

CHAPTER 1149 - AR Multi-Family Residential District²⁴

Sections:

Footnotes:

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Cross reference— District established - see P. & Z. 1135.01; Signs - see P. & Z. 1165.03; Additional use, height and area regulations - see P. & Z. Ch. 1167; Conditional use authorization procedure - see P. & Z. Ch. 1169.

1149.01 - PERMITTED USES.

Land and buildings in the AR Multi-Family Residential District shall be used only for the following purposes:

- (a) Buildings containing not less than three nor more than eight dwelling units.

(Ord. 83-89. Passed 10- 17-89.)

1149.02 - CONDITIONAL USES.

The following uses and standards shall be allowed in the AR Multi-Family Residential District subject to approval in accordance with Chapter 1169, Procedure For Authorizing A Conditional Use.

- (a) *Dwelling Buildings.*
 - (1) Buildings containing more than eight or less than three dwelling units.
 - (2) The location and arrangement of two or more permitted residential buildings on the same lot. Where more than one residential building is permitted on the same lot, the Planning Commission may require development and recording of a subdivision plat in accord with the subdivision ordinance.
 - (3) An additional average of six dwelling units per acre may be added as a conditional use making a total average density of 18 units per acre.
 - (4) Buildings exceeding two full stories above grade level may be approved as a conditional use.
- (b) *Flexible Arrangement of Buildings.* Arrangement of buildings in accordance with the provisions of Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, if permitted by the Planning Commission as a conditional provision.
- (c) *Accessory Uses.* Accessory buildings and uses in association with permitted dwellings, provided such uses and buildings are incidental to the principal use and do not include any activity commonly conducted as a business, and as specified in Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations.
- (d) *Child Care.* Child care or day school facilities as an accessory use to the permitted dwelling buildings provided such facilities comply with all licensing and facility requirements established by the State of Ohio:

- (1) Outdoor play areas shall be fully enclosed by fencing complying with this Zoning Code and property deed restrictions in effect.
- (2) Outdoor play areas shall be sized and arranged to provide a minimum of 200 square feet of active play area per child attending the child care or day school facility.

No child care or day school facility shall be operated within any dwelling unit.

(e) 805 Nursing and personal care facilities.

The following standards shall apply in lieu of the development standards of 1149.03. All other applicable standards of the codified ordinances shall apply.

1. Minimum building setbacks shall be 25 feet for the front, side, and rear yard unless adjacent to properties zoned single family. The minimum setback when adjacent to single family shall be a minimum of 50 feet.
2. When adjacent to properties zoned single family, a minimum buffer of 20 feet shall be provided along common boundaries except street frontage. The buffer shall consist of landscaping and/or fencing that provides a minimum 70% opacity and be a minimum of 6 feet in height.
3. The maximum lot coverage of all buildings shall not exceed 50%.
4. The maximum height of buildings shall not exceed two stories or 35' unless approved by Planning Commission.

(Ord. 83-89. Passed 10-17-89.)

1149.03 - DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1163, Parking Regulations; Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, the following standards for arrangement and development of land and buildings shall be required in the AR Multi-Family Residential District:

(a) *Lot Area and Coverage.*

- (1) The minimum required lot area within an AR Multi-Family Residential District shall be determined by the number of dwelling units on the basis of a minimum lot area of 8,000 square feet plus 1,200 square feet for each dwelling unit or common use area excluding interior building circulation spaces.
- (2) For each permitted use or conditional use, the lot area shall be adequate to meet the sanitation requirements of the City, but shall not be less than that prescribed for such use.
- (3) One principal use shall be permitted on a lot, and such lot shall not be covered more than 35 percent by principal building and associated buildings.

(b) *Lot Width.*

- (1) The minimum required lot width within an AR Residential District shall be determined by the number of dwelling units on the basis of a minimum lot width of 75 feet plus 10 feet for each dwelling unit.
- (2) For a conditional use, the lot width shall be adequate to meet the development standards of the AR Multi-Family Residential District.

(c) *Front Yard.* There shall be a front yard of at least 25 feet.

(d) *Side Yard.*

- (1) For dwellings and accessory buildings, there shall be a total side yard of 20 feet or more. Each side yard shall be a minimum of 10 feet.
- (2) For a conditional use, except dwellings, and accessory buildings thereto, there shall be a side yard on each side of a building of 25 feet or more, making a total of 50 feet of side yards.
- (e) *Rear Yard.* There shall be a rear yard of at least 25 feet.
- (f) *Density.* There shall be a maximum average density of 12 dwelling units per acre in the AR District. The maximum average density as a conditional use shall be 18 units per acre.
- (g) *Height Regulations.* No building shall exceed two full stories above grade level unless approved as a conditional use. Where four feet or more of a story are below grade level, such story is not included in the two-story limitation.
- (h) *Public Streets.* The Planning Commission may require the dedication of a street or streets as part of a subdivision plat in the AR District where more than one residential building is permitted.
- (i) *Dwelling Dimensions.* Each multi-family building shall provide a minimum of 600 square feet of living floor area, exclusive of area consumed by walls, chases and nonhabitable space, for each single floor unit plus 100 square feet of living floor area for each bedroom. If a dwelling unit is more than one floor, an additional 100 square feet or more shall be provided for vertical circulation within the dwelling unit.
- (j) *Open Space.* A minimum of 15 percent of the developable area of subject parcels (total area minus right-of-way and perimeter screen) shall be permanently assigned and devoted to common usable open space for the residents of the development during the life of the development. The area must be of a shape and location that will permit the installation of such uses as swimming pools, community buildings, tot lots, playground equipment, etc., and not separated by drives or parking lots.
- (k) *Screening Provisions.* A permanent 15-foot landscaped buffer shall be installed and maintained along the perimeter of the development where such development abuts or is adjacent to any parcels zoned residential or containing a residential land use. Landscaping shall be comprised of shrubs, trees, ground cover, and earthen mounds that together provide a suitable screen with a minimum height of six feet. Pre-existing natural features and topography are suitable screening elements and their use is encouraged. This buffer is required in addition to the 15 percent open space requirement.
- (1) *Relationship of Main Buildings to Each Other, AR District Boundary and Parking.* For purposes of this chapter, the longest dimensions of a building shall be considered its front and rear, and thus shall have front and rear yards, respectively. If the building is square, or nearly square with an overall dimensional variance between the sides of two percent (2%) or less, the building side with the principle public exposure shall be considered the front side with the opposite side identified as the rear.
 - (1) The distance between the ends of two buildings which are the shorter sides of a building shall be a minimum of 20 feet.
 - (2) If the front or rear of a main building is adjacent to the side yard of another main building, the side yard of the other main building shall be a minimum of 15 feet.
 - (3) No end of a main building shall be closer than 15 feet to the boundary of an AR District.
 - (4) The corners of two main buildings shall not be closer than 16 feet.
 - (5) No parking shall be closer than 25 feet to the front or rear of a main building.
- (m) *Garage Facilities.* Each multi-family building may have garage facilities to accommodate automobiles, however, such facility shall not be greater in square footage than one third of the total floor area of each residential unit.

- (1) Each dwelling unit in a two-family residential structure shall have a minimum of two off-street parking spaces, one of which shall be in a garage located on the same lot as the dwelling and sized to accommodate a minimum of one automobile. Such facility shall not be greater in square footage than one third of the total floor area as defined in Section 1123.23.
- (2) Each single car garage in a two-family residential structure shall have a driveway from the street to the garage which has a minimum width of 10 feet. If a two car garage is provided, or if two single car garages are immediately adjacent separated only by a common wall, the minimum drive width shall be 18 feet. The driveway surface area located between the street right-of-way and the garage entry shall not be used for one of the required parking spaces.
- (3) Open parking or storage of any trailer, boat, recreational vehicle, airplane or glider, excess of 48 hours shall not be permitted within an MR-1 Residential District.

Each residence shall have garage facilities to accommodate a minimum of two automobiles, however, such facility shall not be greater in square footage than 800 square feet or one third of the total floor area as defined in Section 1123.23, which structure shall be located on the same lot as the dwelling. For driveway width, refer to Chapter 1163.

(Ord. 26-96. Passed 2-6-96.)

1153.01 - SO SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT.

(a) *Permitted Uses.* Only the uses included under the following listed numbers or as otherwise specified in this district shall be permitted in the Suburban Office and Institutional District.

(1) *Administrative and business.* Administrative office primarily engaged in general administration, supervision, purchasing, accounting, and other management functions.

Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

60 Depository institutions.

61 Nondepository credit institutions.

62 Security and commodity brokers, dealers, exchanges, and services.

63 Insurance carriers.

64 Insurance agents, brokers, and services.

65 Real estate.

67 Holding and other investment companies.

(2) *Professional.* Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions.

0781 Landscape counseling and planning.

801 Offices and clinics of doctors of medicine.

802 Offices and clinics of dentists.

803 Offices and clinics of doctors of osteopathy.

804 Offices and clinics of other health practitioners.

~~805 Nursing and personal care facilities.~~

811 Legal services.

871 Engineering, architectural and surveying services.

872 Accounting, auditing and bookkeeping services.

8748 Land planners.

(3) *Institutions.*

823 Libraries.

841 Museums and art galleries.

(4) *Organizations and associations.*

861 Business associations.

862 Professional membership organizations.

864 Civic, social and fraternal associations.

865 Political organizations.

867 Charitable organizations.

(b) *Conditional Uses.* The following uses shall be allowed in the Suburban Office and Institutional District subject to approval in accordance with Chapter 1169.

(1) *Drive-in facility.* Drive-in or outdoor service facilities developed in association with a permitted use.

(2) *Administrative and business.* Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.

Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customer.

731 Advertising.

732 Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies.

7383 News syndicates.

736 Private employment agencies.

(3) *Professional.* Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions.

806 Hospitals.

807 Medical and dental laboratories.

~~8059 Sanatoria, and convalescent and rest homes.~~

8099 Health and allied services, not elsewhere classified.

892 Nonprofit educational and scientific research agencies.

899 Services, not elsewhere classified.

(4) *Institutions.*

829 Schools and educational services, not elsewhere classified.

835 Day care centers.

842 Arboreta and botanical or zoological gardens.

(5) *Organizations and associations.*

863 Labor unions and similar labor organizations.

864 Civic, social and fraternal associations.

869 Nonprofit membership organizations, not elsewhere classified.

(6) ~~*Family care home (as defined in Chapter 1123). The purpose of this section is to regulate the establishment of residential care facilities for individuals who are unable to live in their own home*~~

~~or with their family, are unsuited for foster home placement, or when foster home placement is unavailable and who are not in need of institutional care or treatment.~~

(7) *Public administration.*

93 Public finance, taxation and monetary policy.

94 Administration of human resource programs.

95 Administration of environmental quality and housing programs.

96 Administration of economic programs.

97 National security and international affairs.

[c] *Submission Requirements* . The applicant for a conditional use permit to operate a family care home shall submit the following information in written form, prior to setting a public hearing, to aid the Planning Commission in their review of the requested facility.

- (1) Information explaining the need for the facility, the clientele to be served and the source of finances that shall be used to operate the facility.
- (2) Identification of similar facilities presently located in the area including the names of individuals who may be contacted concerning the operation of such facilities.
- (3) Identification of community facilities and social services that shall be used by the clientele of the family care home, including an indication from the administration of such facilities and services that the clientele of the family care home can be accommodated.
- (4) The applicant shall provide evidence that a valid license has been issued or is obtainable for the proposed conditional use on the subject property. When a license is not required of the applicant by a governmental agency a written affidavit shall be presented as part of the application by the governmental agency to which that applicant has accountability stating that a license is not required. The affidavit shall further state and describe the procedures that have been established in lieu of licensing to insure that the provisions of this section are carried out and the types of controls that the governmental agency can exercise in this regard.
- (5) A copy of the operational and occupancy standards that shall be used in establishing the facility.
- (6) Site plans, drawings and/or illustrations, showing the location of all structures, floor plan, exterior elevations, off-street parking, ingress and egress, landscaping and screening areas, recreation and open space facilities. Such plans and drawings shall include evidence that the proposed use of the site will be compatible with the present physical character of the neighborhood and will not disrupt the neighborhood from the standpoint of noise, lights, congestion or traffic generation.
- (7) A detailed plan of services and programs to be offered the clientele of the facility, including the nature of care to be provided and the types of services to be offered, and the individuals and/or agencies who will be responsible for administering such care and services.

[d] *Facility Requirements.*

- (1) Every room occupied for sleeping purposes within the home shall contain a minimum of 80 square feet of habitable room area for one occupant, and when occupied by more than one individual shall contain at least 60 square feet of habitable room area for each occupant. No such facility shall use living rooms, dining rooms, entry ways, closets, corridors, outside porches or basements as sleeping rooms.
- (2) The family care home shall provide not less than 25 square feet per person of suitable indoor recreation area and not less than 75 square feet of outdoor recreation open space per person, exclusive of required front and side yards and parking areas, consolidated in a useful configuration and location provided on the site.

- (3) All new structures shall be compatible in design with the surrounding neighborhood.
 - (4) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a residential district.
 - (5) No family care home may be located within a one-quarter mile radius of another such facility.
 - (6) Unless modified by this section, the facility shall comply with all other applicable codes and ordinances prior to the issuance of an occupancy permit.
- [e] *Findings of the Planning Commission.* In its review of each proposed facility, the Commission shall consider the following regarding the proposed facility:
- (1) It is in fact a facility licensed by and/or having accountability to a governmental agency and that sufficient controls can be exercised to insure continued compliance to the provisions of this section.
 - (2) It is a needed facility based on the evidence submitted.
 - (3) It will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned uses of the general vicinity and that such use will not change the essential character of the neighborhood.
 - (4) That it will not be hazardous or disturbing to existing or officially planned future neighborhood uses from the standpoint of noise, lights, congestion or traffic generation which would be incompatible with the neighborhood environment.
 - (5) That it will be served adequately by such essential public facilities and services as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - (6) That it will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic or public thoroughfares.
- [f] *Report to Planning Commission.* Prior to the Commission's hearing on the proposed facility, a written report shall be required from the Planning and Zoning Administrator regarding each item stated in the above subsections. In preparing the report the Zoning Office shall contact appropriate social service agencies and obtain comments on the proposed facility. In addition, the proposed facility shall be inspected by the Building Department and the findings shall be reported to the Planning Commission.
- [g] *Development Standards.* In addition to the provisions of Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, the following standards for arrangement and development of land and buildings are required in the Suburban Office and Institutional District.
- (1) *Intensity of use.* No minimum lot width is required, however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.
 - (2) *Side yard.* A side yard of 10 feet shall be required. However, lots adjacent to a residential zoning district shall have a side yard setback of not less than one-fourth of the sum of the height and depth of the building, but in no case shall be less than 15 feet and such yard shall be landscaped. Parking space, drives or service area shall be in addition to such yard requirements.
 - (3) *Rear yard.* A rear yard of 10 feet shall be required. However, lots adjacent to a residential zoning district shall have a rear yard setback of not less than one-fourth of the sum of the height and width of the building, except when adjacent to a dedicated alley having not less than 20 feet of right of way.
- A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than 40 feet wide, and shall be enclosed by a solid wall or fence except when adjacent to a dedicated alley. If a structure or a series of structures contains more than one facility, the service court, alleyway or combination thereof shall be not less than 60 feet wide.

- (4) *Height regulations.* All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Regulations height limitation, whichever may be greater.
- (5) *Parking regulations.* Parking standards and requirements, as specified in Chapter 1163, shall be met for all uses in this district.
- (6) *Lot coverage.* Principal buildings and associated buildings shall not exceed 50 percent of total lot coverage. An additional 25 percent of lot coverage may be used for driveways and parking areas. This provides a maximum lot coverage allowance of 75 percent.

(Ord. 0128-2007. Passed 6-18-07.)

1153.03 - CC COMMUNITY COMMERCIAL DISTRICT.

(a) *Permitted Uses.* Only the uses included under the following listed numbers or as otherwise specified in this district shall be permitted in the Community Commercial District.

(1) *Retail stores.* Retail stores primarily engaged in the selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods, including the buying or processing of goods for resale.

General Merchandise:

5251 Hardware stores.

531 Department stores.

5961 Mail order houses.

533 Variety stores.

539 Miscellaneous general merchandise stores.

Food:

541 Grocery stores.

542 Meat and fish (sea food), markets including freezer provisions.

543 Fruit and vegetable markets.

544 Candy, nut and confectionery stores.

545 Dairy products stores.

546 Retail bakeries.

549 Miscellaneous food stores.

Apparel:

561 Men's and boy's clothing and accessory stores.

562 Women's clothing stores.

563 Women's accessory and specialty stores.

564 Children's and infant's wear stores.

565 Family clothing stores.

566 Shoe stores.

5699 Custom tailors.

5632 Furriers and fur stores.

569 Miscellaneous apparel and accessory stores.

Home Furnishings:

571 Home furniture and furnishings stores.

572 Household appliance stores.

573 Radio, television, consumer electronics and music stores.

Eating and Drinking:

581 Eating and drinking places; including pizzeria and carry-out restaurants.

Miscellaneous Retail:

591 Drug stores and proprietary stores.

592 Liquor stores.

593 Used merchandise stores.

5942 Book and stationery stores.

5941 Sporting goods stores and bicycle shops.

526 Retail nurseries and garden supply stores.

597 Jewelry stores.

5992 Florists.

5993 Tobacco stores.

5994 News dealers and news stands.

5945 Hobby, toy and game stores.

5946 Camera and photographic supply stores.

5947 Gift, novelty and souvenir shops.

5995 Optical goods stores.

5999 Miscellaneous retail stores, not elsewhere classified.

- (2) *Administrative.* Business and professional offices. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.

Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.

Professional offices engaged in providing tangible and intangible services to the general public, involving persons and their possessions.

Finance:

60 Depository institutions.

61 Nondepository credit institutions.

62 Security and commodity brokers, dealers, exchanges and services.

Insurance:

63 Insurance carriers.

64 Insurance agents, brokers and services.

Real Estate:

65 Real estate.

67 Holding and other investment offices.

Professional:

0742 Veterinary services for animal specialties.

0781 Landscape counseling and planning.

801 Offices and clinics of doctors of medicine.

802 Offices and clinics of dentists.

803 Offices and clinics of doctors of osteopathy.

804 Offices and clinics of other health practitioners.

805 Nursing and personal care facilities.

807 Medical and dental laboratories.

809 Health and allied services, not elsewhere classified.

811 Legal services.

871 Engineering, architectural and surveying services.

872 Accounting, auditing and bookkeeping services.

8748 Land planners.

899 Services (professional), not elsewhere classified.

- (3) *Personal and consumer services.* Personal services generally involving the care of the persons or his personal effects.

Consumer services generally involving the care and maintenance of tangible property or the provisions of intangible services for personal consumption.

Personal:

722 Photographic studios, portrait.

723 Beauty shops.

724 Barber shops.

725 Shoe repair shops and shoe shine parlors.

7219 Laundry and garment services, not elsewhere classified.

729 Miscellaneous personal services.

Business:

731 Advertising.

732 Consumer credit reporting agencies, mercantile reporting agencies and adjustment and collection agencies.

733 Mailing, reproduction, commercial art and photography and stenographic services.

7383 News syndicates.

736 Personnel supply services.

7389 Business services, not elsewhere classified (except 8731 Research, development and testing laboratories).

(b) *Conditional Uses.* The following uses shall be allowed in the Community Commercial District, subject to the approval in accordance with Chapter 1169.

(1) *Drive-in facility or open display.* Drive-in or outdoor service, or open display facility, developed in association with a permitted use, except for 554 Gasoline service stations when all of its lot lines are 25 feet or more from a residential zoning district.

A. The following standards shall apply to requests for open display.

1. Open display shall be accessory to the main use of the property.

2. Open display shall not include the storage of landscaping and/or construction materials or similar goods and materials.

3. Height of materials shall not exceed 6 feet.

4. Open display shall not be permitted in any required yard.

(2) *Residential.* Living quarters as an integral part of a permitted use building.

(3) *Consumer services.* Consumer services generally involving the care and maintenance of tangible property or the provision of intangible service for personal consumption.

Services:

726 Funeral service and crematories.

Recreation:

783 Motion picture theaters.

7911 Dance studios, schools and halls.

792 Theatrical producers (except motion picture), bands, orchestras, and entertainers.

793 Bowling centers.

7993 Coin operated amusement devices.

Automotive and other sales:

551 Motor vehicle dealers (new and used).

552 Motor vehicle dealers (used cars only).

553 Auto and home supply stores.

554 Gasoline service stations.

555 Boat dealers.

556 Recreational vehicle dealers.

559 Automotive dealers, not elsewhere classified.

751 Automotive rentals and leasing, without drivers.

752 Automobile parking.

753 Automotive repair shops.

754 Automobile services, except repair.

(4) *Day care centers.*

8322 Day care centers, adult and handicapped.

8351 Day care centers, child.

(c) *Development Standards.* In addition to the provisions of Chapter 1167, General Development Standards, Additional Use, Height and Area Regulations, the following standards for arrangement and development of land and buildings are required in the Community Commercial District.

- (1) *Intensity of use.* No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these Development Standards and the following provisions.
- (2) *Lot width.* No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these Development Standards.
- (3) *Side yard.* A side yard of 10 feet shall be required. However, lots adjacent to a residential zoning district shall have a side yard setback of not less than one-fourth of the sum of the height and depth of the building, but in no case shall be less than 15 feet and such yard shall be landscaped. Parking spaces, drives or service areas shall be in addition to such yard requirements.
- (4) *Rear yard.* A rear yard of 10 feet shall be required. However, lots adjacent to a residential zoning district shall have a rear yard setback of not less than one-fourth of the sum of the height and width of the building, except when adjacent to a dedicated alley having not less than 20 feet of right of way.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than 40 feet wide, and shall be enclosed by a solid wall or fence except when adjacent to a dedicated alley. If a structure or series of structures contains more than one facility, the service court, alleyway or combination thereof shall be not less than 60 feet wide.

- (5) *Height.* All buildings and structures shall conform to Federal Aviation Administration and Port Columbus Airport Zoning Regulations height limitation, whichever may be greater.
- (6) *Parking.* Parking standards and requirements, as specified in Chapter 1163, shall be met for all uses in this district.
- (7) *Lot coverage.* Principal buildings and associated buildings shall not exceed 50 percent of total lot coverage. An additional 25 percent of lot coverage may be used for driveways and parking areas. This provides a maximum lot coverage allowance of 75 percent.

(Ord. 27-93. Passed 2-2-93.)

- (b)

Recreational Vehicles includes but is not limited to:

(1)

CAMPER TRAILER. A folding or collapsible vehicular structure, mounted on wheels but without its own power, designed as a temporary living quarters for travel, camping, recreation and vacation uses, which is not encompassed in the definition of travel trailer.

(2)

MOTOR BUS. Any motor vehicle having motor power designed and used for carrying more than nine passengers.

(3)

MOTOR HOME. A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

(4)

RECREATIONAL TRAILERS. Any form of device, equipment, or machinery on wheels, or a single wheel, that is intended to be pulled by a motor vehicle, whether or not attached to a motor vehicle. This shall include every vehicle designed and utilized for the sole purpose of transporting any boat, auto, snowmobile, recreational habitation, and the like, which does not have motive power, but is designed to be drawn by another vehicle.

(5)

TRAVEL TRAILER. A non-self-propelled recreational vehicle, including a tent type fold out camping trailer as defined in R.C. § 4517.01(S).

(6)

TRUCK CAMPER. A non-self-propelled recreational vehicle, without wheels for road use but with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers, which consist of walls and roof, but do not have floors and facilities for using same as a dwelling.

(7)

WATERCRAFT. This term shall include, but is not limited to, any of the following when used or capable of being used for transportation on the water:

A.

A boat operated by machinery either permanently or temporarily affixed.

B.

A sailboat other than a sailboard.

C.

An inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard.

D.

A canoe or row boat.

(c) *Trailer Parking.* Only one trailer shall be parked on sealed surface on a residential lot. Tires on such trailer shall be kept inflated as required by code. Such trailer shall be limited to a two axel design.

(d) *Inoperable Automobiles.* Not more than one wrecked or disassembled motor vehicle with flat tires, missing plates or expired validation sticker, or with excessive body damage, or a broken or shattered windshield shall be allowed per one dwelling unit. Such vehicles may be parked only for a period not to exceed 72 hours. The vehicle shall be covered with a product specifically designed for vehicles so that the vehicle cannot be seen from an adjacent lot or public right-of-way.

1181.05 - GENERAL REQUIREMENTS.

- (a) Wireless communications facilities, where permitted, shall be subject to administrative review or conditional use review in the zoning districts specified in this Code of Ordinances, contingent upon meeting the requirements of this chapter and other applicable ordinances of the City.
- (b) Each Wireless Communications Facility must be issued all necessary permits and authorizations as may be required by the Codified Ordinances, which shall include, but may not be limited to having at least: one zoning permit and one building permit, each of which shall be issued by the City of Gahanna in accordance with this Chapter.
- (c) The following tables summarize the City's zoning districts and approval procedures applicable to the facilities regulated by this chapter.
 - (1) Administrative review: See § 1181.06.
 - (2) Conditional use review: See § 1181.07.

Base Zoning District Residential	Co-Location ¹	New Tower	Alternative Structure ²	Temporary Facilities
Estate Residential 1 & 2	Administrative	Not Permitted	Conditional Use	See 1181.10
Single Family Residential 1,2,3; R-4 Residential	Administrative	Not Permitted	Conditional Use	See 1181.10
Two Family Residential	Administrative	Not Permitted	Conditional Use	See 1181.10
Planned Unit Residential	Administrative	Not Permitted	Conditional Use	See 1181.10
Planned Residential District	Administrative	Not Permitted	Conditional Use	See 1181.10
Olde Gahanna 1,2, <u>and 3</u>	Administrative	Not Permitted	Conditional Use	See 1181.10
Multi-Family Residential	Administrative	Not Permitted	Conditional Use	See 1181.10

Base Zoning District Commercial	Co-Location ¹	New Tower	Alternative Structures	Temporary Facilities
Planned Commercial Center	Administrative	Conditional Use	Administrative ³	See 1181.10
Office, Commerce, Technology	Administrative	Conditional Use	Administrative ³	See 1181.10
Select Commercial Planned District	Administrative	Conditional Use	Administrative ³	See 1181.10
Community Service	Administrative	Conditional Use	Administrative ³	See 1181.10
Suburban Office and Institutional	Administrative	Conditional Use	Administrative ³	See 1181.10
Neighborhood Commercial	Administrative	Conditional Use	Administrative ³	See 1181.10
Community Commercial	Administrative	Conditional Use	Administrative ³	See 1181.10
Community Commercial Modified	Administrative	Conditional Use	Administrative ³	See 1181.10
Neighborhood Commercial Mixed Use	Administrative	Conditional Use	Administrative ³	See 1181.10
<u>Planned Corporate Mixed Use District</u>	<u>Administrative</u>	<u>Conditional Use</u>	<u>Administrative³</u>	<u>See 1181.10</u>
<u>Planned Industrial Park Districts</u>	<u>Administrative</u>	<u>Conditional Use</u>	<u>Administrative³</u>	<u>See 1181.10</u>
Planned Industrial Development	Administrative	Conditional Use	Administrative ³	See 1181.10

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Planned Residential Commercial Mixed Use District	Administrative	Conditional Use	Administrative ³	See 1181.10
Base Zoning District	Co-Location	New Tower	Alternative Structures	Temporary Facilities
Restricted Institutional	Administrative	Conditional Use	Administrative ³	See 1181.10

¹ Co-location on existing antenna support structures or towers.

² The intent of alternative tower structures is to camouflage the tower/antenna installation ("stealth").

³ If the Director determines that the essential criterion of footnote 2, above, has not been met, the application for administrative review and certificate of zoning plan approval shall be denied. The applicant may submit an application for conditional use review by the Planning Commission. (See § 1181.07)

(d) General requirements. The following requirements shall apply to all wireless communications facilities in any zoning district including all City rights-of-way. These requirements shall be in addition to the regulations of the specific zoning districts in § 1181.05(C).

(1) Application. The following information must be submitted for all applications required by this chapter unless deemed unnecessary by the Director. An application is not considered complete until all materials required by this chapter have been submitted and accepted by the City in accordance with this chapter. If an application is determined to be incomplete, the Director shall promptly notify the applicant of the information necessary to complete the application. The Director or the ART may request additional information if deemed reasonably relevant to the consideration of the application.

A. Completed application form and application fee.

B. A scaled and dimensioned site plan (not less than one inch equals 50 feet) clearly indicating the following:

1. Location, type and height of the proposed wireless communications facility;
2. The existing or proposed lease area and parcel boundaries for the site;
3. On-site land uses and zoning, and adjacent land uses and zoning (including land in other municipalities);
4. Adjacent roadways and rights-of-way;
5. Any buildings within 100 feet of the property boundaries;
6. Proposed means of pedestrian and/or vehicular access as applicable to the type of facility;
7. The setback distance between the proposed wireless communications facility, equipment shelters and/or cabinets, and the nearest property line;
8. Elevation drawings of the proposed wireless communications facilities, including material specifications for all associated site improvements; and

9. Any other proposed improvements, including but not limited to structures, grading, tree removals and replacement, topography, parking, and other information necessary to determine compliance with this chapter.
- C. Legal description and/or property survey of the parent tract and leased parcel (if applicable).
 - D. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, the separation distance from other existing and planned wireless communications facilities shall be shown on a map, and shall include latitudinal and longitudinal location coordinates. There must be a written description of how the proposed facility fits into the Applicant's telecommunications network. The applicant shall also identify the type of construction of the existing wireless communications facilities and the owner/operators of the existing facilities, if known.
 - E. A landscape plan showing proposed landscape materials and quantities, locations, installation sizes, and other information necessary to determine compliance with the landscape requirements of Part Nine of this Code of Ordinances.
 - F. Location and method of screening structures, if any, including height, material, style, and color; and, if applicable, the method of camouflage and illumination. Specification sheets shall be required for all prefabricated site elements.
 - G. A statement of compliance with the requirements of this chapter and all applicable federal, state or local laws, including those of the FCC and FAA that certifies that Applicant agrees to bring Tower and Equipment Shelters into compliance with any new federal, state, or local laws or regulations concerning electromagnetic radiation and other electronic emissions applicable to the Tower and Equipment Shelter within 120 days of the effective date of the regulations.
 - H. Twenty-four hour emergency contact information and contact information for the entities providing the backhaul network for the wireless communications facilities described in the application and other wireless communications sites owned or operated by the applicant in the municipality. Contact information for the tower owner, operator, and emergency contact shall be kept current and on file with the City at all times.
 - I. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, a statement by the applicant and/or a structural analysis sealed by an engineer affirming that the construction of the wireless communications facility will accommodate co-location of additional antennas for future users as applicable.
 - J. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, a statement from an engineer of the ability or inability to use existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services planned for the use of the proposed wireless communications facility.
 - K. For all new towers and/or new alternative tower structures, or as otherwise required by the required reviewing body, an inventory of existing and approved towers, antennas, alternative tower structures, and antenna support structures that are either within the jurisdiction or within two miles of the border of the City, with latitudinal and longitudinal location coordinates. The City may share this information with other applicants under this chapter or other organizations seeking to locate towers or antennas within the jurisdiction of Gahanna or other communities. However, the City is not, by sharing this information, in any way representing or warranting that the sites are available or suitable. The inventory of each tower and antenna shall include:
 1. A map showing each location, by address and/or parcel identification number, including straight-line distances between each facility;
 2. Facility height and design;

3. Facility owner(s)/operator(s); and
 4. Co-location capability of each facility, including alternative tower structures and antenna support structures.
- (2) *Application procedures.*
- A. Applications for all wireless communications facilities shall be submitted in accordance with §§ 1181.06 or 1181.07, as applicable.
 - B. The applicant shall pay a non-refundable fee as established by the City.
 - C. When practicable, application for approval of multiple towers and/or antenna sites by a single owner of towers and antennas shall be submitted as a single application or multiple applications submitted at the same time.
 - D. *Public property.* Approval by the Director shall be required for any applications involving structures to be located on property owned by the City, including rights-of-way.
- (3) *Wireless communications facility support structures.* Towers, antennas, antenna support structures, and all other improvements associated with a wireless communications facility shall meet the following requirements:
- A. *Design.* All wireless communication facility support structures shall have a monopole, or similar non-lattice/guyed single vertical structure design and shall be further designed to accommodate at least two wireless communication arrays of antennas or panels, unless otherwise required by the required reviewing body. The applicant shall submit an affidavit by an engineer licensed in the State of Ohio attesting that these requirements are met.
 - B. *Color and finish.* Towers, antennas, other wireless communications facility support structures, and supporting electrical and mechanical equipment shall either maintain a non-contrasting gray or similar color or have a galvanized steel finish and is stealth in nature, unless otherwise required by the required reviewing body or any applicable standards of the FAA and/or the Ohio Department of Transportation. Alternative tower structures may maintain another color or finish if determined by the required reviewing body to be necessary to establish a stealth appearance and be aesthetically and architecturally compatible with the surrounding environment.
 - C. *Compatible design.* The design of buildings and related structures for the wireless communications facility shall use materials, colors, textures, and screening so as to be aesthetically and architecturally compatible with the surrounding environment, as approved by the required reviewing body and is stealth in nature.
 - D. *Antenna color.* If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as practicable, as determined by the required reviewing body and is stealth in nature.
 - E. *Lighting.* Facilities shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting fixtures and installation must cause the least disturbance to views from surrounding properties. Alternative tower structures may be lighted if determined by the required reviewing body to be necessary to establish a stealth appearance and to be aesthetically and architecturally compatible with the surrounding environment.
 - F. *Maximum height.* Wireless communications facilities shall meet the following height requirements:
 1. In Estate Residential 1,2; Single Family 1,2,3; R-4 Single Family; Planned Residential District; Two Family; Multiple Family; Olde Gahanna Single Family; and Olde Gahanna

Mixed Use Neighborhood districts, up to 80 feet. If the WCF is in the right-of-way then a maximum height of 50 feet.

2. In Restricted Institutional Districts, up to 100 feet, provided that the facility is designed to be co-locatable for more than one additional carrier. In no case shall a wireless communications facility, including antenna, exceed 100 feet, as measured from grade at the base of the tower.
 3. In all other zoning districts, up to 120 feet, provided that the facility is designed to be co-locatable for more than one additional carrier. In no case shall a wireless communications facility, including antenna, exceed 120 feet, as measured from grade at the base of the tower
 4. For wireless communications facilities locating on a structure or building, antenna shall not extend more than 20 feet above the highest point of the main roof deck or supporting structure if the antenna is located on a structure other than a roofed building.
 5. Unless otherwise required herein, alternative tower structures may exceed 120 feet if determined by the required reviewing body to be necessary to establish a stealth or camouflaged appearance that is aesthetically and architecturally compatible with the surrounding environment.
 6. Unless otherwise specified, maximum height exceeding the provisions of division (d)(3)F.1-4 of this section shall require conditional use review under the provisions of § 1181.07.
 7. As an exception to division (d)(3)F.1-5 of this section, users locating on a City water tank are exempt from the height requirements of this chapter, but facilities shall be no taller than functionally necessary.
- G. *Co-location.* Unless physically or technically infeasible, all wireless communications facilities shall be constructed or reconstructed to accommodate two or more users.
1. In connection with any application for certificate of zoning plan approval, in order to encourage co-location, an existing tower meeting co-location requirements that are lower than the height permitted above may be reconstructed to meet the maximum heights permitted after receiving approval from the required reviewing body. Additionally, reconstructed towers may be required to be brought into conformance in whole or in part if the existing tower is determined by the Director to be nonconforming.
 2. A wireless communications facility which is being rebuilt to accommodate the location of additional antennas may be relocated on the same site, after receiving approval from the required reviewing body, provided it meets the setback requirements of this chapter.
 3. Co-location requirements may be waived if the required reviewing body determines that the fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs that would exceed new tower development are an example of what may be determined to be unreasonable. Satisfactory and substantial information must be submitted by the applicant demonstrating that the costs are unreasonable.
- (4) *Site requirements.* Wireless Communications Facilities and associated site improvements shall be sited and developed in accordance with the following requirements:
- A. *Setback and siting requirements.*
1. The setback requirements shall be met for all elements of the wireless communications facility, supporting structure, and equipment.
 2. Proposed towers located within Restricted Institutional Districts must provide a minimum setback of 300 feet for all elements of the wireless communications facility, supporting structures, and equipment from the property lines of properties zoned

residential as defined in section 1181.05(c). Setbacks from commercial property lines as defined in section 1181.05(c) shall provide a minimum setback equal to the height of the tower.

3. For all remaining zoning districts, a minimum setback of the height of the proposed tower in feet from all property lines, and principal structures shall apply to new towers and/or alternative tower structures unless a greater setback for principal structures is required by the zoning district in which the tower is to be located, or the proposed installation is in the right-of-way. In determining the required setbacks and lot area, the entire site, including all lots or parcels used for the tower, supporting structures, and equipment, shall be considered, even though the antennas or towers may be located on leased portions within the prescribed lot area. (Setback wording clarification).
 4. Refer to division (d)(5) of this section for regulations pertaining to the siting of equipment associated with wireless communications facilities.
 - B. *Screening*. Screening shall comply with applicable requirements of Part Eleven of this Code of Ordinances. Fencing or other materials used for screening of wireless communications facilities or associated equipment shall be at least one foot higher than the structure(s) it is intended to screen, but shall not exceed 12 feet.
 - C. *Landscaping*. Buffer plantings shall be located on the site to screen adjacent properties and the base of the wireless communications facility and associated equipment from adjacent properties and rights-of-way in accordance with the landscape requirements of this chapter and Part Eleven of this Code of Ordinances.
 - D. *Sign*. One sign shall be posted in a visible location on the tower, alternative tower structure, fence, equipment shelter, or other associated equipment indicating the owner of the facility, and an emergency contact and phone number. The sign shall not exceed two square feet and shall be approved as part of the building permit or certificate of zoning plan approval. All other signs shall comply with the requirements of Part Eleven of this Code of Ordinances.
- (5) *Equipment shelters and cabinets*.
- (a) *Use, Design and Screening*.
 1. Accessory Equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Wireless Communication Facility or Antenna Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.
 2. Equipment cabinets or structures used in association with antennas shall be designed and/or painted to minimize visual impact.
 3. Evergreen plant material shall be used for screening and shall be planted to ensure that the equipment will be screened to its full height within three years of planting.
 4. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the required reviewing body may determine that natural growth around the property may be a sufficient buffer.
 5. At the required reviewing body's determination, alternative screening materials may be used in cases where plant material is not appropriate.
 - B. *Underground equipment shelters*. Underground equipment shelters are always preferred but will be mandated by the required reviewing body where equipment shelters are located on properties that are readily visible from adjacent streets and lots and where landscape screening is not effective.
 - C. *Roof- and/or structure-mounted antennas*. The equipment cabinet or structure used in association with antennas shall comply with applicable building codes. Additionally,

equipment shall be sited, designed, and/or painted to minimize visual impact and be screened so that it is not visible from ground level.

- D. *Utility or light pole-mounted antennas.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
1. In all zoning districts, the equipment cabinet or structure shall comply with all applicable setbacks required by the zoning district in which it is located, unless located in the right-of-way.
 2. If the proposed antenna mounted on a utility or light pole is located within an existing City easement, the applicant shall obtain a separate easement encroachment agreement as required by the City Engineer.
 3. If the proposed antenna mounted on a utility or light pole is located within the City's right-of-way, the applicant shall obtain a right-of-way permit as required by the City Engineer.
- E. *Tower-mounted antennas.* As an exception to division (d)(5)D of this section, where the required reviewing body determines that underground equipment shelters are not feasible due to site conditions or other considerations, equipment shelters designed using materials permitted for principal structures within the zoning district shall be provided where applicable. The unmanned equipment structure shall not exceed the maximum height for principal structures and comply with setbacks required by the zoning district in which the shelter is located.

(6) *Code compliance and permit requirements.*

- A. *Construction permits.* The installation of any wireless communications facility shall require compliance with all applicable federal, state, and local regulations and the securing of all applicable zoning and building permits and inspections. All towers and wireless communications facilities require a certificate of zoning plan approval and applicable building permits prior to installation.
- B. *State or federal requirements:*
1. All wireless communications facilities shall meet or exceed current standards and regulations of the National Electrical Safety Code, National Electrical Code, FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
 2. If state or federal standards and regulations are amended, the owners of the wireless communications facilities governed by this chapter shall bring any facilities into compliance with the revised standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the regulating agency. Failure to bring wireless communications facilities into compliance with any revised standards and regulations shall constitute grounds for removal at the owner's expense.
- C. *Building codes and safety standard:*
1. To ensure the structural integrity of towers, the owner of a tower and/or antenna support structure shall ensure that it is designed, constructed, and maintained in compliance with requirements contained in applicable state or local building codes and the applicable requirements for towers and antenna support structures that are published by the Electronics Industries Association, as amended from time to time.
 2. If, upon inspection, the City concludes that a wireless communications facility fails to comply with any applicable codes and requirements and constitutes a danger to persons or property, after written notice to the owner, the owner shall have not more than 30 days to bring the facility into compliance with those requirements. Failure to

bring the facility into compliance within the required time shall be grounds for removal at the owner's expense.

- D. *License to operate.* Owners and/or operators of wireless communications facilities shall maintain and submit copies of all approved franchises, certifications, licenses, and permits required by law for the design, construction, location, and operation of wireless communications facilities in Gahanna. Evidence of renewal or extensions shall be promptly provided to the Director.
 - E. *Certification.* Any information of an engineering nature required by this chapter, whether civil, mechanical, or electrical, shall be certified by a licensed engineer.
- (7) *Wireless Communication Facilities (WCFs) in the public right-of-way:*
- A. The Director may impose impact minimizing conditions on any WCF's to mitigate potential noise or aesthetic impact.
 - B. WCF's permits shall be reviewed every ten years to determine whether the equipment is no longer needed or useful, or whether new means exist to further reduce noise and or aesthetic impacts that are materially greater than those that would have existed when the WCF was installed as originally permitted. The Director may require facility upgrades and/or additional mitigations to reduce impact of such facilities unless the Applicant demonstrates that the mitigations are not feasible.
 - C. When the right-of-way abuts or is adjacent to a residential zone, the Director, in granting an Application must find that:
 - 1. The WCF is necessary to address a significant gap in coverage.
 - 2. The WCF is necessary because no feasible less intrusive alternate is available.
 - D. These requirements are in addition the others contained in this Chapter.
- (8) *Timing for decisions of Applications:*
- A. 90 days for Applications for collocations.
 - B. 150 days for all other applications.
 - C. The City reserves the right to negotiate alternative timelines with Applicants on a case by case basis.
 - D. If the City notifies an Applicant within 30 days of filing that the Application is incomplete, the time taken by the Applicant to respond does not count towards the 90 and 150 day timelines and the City may restart the process.
 - E. Any denial will be in writing and based on substantial evidence contained in a written record.
 - F. The specific reasons for any denial which constitute the substantial evidence will be accompanied with the actual denial.
- (9) *City's responsibilities when evaluating Applications:*
- A. The City will not:
 - 1. Unreasonably discriminate among providers of functionally equivalent services.
 - 2. Prohibit or have the effect of prohibiting the provisions of wireless services.
 - 3. Prohibit or have the effect of prohibiting the ability of an entity to provide telecommunications service.
 - 4. Regulate or deny an Application for the placement, construction, and modification of Wireless Communications Facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations governing such emissions.

5. Deny an application solely because one or more carriers serve the geographic market.

(Ord. No. [0068-2016](#), § 1(Exh. A), 8-15-16)