

Article XI, Standards for Specific Land Uses

Introduction: This Article provides standards for specific land uses permitted by this Ordinance, whether such uses are permitted by right or are permitted subject to conditional use approval. These standards are intended to apply in addition to all other requirements of this Ordinance.

Sec. 11.01 Individual Produce Stands and Farm Markets.

- (a) Each lot shall be limited to a maximum of one seasonal produce stand not larger than 20 feet by 20 feet. The stand shall be portable and shall be removed from its roadside location during seasons when it will not be in use. Produce sold is grown on the premises.
- (b) Signs used in connection with the use shall be temporary, and shall be removed when the stand is not in use. All signs shall comply with the requirements of this Ordinance.
- (c) The applicant shall submit a sketch plan for approval by the Commission that illustrates locations of all structures, parking areas, driveways, signs and other structures.

Sec. 11.02 Veterinary Clinics.

- (a) *Setbacks.* Structures shall be set back at least 20 feet from all side and rear property lines, and at least 50 feet from abutting residential districts or uses, churches, schools or restaurants on the same side of the street.
- (b) *Landscaping and Screening.* Outdoor enclosures or runs shall be enclosed by screening in accordance with the screening requirements of this Ordinance.
- (c) *Operating Requirements.* The clinic shall be operated by a licensed or registered veterinarian. All activities shall be conducted within an enclosed building. All boarding shall be limited to animals brought in for treatment or surgery, unless the site has also been approved for a kennel in accordance with the following requirements:
 - (i) Commercial kennels shall comply with all permit and operational requirements established by county and state regulatory agencies.
 - (ii) Structures in which animals are kept, animal runs, and exercise areas shall not be

- located in any required yard setback area, and shall be set back at least 500 feet from any residential district or use.
- (iii) All animal runs and exercise areas shall be enclosed on all sides by screening in compliance with the screening requirements of this Ordinance and shall have impervious surfaces and an appropriate system for runoff, waste collection and disposal.
 - (iv) Performance Standards. The Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances including but not limited to those related to noise or odor.
- (d) *Performance Standards.* Outdoor exercising is allowed when the pet is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 PM and 8:00 AM.

Sec. 11.03 Farmers= Markets.

- (a) *Time Limitation.* Such use permit shall be valid for one year only, with the option of annual renewal if requested by the applicant and agreed to by the Commission. Renewal shall require approval by Commission motion at a regular meeting. The Commission may, but need not, conduct a public hearing as part of consideration of any requested renewal.
- (b) *Time Limitation.* Such use shall occur only during the season beginning on May 1 and ending on November 15. Such use shall regularly occur only on the Saturday of each week during such period of duration, and shall be open to the public only between the hours of 9:00 AM and 1:00 PM. If an applicant wishes to operate such use on any additional day or time for a special reason such as a holiday or other event, such request may be considered by the Commission on a case by case basis.
- (c) *Use Limitation.* Such use shall be limited to use and sales by the applicant and such other vendors who comply, have complied, and can demonstrate compliance with all Federal, State and Local licensing and vending requirements, including but not limited to the Ordinances of the Village, as may be amended from time to time.
- (d) *Area Limitation.* Such use shall be limited to the portion of applicant's property which is shown on the map or plan submitted with the application. Such use shall include no permanent structures, but may include suitable non-permanent pop-up market tents. Such tents shall be removed from the property when the use is not in operation, but may remain at an appropriate site proposed by the applicant and agreed to by the Commission during

the use=s non-working days.

- (e) *Parking.* Such use shall provide sufficient patron off-street parking for all vendors and patrons, which parking, and ingress to and egress from the site shall not create a hazard or nuisance upon the public roads of the Village or to adjacent properties. No on-street parking shall be permitted at any time for such use.
- (f) *Traffic Control.* Such use shall provide for appropriate traffic control as will assure that there is not created an unsafe condition upon the roads, sidewalks, or pathways of the Village. If, in the sole reasonable opinion of the Zoning Officer, the operation of such use is causing an unsafe condition, it shall be within the right of the Zoning Officer to ameliorate that condition either directly or through discussion with the applicant. The applicant shall reimburse and hold the Village harmless for any cost borne by the Village in this regard.
- (g) *Capacity.* Such use shall be limited to no more than 400 people at any time, including patrons and vendors.
- (h) *Vendors.* Such use shall be valid for no more than 35 qualified farm vendors who are not second hand vendors, and whose products shall be limited to the items proposed by the applicant and agreed to by the Commission. Such use shall not generally include any artisan vendors. In the event that an applicant wishes to include such vendors for a special reason such as a holiday or other event, such request may be considered by the Commission on a case by case basis.
- (i) *Local Organizations.* Such use shall provide suitable space, at no fee cost, from time to time, to local non-profit organizations including but not limited to the Village, Peninsula Library and Historical Society, Valley Fire District, United Methodist Church, and Mother of Sorrows Church, as well as the Quarry, which shall be permitted for the purpose of allowing such organizations to provide information materials to the public, but not offering items for sale.
- (j) *Sanitary Facilities.* Such use shall provide for appropriate sanitary facilities for all patrons and vendors, which shall include not fewer than two portable sanitary facilities. Such facilities shall be kept clean and operable at all times that the public shall be on the property. Such facilities shall be removed from the property when the use is not in operation, but may remain at an appropriate site proposed by the applicant and agreed to by the Commission during the use=s non-working days. Such use and facilities shall further comply with all requirements of all applicable Health Regulations, including but not limited to those promulgated by the Summit County Board of Health and/or the Village of Peninsula.

- (k) *Insurance.* Such use shall hold valid and binding liability insurance in favor of any patron, vendor or other person who may be injured due to the negligence of applicant or any vendor, their employees and agents, in a minimum principal sum not less than one million dollars. A copy of said insurance shall be provided to the Village upon request.

Sec. 11.04 Family Day-Care Homes, Type A.

- (a) *Separation Requirements.* No such day-care home may be located less than 1,500 feet from any other such residential facility, as measured between the nearest points on the property lines of the lots in question. The Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the Village overall.
- (b) *Access.* Areas shall be provided for employee and resident parking, and pick-up and drop-off of children, in a manner that allows maneuvers without affecting traffic flow on the public street.
- (c) *Play Area.* All day care homes shall provide a fenced, contiguous outdoor play area in the rear yard area of the day care home premises, with a minimum area equal to 150 square feet per child at the maximum licensed capacity of the day care home.
- (d) *Hours of Operation.* The day care home shall operate a maximum of 16 hours per day.

Sec. 11.05 Bed and Breakfast Inns.

- (a) *Primary Residence.* The dwelling shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
- (b) *Guests.* There shall be a maximum of five rooms for lodging, with a maximum of 15 guests at any given time. Guests may stay no longer than 14 days in succession or a total of 60 days in any 12 month period. Off-street parking areas shall be provided for guests outside of any required front yard. Stacking of more than two vehicles in a driveway for parking purposes is prohibited.
- (c) *Landscaping.* Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in compliance with the screening requirements of this Ordinance.

Sec. 11.06 Two-Family and Three-Family Dwellings

The exterior of a two-family or three-family dwelling shall be designed, constructed and maintained in a manner that provides the appearance of a single-family dwelling. The addition of a separate exterior door(s) on the front facade is prohibited. The primary entrance for the second or third dwelling unit may be located on a side or rear wall, or both units may share a common entrance on the front facade.

Sec. 11.07 Multiple-Family Developments.

Multiple-family developments shall comply with the following:

- (a) *Definition.* The criteria listed here shall apply to 4 or more units.
- (b) *Architectural Details.* Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to: awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.
- (c) *Street Design and Vehicle Circulation.* Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots. All access drives shall be 24 feet in width.
- (d) *Pedestrian Circulation.* Minimum four foot wide concrete, brick or sandstone sidewalks shall be provided on both sides of all internal streets within a townhouse or stacked flat development, between the public sidewalk and all dwelling entrances, and within all open space areas. Sidewalks along collector roads and streets shall be at a width determined by the Village.
- (e) *Other Requirements.* Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

Sec. 11.08 Townhouses and Stacked Flats.

Townhouses and stacked flats shall comply with the following:

- (a) *Density.* The maximum density of a townhouse or stacked flat development shall be eight dwelling units per acre, exclusive of any land area occupied by water bodies.
- (b) *Building Layout and Architecture.* The following architectural standards shall be met for all structures:
 - (i) *Orientation.* Parking areas, garages and any other accessory structures and uses shall be located within the established rear yard, with access provided by an alley or access drive. A minimum of 75 percent of the main entrances to the individual dwellings shall be located on the front facade of the building, and all shall include a front porch or stoop that is at least six feet in width and depth, and 70 square feet in area.
 - (ii) *Architectural Details.* Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.
- (c) *Street Design.* Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Alleys shall be provided for access to rear yard garages. Such alleys shall have a minimum pavement width of 20 feet and shall be located within a minimum 30 foot wide private access easement. An alley shall be designed to provide only secondary access to dwellings.
- (d) *Pedestrian Circulation.* Minimum five foot wide concrete, brick or sandstone sidewalks shall be provided on both sides of all internal streets within a townhouse or stacked flat development, between the public sidewalk and all dwelling entrances, and within all open space areas. Sidewalks along collector roads and streets shall be at a width determined by the Village.
- (e) *Other Requirements.* Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

Sec. 11.09 Repealed

Sec. 11.10 Catering Facilities.

In the C, Commercial District, catering facilities shall only be permitted as an accessory use located entirely within the space occupied by a permitted restaurant use. In the MU, Mixed Use District, such facilities may be permitted as a principal use.

Sec. 11.11 Massage Therapists.

Massage therapy clinics and uses shall be subject to the following conditions:

- (a) Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.
- (b) All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Village.
- (c) All activities that meet the definition of an adult use or sexually-oriented business shall be prohibited.

Sec. 11.12 Funeral Parlors or Mortuaries.

- (a) *Minimum Lot Size.* Sites shall have a minimum lot area of one-half acre, and a minimum lot width of 150 feet.
- (b) *Parking and Circulation.* An off-street assembly area shall be provided for funeral processions and activities. This area may be incorporated into the required off-street parking and maneuvering areas. Streets and alleys shall not be used for maneuvering or parking of vehicles.
- (c) *Screening.* The service and loading area shall be screened from adjacent property.

- (d) *Chemicals.* Any proposed use shall provide the Village, as well as the Valley Fire District, with a list of any and all chemicals to be use in conjunction with the use, including any information available pertaining to flammability, where applicable.

Sec. 11.13 Nursing and Convalescent Homes, Assisted Living Facilities, and Senior Housing.

- (a) *Minimum Size.* Sites must have a minimum lot area of two acres, and all dwelling units shall have a minimum of 450 square feet per unit.
- (b) *Separation Requirements.* No foster care group home shall be located closer than 1,500 feet to any such residential facility, measured from the nearest wall of each such structure. The Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the Village overall.
- (c) *Access.* All access shall be from a major street. Walkways shall be provided from the main building entrances to any sidewalks along the adjacent public streets. A sidewalk shall be placed along the entire road frontage of the facility per Village standards.
- (d) *Allowable Density Modification.* The allowable density of the underlying zoning district may be increased by no more than 50 percent for all nursing care units licensed by the State, or 25 percent for non-licensed nursing care and supportive care units.
- (e) *Accessory Uses.* Accessory retail, restaurant, food service, office and service uses may be permitted within the principal residential building. No exterior signs of any type are permitted for these accessory uses.
- (f) *Emergency Care.* Each such use shall be required to provide for timely and appropriate on-site or otherwise available emergency medical care and transportation.

Sec. 11.14 Auditoriums and Performing Arts Theaters, Churches, Temples, and Other Places of Worship.

- (a) *Height.* The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 45 feet. The highest point of chimneys, spires, cupolas, domes and towers may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than 20 percent of the roof area of the building.

- (b) *Screening.* Screening shall be provided in accordance with this Ordinance where the site abuts a residential district or use.
- (c) *Accessory Facilities.* Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, and other similar and traditional uses shall be permitted, subject to the requirements of this Ordinance.
- (d) *Impact Assessment.* The Commission may require an impact assessment for places of assembly that have a seating capacity of over 500 persons.

Sec. 11.15 Recreation, Indoor and Outdoor (Excluding Public Parks).

- (a) *Permitted Uses.* Permitted uses may include, but shall not be limited to recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice or in-line skating, and similar activities, bowling alleys, swimming pools open to the general public or operated by a private non-profit organization, music concert pavilions and band shells.
- (b) *Accessory Uses.* Permitted accessory uses to the above permitted uses may include, but shall not be limited to refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreation facility, unless otherwise listed as a permitted use in the district where the facility is located.
- (c) *Setback Requirements.* No structure or spectator seating facility shall be located within 50 feet of a property line, nor within 200 feet of any residential district or use. Pools shall be at least 100 feet from any residential zoning district.
- (d) *Performance Standards.*
 - (i) The location, layout, design, or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties.
 - (ii) A plan to control loitering and litter shall be provided.
 - (iii) Recreation uses shall comply with Article VIII, Performance Standards, of this Ordinance.

Sec. 11.16 Golf Driving Ranges.

- (a) *Setbacks.* Parking lots shall be setback at least 30 feet from the street right-of-way, and 100 feet from any property line abutting a residential district or use. No structure shall be located less than 200 feet from the property line of any abutting residential district or use.
- (b) *Access.* All traffic ingress and egress shall be from a major street.
- (c) *Screening.* Any lot line abutting a residential zoning district shall provide a landscaped buffer strip in accordance with this Ordinance.
- (d) *Performance Standards.* Site size shall be sufficient to retain errant balls within the site. Netting is prohibited unless the Commission determines the netting would be compatible with surrounding uses. The Commission may restrict lighting and hours of operation for a driving range.
- (e) *Site Plan Requirements.* The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.

Sec. 11.17 Public Utility and Essential Service Structures and Uses Other than Wireless Telecommunications Facilities.

- (a) *Need.* Applicants must provide evidence of the necessity for the proposed location of all public utility and essential service structures and uses.
- (b) *Setbacks.* Electric or gas regulator equipment and apparatus shall be set back a minimum of 20 feet from all lot lines.
- (c) *Screening.* Screening requirements are subject to Commission approval based on analysis of potential effect on surrounding properties. Any permitted storage yards shall be screened from adjacent residential districts or uses in accordance with this Ordinance.
- (d) *Use Requirements.* Such structures and uses shall be subject to conditions or limitations designed to minimize any adverse impacts from the use on surrounding properties. Structures shall be architecturally compatible with the surrounding neighborhood.

Sec. 11.18 Tavern, Pub, Brewpub, Cocktail Lounge, Night Club, or Billiard and Pool Hall.

Such establishments shall be located at least 1,000 feet from all child care centers, schools, parks, hospitals and adult uses or sexually-oriented businesses. Screening consisting of a six foot masonry wall and a buffer strip shall be required on all side and rear lot lines abutting a residential district or use.

Sec. 11.19 Tobacconists and Cigar/Cigarette Shops.

Such establishments shall be located at least 1,000 feet from any foster home, childcare center, school, park or hospital.

Sec. 11.20 Video Rental Establishments.

Any video rental establishment meeting the definition of a Sexually Oriented Business as outlined in this Ordinance shall conform to all requirements outlined in Article 14.

Sec. 11.21 Automobile, Truck and other Motor Vehicle Service Centers (Minor Repair), Repair Stations (Major Repair) and Fueling (Gas) Stations.

- (a) *Minimum Lot Size and Setbacks.* The minimum lot area shall be 15,000 square feet, with a minimum of 150 feet of frontage on a major street. Pump island canopies shall be setback a minimum of 20 feet from any right-of-way line. Fuel pumps shall be located a minimum of 30 feet from any right-of-way line.
- (b) *Access.* Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings. The edge of any access drives shall be set back a minimum of 50 feet from the intersections of two street right-of-way lines. No more than one access drive curb opening shall be permitted per street.
- (c) *Overhead Doors.* Overhead doors shall not face a residential district or use. The Commission can modify this requirement upon a determination that there is no reasonable alternative, subject to additional screening being provided.
- (d) *Pump Island Canopy.* The proposed clearance of any pump island canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Commission. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Commission may permit a maximum intensity of 20 footcandles for lighting under the canopy, provided that site lighting is otherwise in

compliance with this Ordinance.

- (e) *Repair and Service Use Limitations.* All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
- (f) *Temporary Vehicle Storage.* The storage, sale, rental or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance. Inoperable vehicles shall not be stored or parked outside for a period exceeding 30 days for repair stations and 24 hours for service centers. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- (g) *Noise and Odors.* There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.
- (h) *Screening.* Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with this Ordinance. All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.
- (i) *Pollution Prevention.* The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.

Sec. 11.22 Outdoor Eating Areas and Sidewalk Cafes.

All outdoor eating areas and sidewalk cafes shall be accessory to a permitted restaurant use and shall be subject to the permit approval procedure and other Village requirements.

Sec. 11.23 Recording Studios.

No internal noise or sounds shall be audible outside of the building or beyond the walls of the

space occupied by the studio. External activities generating noise or sound shall be no greater than the existing background noise level of the surrounding area.

Sec. 11.24 Gunsmiths and Licensed Firearms Dealers.

Such establishments shall be located at least 1,000 feet from any foster home, childcare center, school, park or hospital. Such establishments shall further be post in a location clearly visible to all customers an informational disclosure regarding any limitations placed by the Village on the discharge of firearms within Village limits.

Sec. 11.25 Hotels.

- (a) *Access.* Secondary building entrances and exterior room entrances shall not face a residential district or use.
- (b) *Minimum Unit Requirements.* There shall not less than 20 units, each of which shall be a minimum of 250 square feet of area per unit, and each unit available for rental shall contain a bathroom of not less than 35 square feet, at least one bedroom with not less than 150 square feet and a closet of not less than eight square feet.
- (c) *Additional Requirements.* The hotel shall provide customary services, such as maid service, linen service, telephone and/or desk service, and may provide an attached a public dining room for the accommodation of not less than 40 guests and a general kitchen, or an unattached restaurant with seating capacity for not less than 50 occupants located directly adjacent to the hotel or motel.

Sec. 11.26 Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Equipment, Machinery, Automobiles and Other Motor Vehicles, Recreational Vehicles, Boats, Building Supplies, Hardware or Other Items.

- (a) *Setback Requirements.* Outdoor sales or display areas shall be set back a minimum of 10 feet from any parking area, driveway or access drive, and 20 feet from any street right-of-way. No outdoor sales area shall be located within 50 feet of any residential district or use.
- (b) *Sidewalk Standards.* A minimum of five feet of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.

- (c) *Performance Standards.* Outdoor sales and display areas must be kept clean, litter-free, and outdoor waste receptacles shall be provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
- (d) *Signs.* Additional signs shall not be permitted beyond those permitted for the primary use.
- (e) *Surface.* Sales and display areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water. All areas for display of automobiles, trucks, recreational vehicles, boats and similar items shall be paved.
- (f) *Landscaping and Screening.* Such sales or display area shall be separated from the parking area by landscaping, a decorative wall or other architectural feature in accordance with the screening requirements of this Ordinance. A six foot fence or wall, greenbelt or buffer strip may be required along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

Sec. 11.27 Retail Stores and Commercial Uses with 10,000 to 40,000 square-feet of Gross Floor Area.

- (a) *Access and Circulation.* A traffic impact study shall be required. The design shall ensure that vehicular circulation patterns are appropriately designed to eliminate potential conflicts between traffic generated by the site, and traffic on adjacent streets and streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
- (b) *Landscape and Screening.* A greenbelt with a width of 20 feet shall be provided along all street frontages and side or rear yards to screen the view of the property from street rights-of-way and adjacent residential districts or uses in accordance with the screening requirements of this Ordinance, along with adequate screening for all loading facilities, trash receptacles, and mechanical equipment.
- (c) *Loading and Unloading Areas.* Outdoor storage, pickup, delivery, loading and unloading of merchandise, equipment or other items, mechanical equipment, and trash disposal or compaction shall not occur within 50 feet of a residential district or use, nor shall such activities take place between the hours of 10:00 PM and 7:00 AM. No delivery vehicle

within 50 feet of residential property shall have its engine, refrigeration unit or generator running between the hours of 10:00 PM and 7:00 AM. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 PM and 7:00 AM provided that all activity occurs inside the truck or trailer or within the building.

- (f) *Pedestrian Walkway.* A six foot wide concrete, brick or sandstone sidewalk shall be provided from the public sidewalk to the main entrance in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping. Sidewalks shall be placed along the entire road frontage subject to Village standards.

Sec. 11.28 Industrial Uses.

- (a) *Use Statement.* The applicant must supply the following documentation with any plan submitted for review:
 - (i) Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
 - (ii) Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
 - (iii) Description of any transportation, on-site treatment, storage or disposal of hazardous waste.
 - (iv) Description of any secondary containment measures, including design, construction materials and specifications, and security measures.
 - (v) Description of any other expected impacts associated with the use and any mitigation measures to be employed.
- (b) *Setbacks and Screening.* Sites shall not be located within 500 feet of any residential district or use. Appropriate screening, shall be provided along all side or rear lot lines in accordance with the screening requirements of this Ordinance.
- (c) *Parking and Loading.* All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- (d) *Performance Standards.* All such uses shall comply with the provisions of Article VIII, Performance Standards, of this Ordinance.

Sec. 11.29 Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items.

- (a) *General Requirements.* All outdoor storage areas must comply with the following requirements:
 - (i) No junk or junk vehicles shall be stored.
 - (ii) The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
 - (iii) Any outside storage area shall be paved or surfaced with hard surface material and shall include a storm water drainage system.
- (b) *Setbacks.* Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in the front yard.
- (c) *Landscaping and Screening.* Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip and a solid decorative masonry wall or fence at least six feet and no more than eight feet in height, in accordance with the screening requirements of this Ordinance. No materials shall be stored above the height of the required wall or fence. No trailer, manufactured home or truck trailer shall be stored or used for storage.

Sec. 11.30 Recycling Collection Facilities and Composting Centers.

- (a) *General Standards.* Recycling facilities shall be limited to the collection of recyclable materials for processing at another site. All storage of recycled materials shall be within appropriate containers that have adequate and convenient access, with lockable lids and doors. Access shall be provided solely on major streets.
- (b) *Setbacks.* Commercial composting operations shall be at least 500 feet from any residential district or use. All composting operations shall be at least 200 feet from the boundary of any lake, stream, drain, wetland or other surface water body, and the applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
- (c) *Performance Standards.* The applicant shall submit an impact assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.

- (d) *Screening and Landscaping.* Screening and landscaping shall be provided in accordance with the screening requirements of this Ordinance as deemed necessary by the Commission.

Sec. 11.31 Self-Storage Warehouses.

- (a) *Permitted Uses.* The use shall be limited to storage of household and non-hazardous commercial goods. An accessory caretaker=s residence shall be permitted for the person or persons responsible for the operation of the facility.
- (b) *Minimum Lot Size and Setbacks.* The minimum lot area shall be three acres. The minimum building and parking setback shall be 50 feet from any street right-of-way line, residential district or off-site residential use.
- (c) *Screening and Landscaping.* Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with the screening requirements of this Ordinance.
- (d) *Parking and Loading.* All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- (e) *Storage.* All storage shall be completely within enclosed structures.

Sec. 11.32 Garage Sales, Estate Sales and Private Auctions.

Garage sales, estate sales, and private auctions shall be permitted as accessory uses in any district. Not more than one such event may occur on any property within any six month period, and the duration of any such event shall not exceed three days or two consecutive weekends.

Sec. 11.33 Garages for Commercial Vehicles.

A structure for the storage of commercial vehicles used by a permitted use in a non-residential district, shall occupy not more than 25 percent of the lot area, and shall be located outside of any required yard areas.

Sec. 11.34 Temporary Structures and Uses, including Construction Buildings.

Temporary structures and uses may be permitted, including a temporary dwelling installed on a single-family residential lot while a permanent dwelling is under construction. Such structures and uses shall comply with all applicable Village Codes and Ordinances, and shall be subject to the following:

- (a) *Site and Use Standards.* Temporary structures and uses shall comply with the following:
 - (i) The provisions of Article VIII, Performance Standards.
 - (ii) The dimensional standards and use provisions of this Ordinance for the district and type of structure or use.
 - (iii) Provisions for emergency vehicle access, off-street parking and loading, drainage and soil erosion.
 - (iv) Other conditions necessary to protect the public health, safety and general welfare.
- (b) *Duration.* In no event shall a temporary structure or use, other than temporary construction buildings, be permitted on a site for longer than one year. The Commission or Building Inspector may impose a lesser time limit where deemed necessary.
- (c) *Temporary Construction Buildings.* Temporary buildings associated with construction shall not be erected in any district unless a site plan has been approved, and such buildings shall be removed from the site before a final certificate of occupancy is issued for the primary building.
- (d) *Performance Guarantee.* To insure strict compliance with the conditions attached to the issuance of the permit for a temporary structure or use, the applicant may be required to furnish a performance guarantee in an amount equal to the estimated cost of removing and disposing of the temporary structure or use (\$500.00 minimum). The guarantee shall be returned after the temporary structure or use has been removed from the premises.
- (e) *Removal.* Temporary structures or uses, other than temporary construction buildings, shall be removed within ten days after expiration of the permit or approval, or the Administrative Official may use the performance guarantee for such removal.

Sec. 11.35 Circuses, Fairs, Revivals, Carnivals, and Similar Uses.

Such uses may be permitted without regard to whether the institution or organization sponsoring the use is non-profit or for-profit in nature. Such use and occupancy shall not be disturbing to the public peace and tranquility, and shall not create undue traffic hazard and congestion. Limitations on hours of operation may be established by the Village, or any other measures

deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

- (a) *Permits and Approvals.* Sketch plan approval shall be obtained from the Commission. When such uses are for more than seven calendar days during a year, approval is also required from the Council. Appropriate permits shall be secured by the applicant from the County, the Administrative Official, and other agencies with jurisdiction.
- (b) *Insurance.* The applicant shall provide evidence of adequate public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.
- (c) *Setbacks and Fencing.* All buildings, structures and parking shall be at least 300 feet from any dwelling. The Village may require placement of temporary fencing around all or part of the site.
- (d) *Renewals.* Renewals of recurring or previously permitted or otherwise occurring uses or events shall require approval by the Council. The Council may, annually or otherwise periodically, adopt and amend a resolution which includes a list of any such uses or events which fall into this category, their anticipated future dates of occurrence, and any specific conditions or requirements that it deems appropriate to impose.

Sec. 11.36 Home Occupations.

- (a) *Intensity of Use.* Home occupations must be conducted within a principal single family detached dwelling unit and permitted accessory structures, and shall not occupy more than 25 percent of the gross floor area of the structures. The exterior of the dwelling shall not be altered from its residential appearance.
- (b) *Parking and Loading.* Home occupations shall be limited to the parking or storage of one commercial vehicle on the premises not exceeding a one ton capacity, provided such vehicle is directly related to the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers. Deliveries shall only be permitted between the hours of 8:00 AM and 8:00 PM.
- (c) *Performance Standards.* The home occupation shall comply with the provisions of Article VIII, Performance Standards, of this Ordinance, and the following:
 - (i) Customer or client visits to a home occupation are limited to between the hours of

8:00 AM to 8:00 PM. A home occupation shall not generate more than 20 customer or client visits per week, and no more than two customer or client vehicles may be present at any given time.

- (ii) The home occupation shall have no more than one non-resident employee working on the premises at any time. The number of non-resident employees working exclusively at other locations is not limited.
- (d) *Permitted Uses.* The following uses are permitted home occupations.
- (i) Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.
 - (ii) Personal services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services, and similar occupations.
 - (iii) Home office for massage therapists, subject to the standards of Section 11.13 of this Ordinance and similar occupations.
 - (iv) Music, dance, art and craft classes, tutoring, and studios for artists, sculptors, musicians and photographers, and similar occupations.
 - (v) Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood-working, and similar occupations.
 - (vi) Repair services, limited to watches and clocks, small appliances, computers, electronic devices, and similar small devices, and similar occupations.
- (e) *Prohibited Uses.* The following uses are expressly prohibited as home occupations:
- (i) Kennels.
 - (ii) Hospitals, medical and dental clinics and veterinary clinics.
 - (iii) Any eating and/or drinking establishments, except as part of a Bed and Breakfast Use permitted subject to the standards of Section 11.07 of this Ordinance.
 - (iv) Automobile, truck, recreation vehicle, boat or small engine repair.
 - (v) Undertaking and funeral homes.
 - (vi) Adult uses and sexually-oriented businesses.
- (f) *Conditional Uses.* Any home occupation not specifically listed in either of the lists in subsections (d) or (e) above may be permitted as a conditional use, subject to the requirements for conditional uses outlined in this Ordinance.

Sec. 11.37 Swimming Pools.

Indoor swimming pools shall be considered part of the principal building and shall be permitted if located entirely within the principal building, subject only to the standards outlined in subsections (e) and (f), below. All outdoor swimming pools, including spas, may be allowed as an accessory use subject to all of the following conditions:

- (a) *Placement.* Outdoor swimming pools shall be placed no closer to the front lot line than the front line of the principal building. On residential lots, the pool shall be placed no closer than 15 feet to the side or rear lot line. On corner residential lots, the pool shall be no closer than 35 feet to the side lot line.
- (b) *Height.* No outdoor swimming pool shall have a height above grade greater than 52 inches (as measured at a distance of six inches from the side of the pool). The height of any pool appurtenances shall not be greater than three feet above the top of the pool. The combined height above the ground of any swimming pool plus appurtenances shall not exceed six feet at any point.
- (c) *Enclosure/Fencing.*
 - (i) All outdoor swimming pools shall be completely surrounded by a fence or wall not less than four feet in height (measured from finished grade level), which shall be so constructed as not to have openings, holes, or gaps larger than three inches wide except for doors and gates. A principal or accessory building may be used as part of such enclosure.
 - (ii) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped.
 - (iii) A portable spa may be secured by the use of a rigid safety cover with a locked top, in lieu of a fence or wall. A "portable spa" is defined as a non-permanent structure intended for recreational bathing, for which all controls, water heating and water-circulating equipment are integral parts of the product.
- (d) *Screening.* All outdoor swimming pools shall be screened by material of sufficient density to obscure its view from adjacent dwellings and public streets. Screening shall be placed no closer to the side of the pool than 72 inches.
- (e) *Illumination.* All illumination for the pool or surrounding area must be directed entirely onto the pool area and must not shine onto adjacent properties or streets.
- (f) *Drainage.* Discharge of any water from any swimming pool shall be onto the property where the pool is located or into the nearest storm sewer. The discharge shall not flow

onto, through, or otherwise affect adjacent properties.

- (g) *Other Regulations.* The construction and operation of swimming pools shall meet all other applicable County and State regulations.

Sec. 11.38 Telecommunications Towers.

- (a) *Purpose.* These regulations governing telecommunications towers are established to provide for the construction, erection, extension and removal of such towers in districts permitting residential uses in the Village and are related to certain applications of technology and engineering in the field of telecommunications. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996 (Public Law 104-104) and the interests of the Village in regulating telecommunications towers and related facilities for the following reasons:
 - (i) To provide for orderly development within the Village;
 - (ii) To protect property values;
 - (iii) To maintain the aesthetic appearance of the Village, including, but not limited to, its residential character, local business areas, and scenic views;
 - (iv) To protect residential properties, parks, open spaces and the commercial and institutional zoning districts from the adverse effects of towers and related facilities;
 - (v) To promote collocation of telecommunications towers in order to decrease the total number of towers in the Village; and
 - (vi) To provide for and protect the health, safety and general welfare of the residents and visitors of the Village.
- (b) *Applicability.* No person shall locate, erect, construct, reconstruct, change, alter, remove or enlarge a telecommunications tower in the Village without compliance with the provisions of this Article.
- (c) *Use Regulations.*
 - (i) A telecommunications tower shall only be permitted as a conditional use in the MU District. A telecommunication tower is not permitted in any other zoning district in the Village.
 - (ii) The installation of a telecommunication antenna(s), and the expansion of an existing equipment shelter to serve such antenna(s), may be permitted as a conditional use on an existing telecommunication tower in any district.
 - (iii) The installation of a telecommunications antenna where the construction or

erection of a tower is not proposed by the applicant, shall be permitted as an accessory use on existing towers, buildings or structures. To the extent the remaining standards of this section are applicable to the situation involving the installation of a telecommunications antenna(s) on an existing tower, building or structure, such standards shall govern the installation.

(d) *Collocation.*

- (i) All applicants for construction or erection of telecommunications towers shall be required to construct on a base tower structure and structure foundation that is designed to be buildable up to, but not including, 200 feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate at least four antenna platforms or antenna arrays of equal loading capacity for four separate providers of service to be located on the structure when constructed to the maximum allowable height. The telecommunications facility shall also be designed to show that the applicant has enough space on its site plan for an equipment shelter large enough to accommodate at least four separate users of the facility. If an equipment shelter is initially constructed to accommodate only one user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least four separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the tower. Written documentation must be presented to the Commission evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding collocation of another user of the facility within 30 days after receipt of a written inquiry. Copies of all written requests to collocate and all written responses shall be sent to the Commission.
- (ii) The applicant requesting permission to install a new tower shall provide evidence that there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower, building or structure within the geographic area to be served. With its application, the applicant shall identify the location of every tower, building or structure that could support the proposed antenna(s) or area where it would be technically suitable to locate so as to allow it to serve its intended function. As part of its application, the applicant shall provide a scaled map of all of its existing, proposed or planned antenna locations within a five- mile radius of the site which is the subject of the application.

The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure. If an existing tower, building or structure is technically suitable, the applicant must demonstrate that it has made written

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

- (e) *Spacing.* There shall be a separation of a minimum of one-half mile between telecommunications towers.
- (f) *Height.* Notwithstanding the height requirements of the underlying zoning district, the maximum height of a free-standing telecommunications tower, including its antenna and all appurtenances, shall be less than 200 feet above grade. The height of any equipment shelter shall not exceed 18 feet from grade.
- (g) *Setbacks.* The tower and related facilities shall comply with the required setbacks in the zoning district in which they are located. In no event shall a telecommunications tower or facility be located in front of the principal building on the lot, if any.
- (h) *Design.*
 - (i) All telecommunications towers should be monopole design, and shall be painted light gray in color unless otherwise required by state or federal law.
 - (ii) Where conditionally permitted, all telecommunications facilities shall be subject to review by the Commission for the purpose of enhancing the compatibility of the facilities with their surroundings.
 - (iii) The telecommunications antennas shall be of a panel design and mounted flush to the tower, building or structure which elevates the antennas, unless the applicant can demonstrate that it is not feasible from an engineering standpoint to use such antennas or to mount them in such a fashion.
- (i) *Landscaping.* A landscaped buffer area of not less than 15 feet in depth shall be placed between the telecommunications facilities and the public rights-of-way and any adjacent properties from which a direct view can be had of the facilities, other than the tower itself. The 15 foot landscaped buffer shall have a tight screen fence of hardy evergreen shrubbery not less than six feet in height at the time of planting. The landscaping shall be continuously maintained and promptly restored, if necessary.
- (j) *Engineering Report.* A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal,

State, County, and Village regulations. The report shall include a detailed description of the telecommunications tower, antenna(s), equipment shelter, and appurtenances, and shall certify that radio frequency (electromagnetic) emissions are in compliance with the regulations of the Federal Communications Commission (FCC).

- (k) *Maintenance.*
 - (i) Upon the provision of a notice, the applicant shall submit a plan documenting how the telecommunications facility will be maintained on the site in an ongoing manner that meets industry standards.
 - (ii) On each biennial anniversary of the issuance of the zoning permit for a telecommunications facility, or not more than 90 days prior thereto, the owner/user shall submit to the Zoning Officer a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the facility with all governmental requirements including, but not limited to, the structural integrity and stability of any towers or antennas, electrical safety standards, and auxiliary power source safety standards.

- (l) *Lighting.* Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulations, the most visually unobtrusive "state-of-the-art" lighting available shall be used, unless otherwise required by the FAA.

- (m) *Security.*
 - (i) A security fence, not less than eight feet in height, shall fully enclose those portions of the telecommunications facility which come in contact with the ground. Gates shall be locked at all times.
 - (ii) A permanent warning sign with a minimum size of two square feet and a maximum size of six square feet shall be posted on the site. In addition the sign shall specify an emergency telephone number of the owner/user of each set of antennas on the site. The owner/user shall also provide the Zoning Officer and the Fire Chief with information on whom to contact, an address, and a telephone number in the event of an emergency.

- (n) *Advertising Prohibited.* No advertising sign(s) or devices shall be permitted anywhere on a telecommunications tower site.

- (o) *Outdoor Storage.* There shall be no outdoor storage of equipment or other items on the telecommunications facility site except during the facility construction period and to

supply emergency power to the facility only during a power outage.

- (p) *Access to Facility.* The access driveway to the telecommunications facility shall, whenever feasible, use circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the facility shall be a minimum of 18 feet in width with a minimum overhead clearance of 11 feet and shall be setback a minimum of 20 feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. If the access road to the facility is more than 1,500 feet from the public right-of-way, a turnaround shall be provided for emergency vehicles at the site and a by-pass, adequate for emergency vehicles, with an approachable access shall be provided for each additional 1,500 feet of the driveway. There shall be a maximum of one off-street parking space on the facility site.
- (q) *Accessory Equipment Shelter.* The maximum cumulative total size of all equipment shelters accessory to a telecommunications tower or antenna on a lot shall be 1,000 square feet, and their maximum height shall not exceed 18 feet from grade. Only one equipment shelter, or the configuration of more than one shelter appearing as one shelter, shall be permitted on a lot. Where it is technically feasible and reasonably practical, an existing building or structure on a lot shall be used to shelter the equipment associated with a telecommunications facility.
- (r) *Underground Utilities.* All utility lines from the utility source to the telecommunications facility shall be underground.
- (s) *Time Limit for Commencement and Completion.* After issuance of a zoning permit to construct a telecommunications facility, the applicant shall commence construction within six months and shall complete construction within one year or the zoning permit shall expire.
- (t) *Abandonment and Removal of Facilities.*
 - (i) If at any time the use of the telecommunications facility is discontinued for 180 consecutive days, said facility shall be deemed abandoned. The Zoning Officer shall notify the owner/user in writing and advise that the facility must be reactivated within 90 days or it must be dismantled and removed from the site within that same ninety 90-day period at the cost of the owner/user. The owner/user of the telecommunications facility shall, on no less than an annual basis from the date of issuance of the zoning permit, file a declaration with the Zoning Officer as to the continuing operation of each of its facilities within the Village.
 - (ii) The applicant for the telecommunications facility shall be required as a condition

