

TITLE V

SPECIAL USE REGULATIONS

**SERVICE STATIONS
CHAPTER 1163**

1163.01 VEHICULAR SERVICE STATIONS, PUBLIC GARAGES, AND RELATED BUSINESSES

- A. No building, structure, or premises shall be used, erected, altered, intended, or designed as a public garage, automobile repair shop, motor fuel station or car wash within five hundred feet (500') of any schools, public playground, church, hospital, public library, park or picnic area or institution for dependents or for children, nor shall such structure be erected within five hundred feet (500') of any such institution in the same block front. Such enterprise shall not have an entrance or exit within sixty feet (60') of any residential district within the same block front.
- B. Such facilities shall be located at the extremity of the business district so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
- C. No use herein included shall be erected or constructed on a lot of less than the required area or width for the district in which it is proposed.
- D. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty feet (30') in width at the property line.
- E. If the property frontages on two or more streets, the driveways shall be located as far from the street intersection as practicable, and no driveway shall be located within forty feet (40') of a street intersection.
- F. The plans shall include the hard surfacing of all driveways and parking areas.
- G. At least a six-inch (6") high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
- H. No pump shall be located less than twenty feet (20') from any pedestrian sidewalk.
- I. The station shall be of modern fireproof construction and shall contain provision for lavatories for men and women, separated by soundproof walls.
- J. No motor vehicles, accessories or parts shall be stored, kept or maintained outside the main building except that tires, propane tanks and ice may be stored in metal, fireproof enclosures; such enclosures shall not be used as billboards and signs thereon shall identify their contents only in a size to be approved by the Architectural Review Board under the provisions of this code.
- K. Used tires shall be stored in an area at the rear of the station which is screened from the public view and no refuse or litter shall be open upon the property except in closed, metal containers provided with enclosures as approved by the Planning Commission.
- L. No such use shall remain open for business unless the owners, proprietor or his employee is on the premises.
- M. In gasoline service stations, auto repairs of a minor nature are permitted to be performed on vehicles and trucks, the latter not exceeding one-ton rating, including motor service, replacement of parts, providing that replacement of such parts does not require the disassembling or removal of the majority of the engine, the transmission, the rear axle or differential; and that no body work, painting or upholstering shall be permitted, and that gasoline is also pumped on the premises.

N. All activities, except the sale of gasoline and oil, dispensing of air, and other activities which are reasonable and necessary at the pump services, shall be carried out entirely within the building.

O. Parking

1. Any rental vehicle(s), whether trailers or self-propelled, shall be housed under roof behind the building setback line(s).
2. Only two motor vehicles per service bay shall be stored on the premises outside of the building except vehicles actually needed in the furtherance of the business (excluding rental vehicles, towing truck, etc.).
3. No vehicles may be parked in front of the front building set-back line except while being serviced at pump islands.

P. Abandonment

An abandoned service station is presumed to be a nuisance affecting or endangering surrounding property values and detrimental to public health, safety, convenience, etc. and shall be abated. An "abandoned station" is defined to be one which is not in operation for at least ninety (90) consecutive days provided further that the casual or intermittent use of such station during the ninety (90) day period shall not prevent enforcement of this section. Upon sixty (60) days' notice from the City, the owner shall abate the abandoned condition by:

1. Placing the station in operation; or
2. Adapting or using the building for another permitted use; or
3. Razing the service station structure, removing pumps, signs, underground tanks and restoring the land to conform to adjoining grades.
4. Barriers shall be constructed to prevent access for parking.

Q. Inoperative Stations

Inoperative stations must be maintained according to the Code:

1. Owner must cut all grass, remove all rubbish and weeds; and
2. Parking of motor vehicles is prohibited and a sign to such effect must be placed on the premises.
3. All windows must be boarded to provide maximum safety and prevent detrimental effects upon the neighborhood.
4. All advertising and identification signs shall be removed.
(Ord. 173-2000. Passed 12-17-2000)

**CHAPTER 1164
FENCES**

1164.01	RESIDENTIAL DISTRICTS.	1164.09	PERMIT REQUIRED.
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1164.01 RESIDENTIAL DISTRICTS

- A. In Residential and Multiple-Family Districts fences may be erected subject to the following regulations:
1. The fence shall not be over six feet (6') in height and shall be erected in the rear or side yard up to the front edge of the building. In front yards, fences shall be located behind the setback line.
 2. Fences eight feet (8') in height may be constructed by residential property owners when their property abuts commercial or industrial uses.
 3. The side of the fence closest to an adjacent property line and facing outward from the yard being fenced shall be the smooth, finished side and all horizontal, diagonal or supporting members shall be on the interior side of the fence.
 4. In keeping with the other provisions of this Code, owners of adjacent lots may agree on the size, character, construction and location of boundary line fences and the proportion in which they shall bear the expense thereof
 5. A snow fence or fence of similar type may be erected or placed in any yard during the period from November 1st to April 30th for the sole purpose of preventing the drifting of snow on highways, driveways, and sidewalks, but such fence shall not be used at any time as a temporary or permanent fence or enclosure, except during the construction of a swimming pool, or any other type of excavation where a temporary protective fence is required.
 6. Fences shall not be constructed in the front yard unless they are primarily of the decorative type such as split rail, as opposed to functional such as chain link, and not in excess of four feet (4') in height.
 7. All fencing shall have openings to allow for the movement of light and air (1-5/8" inches minimum) between boards.
 8. All chain link fencing shall be vinyl clad.
 9. A combination split rail and mesh fence is permitted in rear yards only. The mesh in such fences shall be vinyl clad 9 gauge wire with minimum two inch (2") and maximum of four inch openings
 10. Vinyl shall be black, dark brown or dark green in color. Wood fences shall be white, natural or earth tones. Both sides must be the same color.
- B. In commercial and industrial districts property owners must, unless otherwise specified by the Architectural Review Board, erect an eight foot fence of at least eighty percent (80%) opacity where the property abuts residential areas, approximately one inch from the property line. Owners of commercial and industrial property may construct fences up to six feet (6') in height at any location on their property, but such fences must be constructed with at least

fifty percent (50%) of its area as see-through unless required to be otherwise by the Architectural Review Board. (Ord. 173-2000. Passed 12-17-2000)

1164.03 EXCEPTIONS.

The provisions of Section 1164.01(a) shall not apply to the following type fences:

- A. Shrubbery fences or other natural growth along property lines.
- B. Small ornamental lattice-type fences attached to, or adjoining a dwelling and forming a part of its decoration and/or landscaping.
- C. Fences serving as enclosures for swimming pools.
(Ord. 173-2000. Passed 12-17-2000)

1164.05 PROHIBITED FENCES AND/OR FENCING AREAS.

- A. No fences, regardless of type of character, shall be constructed, erected or maintained that may cause damage, in any degree, to the sidewalk, curb, gutter, berm, sewers, water lines, paving or other property of the City of Twinsburg, nor shall any fence or shrubbery of any character create a safety hazard for pedestrians or vehicular traffic.
- B. No fence shall be constructed, erected or maintained of barbed wire, electrically-charged wire, or of other material inherently dangerous to life or limb, except on lands whereon agriculture is the principal use of such lands and such proposed fence is a type normally used in husbandry or where the applicant has requested a variance before the Planning Commission based upon the need for security. The basis for security fencing must be adequately demonstrated by the applicant.
- C. Stockade type fences are prohibited.
- D. Fences on corner lots shall be no closer than ten feet (10') to the right of way.
(Ord. 173-2000. Passed 12-17-2000)

1164.07 REQUIRED FENCES AND/OR FENCES AREAS.

Swimming Pools.

- A. Every pool which is constructed either partially or wholly by means of an excavation or depression below grade shall be enclosed by a fence at least forty-two inches (42") and not more than forty-eight inches in height above the ground and shall be constructed so as to prevent access to such pool by small children; except that any pool constructed completely above grade which has a self-contained fence or siding with a removable access, does not require a fence. If the pool is located in a completely fenced yard which meets the minimum requirements of this section, no additional fence is required.
- B. For the protection of life and limb of the general public, it shall be mandatory that a temporary fence of at least forty-two inches (42") be erected by the property owner or his agent, completely around the excavation of a swimming pool, and such fence shall remain in place until the completion of the permanent fence.
(Ord. 173-2000. Passed 12-17-2000)

1164.09 PERMIT REQUIRED.

- A. Prior to the construction of any fence, except those specifically exempted by this Chapter, a permit must be obtained by the owner or his agent from the Building Commissioner. The application for said permit shall be made in writing and upon printed forms furnished by the Building Commissioner. Such form shall include a sketch of the proposed fence giving its

materials, height and location. Said Building Commissioner shall be the authority to determine whether or not such fence permit shall be issued.

- B. In case of a fence to be constructed on a property line, a written agreement between owners in regard to the type of fence and its composition must accompany the application for the permit. In the case of single ownership, fence must be constructed so that the rails and posts, if any, will be placed on the owner's property with the finished or exterior side facing adjoining properties. Fences not jointly owned, may be built in proximity to the property line providing the following conditions are met.
1. The fence is built of relatively maintenance-free materials; or
 2. Fence is so constructed that it can be dismantled from its owner's side for the purpose of maintaining entirely within the owner's property line; or
 3. Owner has written agreement from his neighbors and successors abutting the subject fence stating that the owner has free access to the neighbor's property for the purpose of maintenance of land and fence. A copy of this agreement must accompany, and be part of, the application for a permit. (Ord. 173-2000. Passed 12-17-2000)

1164.11 PERMIT FEE ESTABLISHED.

Permit fee as prescribed elsewhere by ordinance. (Ord. 173-2000. Passed 12-17-2000)

1164.13 APPEALS.

Rejection by the Building Commissioner may be appealed to the Board of Building and Zoning Code Appeals. (Ord. 173-2000. Passed 12-17-2000)

**CHAPTER 1165
TELECOMMUNICATION TOWERS**

1165.01	PURPOSE	1165.09	TOWERS IN RESIDENTIAL DISTRICTS
1165.03	APPLICABILITY	1165.11	TOWERS IN NON-RESIDENTIAL DISTRICTS
1165.05	GENERAL REQUIREMENTS	1165.13	REMOVAL OF ABANDONED TOWERS AND ANTENNAS
1165.07	ADMINISTRATIVE APPROVAL		

1165.01 PURPOSE

This chapter provides for the regulation of communication towers and antennas so as to:

- A. protect residential areas and land uses from the potential adverse impacts of towers and antennas;
- B. encourage the location of towers in non-residential areas;
- C. minimize the number of towers throughout the community;
- D. strongly encourage the joint use of existing towers;
- E. protect the public and adjacent property from the potential of damage resulting from tower failure; and,
- F. to minimize the visual impacts associated with towers and antennas.

(Ord. 173-2000. Passed 12-17-2000)

1165.03 APPLICABILITY

The following requirements apply to all new towers and antennas in the City of Twinsburg except as follows:

- A. Amateur radio station operators and receive only antennas under thirty-five (35') in height owned and operated by a federally-licensed amateur radio station operator or used exclusively for receive only antennas.
- B. Pre-existing towers or antennas shall not be required to meet the requirements of this chapter except as required to meet or exceed current standards and regulations of the FCC, the FAA, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling agency. Failure to bring towers into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower and antenna at the owner's expense.
- C. For the purpose of implementing this chapter an AM array, consisting of one or more tower units and supporting ground system, which functions as one AM broadcasting antenna shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeters of the towers included in the AM array. Additional units may be added within the perimeter of the AM array by right. (Ord. 173-2000. Passed 12-17-2000)

1157.05 GENERAL REQUIREMENTS

- A. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- B. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Chief Building Official an inventory of its existing towers, antennas, or sites approved for towers or antennas that are either within the City of Twinsburg or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Chief Building Official may share such information with other applicants applying for administrative approvals or permits under this chapter or other organizations seeking to locate antennas within the City of Twinsburg provided, however, that the Chief Building Official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- D. Aesthetics. Towers and antennas shall meet the following requirements:
 - 1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - 3. If an antenna is installed on a structure other than a tower, then the antenna and supporting electrical and mechanical equipment must be of 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 possible.
 - 4. All towers above one hundred feet (100') shall be artificially lighted. In addition, all FAA regulations addressing safety marking and obstruction lighting shall be followed when necessary. Security lighting around the equipment shelter is permitted, however, such lighting shall not cause glare or disturbances to adjacent properties.
- E. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Chief Building Official concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the owner or antenna at the owner's expense.
- F. Franchises Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in The City of Twinsburg have been obtained and shall file a copy of all required franchises including Federal Communications Commission (FCC) Licensor with the Clerk of Council which shall be acknowledged in writing annually to the Clerk of Council.

G. Signs. No signs shall be allowed on all antenna or tower. (Ord. 173-2000. Passed 12-17-2000)

1165.07 ADMINISTRATIVE APPROVAL

The following may be permitted by the Chief Building Official after conducting an administrative review:

- A. Locating antennas on existing structures or towers consistent with the terms of subsection 1 and 2 below:
 - 1. Antennas on existing structures Any antenna which is not attached to a tower may be approved by the Chief Building Official as an accessory use to any industrial structure provided:
 - a. The antenna is not more than the maximum permitted height in the district.
 - b. The antenna complies with all applicable FCC and FAA regulations, and;
 - c. The antenna complies with all building codes.
 - 2. Antennas to be attached on existing towers may be approved by the Chief Building Official. Location of antennas on existing towers is encouraged in order to minimize adverse visual impacts associated with the proliferation and clustering of towers.
- B. Modification or reconstruction of existing towers to accommodate collocation, provided that after the tower is rebuilt to accommodate collocation, only one tower may remain on the site. (Ord. 173-2000. Passed 12-17-2000)

1165.09 TOWERS IN RESIDENTIAL DISTRICTS

Towers shall be permitted by conditional use and shall not exceed thirty-five feet (35') above ground level in any residential district, subject to the following:

- A. The lot upon which the tower is to be located meets minimum lot size requirements for the district in which it is located.
- B. Structure, including equipment shelters, shall be placed on the lot so as to conform with minimum yard requirements of the district in which it is located.
- C. Towers shall be situated at least 35' from any adjacent residential lot line.
- D. Security fencing eight feet (8') in height shall surround the tower, equipment shelter and any guy wires, either completely or individually as determined by the Planning Commission.
- E. An evergreen screen shall be planted that consists of either a hedge, planted three feet (3') on center maximum, or a row of evergreen trees planted five feet on center maximum as deemed appropriate by the Planning Commission. (Ord. 173-2000. Passed 12-17-2000)

1165.11 TOWERS IN NONRESIDENTIAL DISTRICTS

Telecommunications towers may be located as a principle or accessory use on a legally conforming lot in a nonresidential district subject to the following:

- A. The lot meets minimum lot size requirements for the district in which it is located.
- B. Structures, including equipment shelters, shall be placed on the lot so as to conform with the minimum yard requirements of the district in which it is located.
- C. The minimum distance to any residential district lot line shall be three-hundred feet (300').
- D. Maximum tower height shall not exceed two-hundred fifty feet (250'). (Ord. 173-2000. Passed 12-17-2000)

1165.13 REMOVAL OF ABANDONED TOWERS AND ANTENNAS

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Twinsburg. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower at the owner's expense. (Ord. 173-2000. Passed 12-17-2000)