

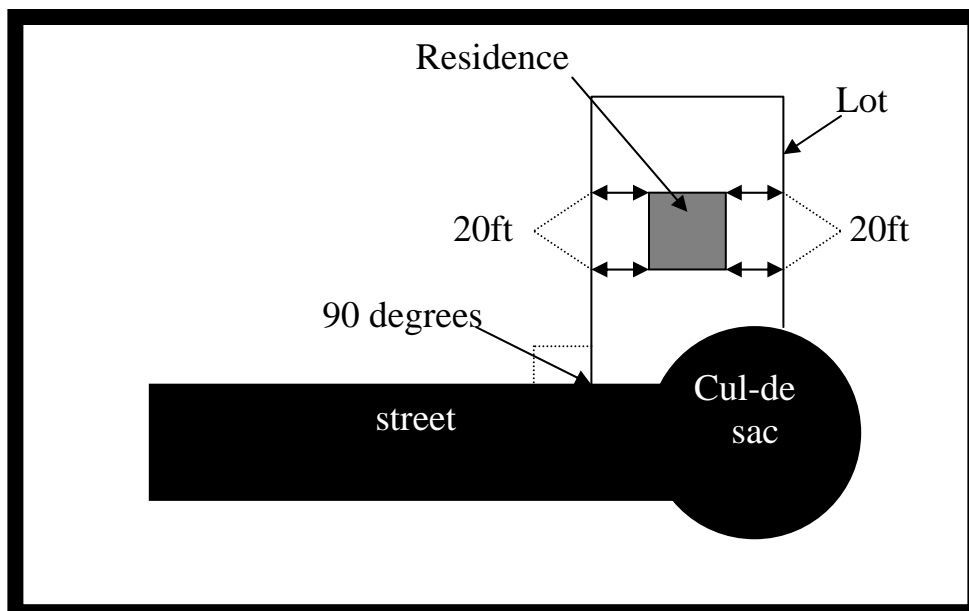
CHAPTER 1286

SUPPLEMENTAL REGULATIONS APPLYING TO ALL USE DISTRICTS

1286.01 CONSTRUCTION PARALLEL TO THE STREET LINE REQUIRED:

Principal structures shall be built parallel to the street at the building line, but where the street is curved, such structure shall be parallel with the tangent to the curve at the midpoint of the front of the structure. Where a principal structure would be located on a lot where the point at which the building line would be parallel to the street line cannot be definitively determined due to unusual front lot line curvatures (as determined by the City of Solon Engineering Department), such structure orientation may instead be determined by constructing the sides of said structure parallel to any side lot lines of the lot which is perpendicular to the front street right of way (SEE FIGURE #A, BELOW) provided that the resulting structure orientation is consistent with existing building set-back scheme on directly adjacent properties, and provided that such structure would otherwise comply the zoning requirements for the zoning district in which the structure is located.

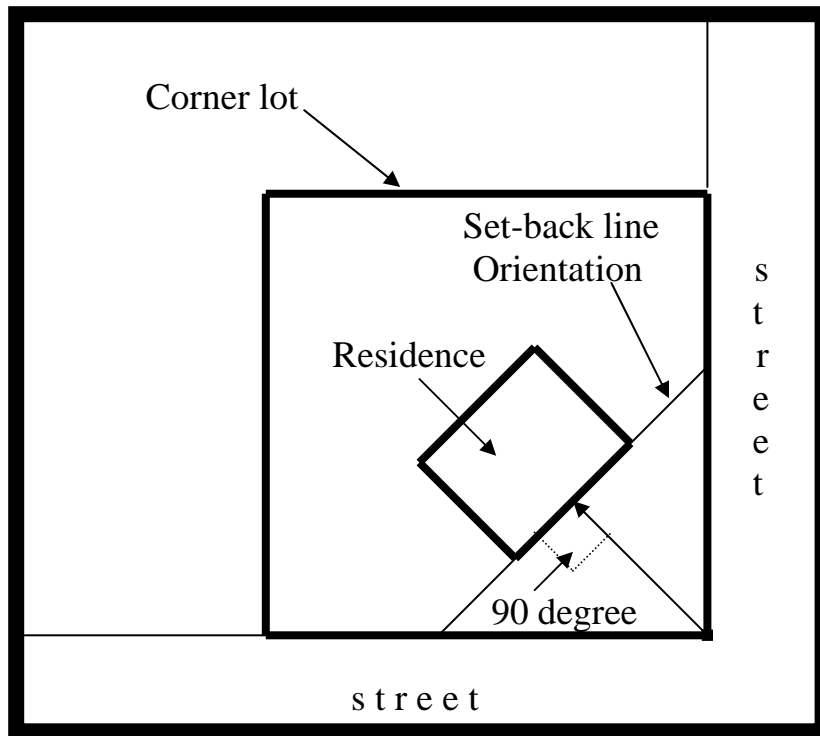
FIGURE #A - ORIENTATION PARALLEL TO SIDE LOT LINE



Residences located on corner lots may be oriented towards the midpoint of the intersection of the two street right of way lines, where pre-existing residences are similarly oriented on one or more of the corners of the intersection, or where the residence would be the first structure constructed at the intersection. The orientation of such residences shall conform to a line laying perpendicular to a line bisecting the angle of the intersection of the two streets as illustrated Figure #B, below. Where existing residence(s) located at an intersection are oriented towards the intersection of the street right of ways it is strongly encouraged that any subsequent residences(s) constructed at said intersection be so oriented.

All such structures shall otherwise comply with the minimum set-back requirements applicable to the zoning district.

FIGURE #B ORIENTATION TOWARDS THE INTERSECTION OF A CORNER LOT



1286.02 LANDSCAPING REQUIRED:

All required yards, and all areas not devoted to driveways, parking areas, and buildings, shall be landscaped and well maintained with grass, trees, shrubs and other landscape elements.

1286.03 MEASUREMENT OF SET-BACKS:

Minimum set-backs are measured from the street right of way line as specified within each zoning classification. Where there is no established right of way line for a road or street, said line shall be deemed to be located thirty (30) feet from the center of the road, and the set-back shall be measured from this point. If a public street is proposed to be widened in accordance with any major street plan, the minimum street set-back shall be measured from the point of the proposed street right of way line.

1286.04 NONCONFORMING USES:

- A. NONCONFORMING USES PERMITTED** - Any nonconforming use that legally exists at the time of the adoption of this ordinance or any amendment thereto may be continued except as otherwise specified within this Section.
- B. DISCONTINUATION OF A NON-CONFORMING USE** - Any non-conforming use that is discontinued for six (6) months or more shall be deemed to be expired and any further use shall be in conformity with the requirements of the zoning district.
- C. RECONSTRUCTION OF A NONCONFORMING USE** - Any legally existing nonconforming use that is damaged or destroyed by fire, explosion, act of God or act of a public enemy, may be reconstructed and restored at the exact dimensions and location of the original structure or use, providing that such reconstruction is completed within one (1) year from the date of said damage or destruction.
- D. EXTENSION OF A NONCONFORMING USE** - A nonconforming use that legally exists at the time that this Ordinance or any part thereof takes effect may not be altered or enlarged to an extent exceeding an aggregate cost during any ten (10) year period of sixty percent (60%) of the assessed value of the building. Said extension of a non-conforming use shall otherwise be in compliance with all required set-back and area requirements of the zoning district in which it is located.
- E. CHANGE OF A NON-CONFORMING USE** – A nonconforming use may not be changed except to a more conforming use, and once changed to a more conforming use it may not thereafter be changed to a less conforming use.

- F. NON-CONFORMING LOT OF RECORD -** Any newly created lot size requirement shall not apply to a lot which was separately owned or to a numbered lot in a subdivision which was duly recorded prior to the effective date of the ordinance establishing such requirement, except that if such lot is contiguous to another lot or lots owned by the same person, all lots owned by the same person shall be merged and re-subdivided so as to conform to the requirements of the zoning district.

For the purposes of this section, lots shall be deemed to be owned by the same person when they are owned by: the same individual or corporation; an individual and another in a joint tenancy, as tenants in common or as an estate by the entirety and either of the owners owns other lots individually or as a joint tenant or tenant in common with another; when any of the lots are owned by an individual and other lots are owned by his or her spouse, parents, grandparents, children, grandchildren, or the spouse of any child or grandchild, or brother or sister or spouse of a brother or sister of such person; when any of the lots are owned by an individual and other lots are owned by a corporation in which such individual is an officer, or director, or stockholder; and when any of the lots are owned by two or more corporations which have any individual who is an officer, director or stockholder in all of such corporations.

1286.05-WIRELESS COMMUNICATION ANTENNA AND TOWER REGULATIONS

1. **PURPOSE AND INTENT:** The Section is intended to provide a process for permitting the construction and subsequent maintenance of telecommunication systems, including towers and antennas. This process is directed at maintaining a balance between the City's identified right to promote land use policies advancing the health, safety, and welfare of the City's residents and preserving aesthetic character, with that of the Federal Governments interest in advancing and advocating competition in the telecommunication Industry. This Section is directed at creating an environment where residents will have the greatest opportunity to benefit from the intent of the Telecommunications Act of 1996 to enhance competition while impacting the City's land use and property values in the least intrusive manner possible.
2. **PRECEDENCE OF WIRELESS COMMUNICATION ANTENNA AND TOWER REGULATIONS:** Wireless communication towers shall be subject to the regulations set forth in this Section as well as the regulations of the particular zoning district in which the

antenna and/or tower is proposed to be located, but only to the extent that the relevant zoning district regulations do not conflict with the requirements of this Section.

3. **CO-LOCATION REQUIRED** - As a condition for the issuance of a permit to construct and operate a wireless communication tower, the owner or operator of the tower is required to allow co-location until such time the tower has reached full antenna capacity, but in no event shall there be less space provided than that sufficient to accommodate two (2) additional antennas for two (2) additional providers.

4. **GENERAL LOCATION REQUIREMENTS:**

- A. **LOCATION IN RESIDENTIAL AREAS:** Wireless communication antennas shall not be located in areas zoned for residential use except where such antennas are part of an existing structure and are not associated with wireless communication towers. Free standing wireless communication towers shall not be located in areas zoned for residential use, however, the Planning Commission may approve the location of wireless communication towers within residential zoning districts provided such towers are located within an existing electric high tension tower and would otherwise be in compliance with the requirements specified herein.

- B. **LOCATION IN NON-RESIDENTIAL AREAS:** Wireless communication towers and antennas may be located in non-residential zoning districts subject to the requirements of this Section and the requirements of the relevant zoning district.

5. **DESIGN, SET-BACK, AND OPERATION REQUIREMENTS:**

- A. **PERMITTED WIRELESS COMMUNICATION ANTENNA OR TOWER CONFIGURATIONS:** Wireless communication antenna and/or tower installations shall only be permitted as per the following configurations:

1. Wireless Communication Antennas Attached to an Existing Structure: Wireless communication antennas may be attached to a permitted building or structure, including those devoted to institutional, recreational, public utility, office, commercial, or industrial use, provided that such antennas do not exceed ten (10) feet in height above the highest point of the structure. Associated transmission and receiving equipment shall either be stored inside of the building or structure, or located on the roof within a screening enclosure. Where associated equipment is located on the roof of a structure, such equipment shall be located as far as possible from the edge of the building. All wireless communication antennas shall be painted or otherwise treated so as to match the exterior of the building. The foregoing does not preclude the use of small base stations and repeaters on the sides of buildings, on utility poles, or in ground mounted pedestals.

2. Wireless Communication Towers Located Within Electric High Tension Towers: Wireless Communication Towers may be located in association with Electric High Tension Towers within residential zoning districts. Such towers, and all associated telecommunication facilities shall be locate wholly within the Electric High Tension Tower, except that the wireless communication tower may exceed the height of the Electric High Tension Tower by no more than ten (10) feet.
3. Free Standing Wireless Communication Towers: Free standing wireless communication monopoles or lattice towers may be permitted within non-residential zoning districts. Such towers shall not exceed two hundred (200) feet in height above finished grade, though lesser heights may be required where such heights are feasible for servicing the required geographic service area. Free standing wireless communication towers shall be designed to have sufficient structural capacity to allow for at least three (3) providers to be located on the structure when constructed to the maximum allowable height.

All associated transmission and receiving equipment shall be located wholly within a building constructed for such purpose. Such building shall be of sufficient size to accommodate at least three (3) different users. If an equipment building is initially constructed to accommodate only one (1) user, sufficient space shall be reserved on site for equipment building expansions to accommodate up to three (3) users. The maximum size of any above ground equipment building shall be limited to three hundred (300) square feet for a single provider, and no more than seven hundred fifty (750) square feet in total. The use of underground equipment shelters are strongly encouraged, especially within non-industrial areas.

- B. **COMPLIANCE WITH ZONING DISTRICT PROVISIONS REQUIRED-**
All wireless communication poles, towers, equipment structures and antenna placements shall comply with all minimum set-back and area requirements specified for the zoning district in which such poles, towers, equipment structures and/or antennas are located.
- C. **MINIMUM SET-BACK FROM RESIDENTIAL ZONING DISTRICTS -** Wireless communication towers located in non-residential zoning districts shall be located no closer than one thousand (1,000) feet to any residential zoning district.
- D. **MINIMUM SET-BACK BETWEEN WIRELESS COMMUNICATION TOWERS -** Proposed wireless communication towers shall be located no closer than one quarter (1/4) of a mile to any existing wireless communication tower. However, the Planning Commission may waive this requirement with the approval of City Council for the purpose of clustering of towers and for permitting the placement of towers within electric high-tension towers.
- E. **OUTDOOR STORAGE PROHIBITED –** Outdoor storage of supplies, vehicles, or equipment related to the use of a wireless communication facility is prohibited.

- F. ILLUMINATION RESTRICTED – Except as required by law, no antenna or tower shall be illuminated, and no lighting fixture shall be attached to an antenna or tower. If lighting is required by FAA regulations, white strobe lights shall not be permitted at night unless no alternative is permitted by the FAA. Lighting for security purposes shall be permitted at the wireless telecommunication facility, subject to the recommendation of the Director of Planning and Community Development and the approval of the Planning Commission.
- G. ADVERTISING PROHIBITED - No advertising shall be permitted on the wireless telecommunication facility.
- H. DISCONTINUATION OF A WIRELESS COMMUNICATION FACILITY USE – The owner or operator of wireless communication facility shall be required to remove any non-functioning facility within six (6) months of the cessation of use. The owner of the facility shall be required to file an annual declaration to the Building Commissioner as to the continuing operation of every facility installed subject to this chapter.
- I. WIND RESISTANCE – Towers and antennas shall be designed to withstand sustained winds of at least eighty (80) miles per hour with one half (1/2) inch of icing.
- J. FENCING REQUIRED - Screen fencing shall be provided for both aesthetic and public safety purposes. A fence of at least six (6) feet in height, but no greater than eight (8) feet in height, shall be erected completely around the communication tower and any related support facilities. Barbed wire may be utilized along the top of the fence.
- K. LANDSCAPE SCREENING REQUIRED - A landscape buffer of not less than ten (10) feet in depth shall be placed between wireless communication facilities and any abutting public rights-of-way, and/or any residential zoning districts or residential use of property. The landscape buffer shall consist of tight screen fence of hardy evergreen plantings of not less than six (6) feet in height. The landscaping shall be continuously maintained and promptly restored, when necessary. Additional landscape buffering may be recommended by the Director of Planning and Community Development.
- L. POSTING OF “NO TRESPASSING” SIGNS AND EMERGENCY CONTACT NUMBERS REQUIRED- “No Trespassing” signs shall be posted around the wireless telecommunication facility with the telephone number of a person to contact in the event of an emergency.

(Ordinance 2008-66, passed 5/5/08, effective 6/14/08)

- 6. APPLICATION PROCEDURES: The Planning Commission, with the consent of City Council, shall have the authority to review and approve or deny applications for wireless

communication facilities. All applications shall be reviewed by the Director of Planning and Community Development, Planning Commission, and City Council as per the procedures specified below.

A. **REVIEW BY THE DIRECTOR OF PLANNING AND COMMUNITY**

DEVELOPMENT: Prior to review by the Planning Commission an application for review of the proposed wireless communication facility project shall be submitted to the Director of Planning and Community Development for review and recommendation.

1. **APPLICATION REQUIREMENTS** - In addition to standard submission requirements for review by the Director of Planning and Community Development, the applicant shall provide the following information:

- A. **SITE PLAN** - A site plan of the lot, premises, parcel of land and adjacent parcels showing among other things, the exact location and dimensions of all buildings on the parcel and adjacent parcels and property lines.
- B. **ELEVATION DRAWINGS** - Elevation drawings illustrating the placement, height color, and material of the antenna and its support structure, also including the location of any electrical or signal transmitting wires or cables to be used, and the specific antenna support structure device which is to be used;
- C. **SCREENING PLAN** - The proposed method of screening the antenna support structure to make it as inconspicuous as possible and help it blend into the surrounding area, where feasible;

If the information provided above does not clearly convey placement alternatives on the site, the Director of Planning and Community Development may require an independent evaluation of signal access for a minimum of the three (3) most feasible locations on the site. The evaluation shall be prepared by a consultant approved by the Director of Planning and Community Development and paid for by the applicant.

2. **REVIEW AND FINDINGS** - Prior to Director of Planning and Community Development recommending approval of any installation, the Director shall find as follows:

- A. There is no other location on the site for the proposed antenna support structure which would result in a less conspicuous or more aesthetically pleasing installation while still providing reasonable signal access;
- B. The antenna and its support structure is the smallest possible for the frequency used and optimally located to allow reasonable signal access;
- C. Apart from the tower or monopole structure, the facility appurtenances are aesthetically and architecturally compatible with the architecture of the

surrounding environment;

- D. The color of the structure blends with the surrounding environmental characteristics; and
- E. The landscape plan is reasonable designed to enhance the aesthetic quality of the tower location and adequately screens the site from the view of drivers and pedestrians on adjacent properties.

(Ordinance 2008-66, passed 5/5/08, effective 6/14/08)

B. PLANNING COMMISSION:

1. **PRE-APPLICATION REVIEW RECOMMENDED:** Applicants are encouraged to appear before the Planning Commission for a pre-review of any proposed wireless communication antenna and tower site. Such pre-review may be conducted upon the applicant's submittal of a site plan designating the general location, type, and height of proposed structure(s), and designating the structures and uses on adjacent properties
2. **APPLICATION REQUIREMENTS:** Any application for approval of a wireless communication facility to the Planning Commission shall include all required application fees, a complete set of plans and specifications, and all of the following information:
 - A. **SITE PLAN** – A site plan of the lot, premises, parcel of land and adjacent parcels shall be submitted indicating the location of the proposed tower and any associated buildings, structures and uses on the same and adjacent parcels, landscape provisions, and any other information deemed necessary by the Planning Commission.
 - B. **ELEVATION DRAWINGS** –Elevation drawings shall be submitted indicating the placement, height, color, and materials of the antenna and its support structure, as well as any other building or structure that is proposed with the wireless communication facility.
 - C. **PHOTOGRAPHS OF SITE** - Photographs of structures and uses on adjacent properties shall be provided for informational uses.
 - D. **LIST OF COMPETITORS** - A list of competitors, including their addresses, shall be submitted to the City so that the City may notify the competitors of the application so as to encourage co-location.
 - E. **INSPECTION CONSENT** - The owner or operator of a wireless communication facility shall provide a signed written consent authorizing the City Engineering Department to conduct an annual inspection of the facility site.

- F. **BONDING** – The owner or operator of a wireless communication facility shall be required as a condition for permit issuance to post a cash or surety bond acceptable to the Law Director of not less than one hundred (100) dollars per vertical foot of height from natural grade of the wireless communication tower, which bond shall insure that an abandoned, obsolete or destroyed wireless communication antenna or tower shall be removed within six (6) months of the cessation of use or abandonment. Any co-locator shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the co-locator occupies the tower.

 - G. **CERTIFICATION OF COMPLIANCE WITH STATE, FEDERAL AND LOCAL REGULATIONS:** The owner or operator of a wireless communication facility shall provide written certification from an engineer registered in the state of Ohio that the antenna and/or tower are to be erected in compliance with all applicable Federal, State, and Local regulations pertaining to construction. In addition, prior to receiving final inspection by the City Building Department and the Engineering Department, document certification shall be submitted to the FCC, with a copy to the City Building Department and Engineering Department, certifying that the wireless communication facility complies with current FCC regulations for non-ionizing electromagnetic radiation (NIER).

 - H. **CO-LOCATION AGREEMENT** - A written agreement shall be submitted indicating compliance with the co-location requirements of this Section. Such agreement shall be included in the lease by the landowner, if different from the owner/operator of the tower. In addition, the owner/operator of a tower is required to submit a signed statement indicating that all disputes with future providers concerning co-location and the terms and conditions for co-location, will be submitted to commercial arbitration under a system selected by the parties, but if the parties are unable to agree, then arbitration shall proceed under the auspices of the Commercial Arbitration Provisions of the American Arbitration Association.

 - I. **DEPOSIT FOR ENGINEERING SERVICES** – The applicant shall place on deposit an amount of money necessary for the City to obtain certification from a registered engineer that the proposal is in compliance with all Federal, State and Local regulations.

 - J. **LIST OF CO-LOCATION SITES** – The applicant shall submit a list of any tower, building, or structure that could support the proposed antenna so as to allow it to serve its intended function.
3. **PUBLIC HEARING REQUIRED** – A wireless communication antenna and/or tower shall not be constructed or erected except upon the issuance of a permit by the Building Commissioner, after approval by the Planning Commission and after a

public hearing with advance notice of the hearing sent by certified and first-class mail to all property owners abutting the parcel on which the antenna and/or tower is to be located. The foregoing requirement of a public hearing and public notification may be waived by the Planning Commission if the application is for location on city owned property.

4. REVIEW AND FINDINGS - The Planning Commission shall determine, and the applicant shall demonstrate compliance with the requirements of this Section when determining whether to approve an application for any wireless communication antenna and/or tower.

In addition, the Planning Commission shall determine that there is no suitable space reasonably available on an existing tower or structure within the geographic area to be served. If another communication tower is technically suitable, the applicant must demonstrate that it has requested to co-locate on the existing tower, and that the co-location request has been rejected by the owner of the tower. In all circumstances, owners of existing towers shall promptly respond to requests for co-location, but in no event shall they respond in more than thirty (30) days from the date of receipt of a written request for co-location. If another communication tower is technically suitable, the applicant must further demonstrate that it has offered to allow the owner of the tower to co-locate an antenna on another tower within the City owned by the applicant on reciprocal terms and the offer was not accepted.

Any decision to deny a request to place, construct or modify a wireless communication antenna and/or tower shall be in writing and supported by substantial evidence contained in a written record of the proceeding of the Planning Commission.

- C. CITY COUNCIL: City Council shall review and approve or deny the findings of the Planning Commission and the Director of Planning and Community Development as per the following requirements:

1. REVIEW AND FINDINGS - The Secretary of the Planning Commission shall immediately notify City Council of any communication tower or antenna permit application approved by the Planning Commission. City Council shall by motion, within its next three (3) regularly scheduled meetings, take action to affirm, reverse, or modify the action of the Planning Commission relating to the communication tower or antenna permit application. If no action is taken by City Council at any of its next three (3) regularly scheduled meetings, the decision of the Commission shall be final.

Any decision to deny a request to place, construct or modify a wireless communication antenna and/or tower shall be in writing and supported by substantial evidence contained in a written record of the proceeding of City Council.

2. PUBLIC HEARING REQUIRED – Planning Commission approval of the granting of a permit shall only become effective following review and public hearing by City Council. The foregoing requirement of a public hearing may be waived by City Council if the application is for location on City owned property.

(Ordinance 2006-107, passed 6-19-06), (Ordinance 2008-66, passed 5/5/08, effective 6/14/08)

7. EXEMPTION FOR CITY OWNED PROPERTY – Wireless communication antennas and/or towers located on City owned property by permission of City Council, shall be exempt from the regulations set forth herein, and from any other provision of the Zoning Code. Notwithstanding any of the provisions specified herein, if a wireless communication tower is to be located on City owned property, in all cases the tower shall be subject to a special exception public hearing, notice of which hearing shall be given to all adjacent and affected property owners and the Planning Commission. Furthermore, the application and proposed type of construction and standards of the proposed tower shall comply with the requirements set forth herein.
8. CERTIFICATION BY REGISTERED ENGINEER – Prior to any recommendation from the Director of Planning and Community Development, or any action by the Planning Commission, or City Council, the City shall require a review by an independent registered engineer engaged by the City and paid for by the applicant. Among other things, the engineer shall review and approve the written certification of the applicant's engineer as required herein; review and approve the applicants propagation studies showing the necessity for and location of the tower; and review and approve the structural integrity, electrical integrity and electrical safety of the wireless telecommunication facility in its projected uses so as to assure the protection of the health, safety and welfare of the citizens of the City.
9. LIMITATION FOR THE BEGINNING OF CONSTRUCTION – After issuance of a permit to construct a wireless communication facility, the permittee shall begin construction within one hundred and eighty (180) days and complete construction within three hundred and sixty (360) days or the permit and approval shall expire. As a condition of the permit, the Planning Commission shall require the applicant and site owner to certify that if construction is not commenced within one hundred and eighty (180) days or completed within three hundred and sixty (360) days the site shall be made available to another wireless communication facility.
10. REIMBURSEMENT OF CITY EXPENSES REQUIRED – The applicant shall be responsible for all expenses incurred by the City for any technical engineering service deemed necessary by the Planning Commission, City Council, Chief Building Official, Director of Engineering, or Director of Planning and Community Development in order to perform the reviews required herein.
11. PERMIT FEES – The Chief Building Official shall authorize the issuance of permits required by this chapter and shall collect the fees therefore in accordance with the following schedule:

- A. New Wireless Communication Tower and Facility.....\$ 2,000
- B. New Wireless Communication Antenna..... 500
- C. Co-location of Wireless Communication Antenna on
an existing tower or building..... 500
- D. Annual Inspection Fee..... 1,000

12. PENALTIES; EQUITABLE REMEDIES –

- A. MISDEMEANOR VIOLATIONS – Whoever violates any of the provisions specified herein shall be guilty of a misdemeanor of the third degree for a first offense and shall be fined not more than five hundred dollars (\$ 500.00) or imprisoned for not more than sixty (60) days, or both. Any person convicted of a subsequent violation of the provisions specified herein, shall be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than six (6) months, or both. A separate offence shall be deemed committed each day during or on which a violation is committed, permitted, or continued.
- B. ENFORCEMENT – Whenever any person fails, neglects or refuses to comply with any order of the Chief Building Official or the Director of Planning and Community Development under the provisions established herein, or when any building or other structure is used or occupied so as to be in violation of any provision established herein, the Chief Building Official and/or the Director of Planning and Community Development may, at his or her discretion, institute an appropriate action in law or equity to restrain the execution and violation of the provisions established herein, to prevent the occupation or use of such building or other structure and to prevent or terminate any violation of the provisions established herein.
- C. SCOPE - The exercise of the rights and remedies granted herein, shall in no way preclude or limit the City from exercising any other right or remedy now or hereafter granted to it under the laws of the State or the ordinances of the City.

(Ordinance 2008-66, passed 5/5/08, effective 6/14/08)

13. DEFINITIONS – For the purposes of this Section, the following terms shall be defined as designated below:

- A. Lattice – A framework or structure of crossed metal strips typically resting on three members constructed vertically to which antenna support structures are affixed.
- B. Monopole – A single, slender, and typically cylindrical, vertical structure to which antennas or antenna support structures are affixed.
- C. Substantial Evidence – More than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.
- D. Telecommunication – Technology permitting the passage of information from the

sender to one or more receivers in a usable form by means of any electromagnetic system.

- E. Wireless Communication Antenna- An antenna system designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC), excluding amateur radio operator's antennas.
- F. Wireless Communication Tower - A tower, including but not limited to, self supporting lattice or monopole, which elevates the wireless communication antenna and may include accessory transmission and receiving equipment.
- G. Wireless Telecommunication Equipment Building - A structure in which electronic receiving and relay equipment for a wireless telecommunication facility is housed.
- H. Wireless Telecommunication Facility - A facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

1286.06 HELICOPTERS AND HELISTOPS:

- A. **HELISTOP REQUIRED** – No person shall land, discharge, load, or take-off in a helicopter at any place within the City except at a helistop, the location and construction of which has been approved by the Planning Commission and such approval confirmed by City Council, and which location and construction conform to the specifications and requirements of this Section. The Mayor may, however approve the landing of a helicopter at a different location approved by him or her or his or her designated representative, on an individual basis in cases of emergency, public ceremony or other public necessity.
- B. **MINIMUM SPECIFICATIONS** –
 - 1. **HELISTOP SURFACE** – Every location approved or used as a helistop shall consist of a hard-surfaced or grass area, with good drainage and shall be free of dust and gravel, and shall be free of trees, wires, or other potential obstructions.
 - 2. **MINIMUM AREA OF A HELISTOP**- A helistop shall consist of an area being not less in length, width, or diameter than twice the length of any helicopter utilizing the helistop. The area of any helistop shall be set aside exclusively for such use, and such area shall be enclosed by a fence at least two (2) feet in height.
 - 3. **APPROACH PATHS REQUIRED** – Every helistop shall have at least two (2) approach paths, free and clear of obstructions, extending outward and upward from the landing and take off area at an angle of eight (8) feet horizontally to one (1) foot vertically, flaring to a width of five hundred (500) feet at an altitude of five hundred (500) feet. The centerlines of such approach paths or planes shall be separated by an arc of at least ninety (90) degrees. The remaining peripheral area surrounding the

landing and take-off area shall be free and clear of obstructions at an angle of two (2) feet horizontally to one (1) foot vertically to a lateral distance of two hundred fifty (250) feet from the landing and take-off area. No approach path shall be used and no helicopter shall be flown at an elevation of less than five hundred (500) feet over any residential building, school, or other public building, or closer than two hundred (200) feet to any other building, structure, tree, or public highway, except for the purpose of landing or taking off.

4. **FUELING, REPAIR, MAINTENANCE PROHIBITED** - No fueling, repairing, or maintenance of helicopters shall be performed at a helistop, except in case of emergency, and no fuel shall be stored on site.
5. **ROOFTOP OR ELEVATED HELISTOPS** – Every rooftop or platform helistop shall be constructed of noncombustible materials having a fire resistance rating of not less than two (2) hours and shall be supported by a building or structure of equivalent fire resistance rating. Openings in the roof or platform shall not be permitted in the immediate landing area. At least two (2) approved means of ingress and egress, remote from each other, shall be provided from each rooftop landing area. Such means of ingress and egress shall be enclosed by stairways at least equal in fire resistance rating to that required by the Building and Housing Code for the specific occupancy of the building. Fire extinguishing systems consisting of dry mechanical portable extinguishers, building standpipe systems or other sources of water supply, and at least two (2) hose stations remote from each other, shall be provided subject to detailed specifications as prescribed by the Fire Chief.

C. **SUBMISSION OF PLANS REQUIRED** – Every person, firm or corporation intending to establish a helistop within the City shall first submit plans for approval to the Planning Commission, consisting of the following:

1. **STATEMENT OF USE** – A statement as to the intended use of the helistop shall be submitted, whether such use will be public or private, commercial or otherwise; the identity and financial responsibility of the management; frequency of flights; size, type and manufacture of equipment intended to be used; and the hours of operation.
2. **SITE PLAN** – A site plan shall be submitted showing the dimensions of the entire usable area; dimensions of the actual landing and take-off areas; all obstructions within one thousand (1000) feet of the helistop, indicating their heights; drawings of flight and approach paths within one thousand (1000) feet of the helistop; and lighting, access, and drainage provisions.
3. **ENGINEERING REPORT REQUIRED** - A report shall be submitted by a professional engineer showing that the roof structure or platform is designed to support concentrated loads on any one (1) square foot equivalent to three-fourths (3/4) gross weight of the largest helicopter to be accommodated, assuming that the load is concentrated only at the points of contact under each main landing gear.

- D. APPROVAL OF A HELISTOP – No approval of plans and operation shall be given for a helistop unless the Planning Commission and/or City Council, following a public hearing on the proposal, is satisfied that all provisions of this Section and other applicable provisions of the Codified Ordinances will be complied with, that the public safety will be protected and that the use and enjoyment of neighboring property will not be adversely affected. Every such approval shall be subject to the following provisions:
1. Continuing Compliance with the provisions of this Section, and with all applicable Federal Aviation Administration regulations;
 2. Prohibition of smoking within the helistop area; and
 3. The right and authority of the City to cancel such approval and prohibit the use of the helistop upon non-compliance with any of the provisions of this Section, or FAA regulations, or for any other reasonable cause or ground, based upon the protection of the public health, safety, or welfare. Such cancellation shall be subject to the right of appeal, and public hearing before City Council. Cancellation of approval by the City shall be rescinded if non-compliance or other grounds for cancellation have been corrected.
- E. OPERATOR REQUIREMENTS; HELISTOP USAGE - No person shall operate a helicopter in or over any part of the City who does not have a Federal Aviation Administration operator's certificate, or who has not logged more than two hundred (200) hours of helicopter operation time according to a log book indicating number of hours, which log book is available for inspection by the City at any time. Landing or take-off of helicopters by training pilots or student operators within the City is prohibited. Helistops within the City shall be used for no other purpose than the pick-up or discharge of passengers or cargo.