requirements for the district.

(3) Vehicular approaches to the property shall be designed so as not to create any interference with traffic on surrounding public streets or roads.

(jj) Urgent Care Clinic. Because this use is non-retail in nature, the hours of operation, and therefore, the peak activity periods including both pedestrian and vehicular traffic flow do not correspond with a typical retail business, they should be located to the extent possible, at intersections and/or at the extremity of districts.

(kk) Veterinary Office.

(1) There shall be no outside runs or kennels associated with the veterinary office.

(2) The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention.

(3) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

(ll) Recyclable Materials Containers.

(1) Generally. Recyclable materials containers are enclosed receptacles used for the temporary storage of discarded materials which are collected and processed to be used as raw materials or products for which the monetary proceeds from the collection of said materials benefits a governmental or charitable entity as defined in the U.S. Tax Code and located in the City of Avon. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.

(2) Location.

A. Areas devoted to recyclable materials containers shall be determined by the Planning Commission and recommended to Council for approval.

B. No area designated for recyclable materials containers shall be permitted to occupy or interfere with traffic circulation, required parking areas, public sidewalks or pedestrian access.

(3) Area. The area of the lot devoted to recyclable materials containers shall not exceed 25% of the ground floor area of the principal building.

(4) Surfacing. Areas devoted to recyclable materials containers may be paved with asphalt or concrete and shall be maintained free of debris, particularly from overflow.

(5) Signs. No signs shall be permitted in conjunction with recyclable materials containers except those otherwise on the containers themselves or in compliance with the sign regulations in [Chapter 1290](#).

(6) Screening. All recyclable materials containers shall be appropriately screened.

(7) Accessibility. All recyclable materials containers shall be located on the property in such a fashion as to be accessible to firefighting equipment at all times.

(8) General upkeep and maintenance. All recyclable materials containers must maintain an appearance that does not detract from the surrounding environment. Specifically, the container must be free of rust and corrosion.

(Ord. 58-01. Passed 5-29-01; Ord. 30-05. Passed 3-28-05; Ord. 77-05. Passed 6-13-05; Ord. 147-07. Passed 1-14-08; Ord. 1-08. Passed 2-11-08; Ord. 169-08. Passed 1-12-09; Ord. 26-10. Passed 5-10-10; Ord. 11-13. Passed 2-25-13; Ord. 26-15. Passed 4-13-15; Ord. 76-16. Passed 7-11-16.)

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