

CHAPTER 143

CB

CONVENIENCE BUSINESS DISTRICT

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| 143.01 Establishment. | 143.04 Outside sale of equipment and merchandise. |
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143.01 ESTABLISHMENT.

In accordance with Sections 101.02 and 131.04 (c) and to promote and regulate development of lands within the Township to serve the daily needs of residents for goods and services, taking into account the functional capacities of available central sewage treatment facilities, the CB Convenience Business District is established along with the following regulations.

143.02 USE REGULATIONS.

(a) Permitted Principal Buildings, Structures, and Uses.

Permitted principal buildings, structures, and uses in accordance with Chapter 141, Section 141.02(a).

Offices, meeting facilities, parks, recreation facilities, playgrounds, libraries, maintenance facilities, museums, police stations, and fire stations of a political subdivision of the state of Ohio.

Professional, medical, administrative, business and sales offices and office buildings.

Banks and other similar financial institutions, and loan companies.

Business, trade or vocational schools and classes or instruction involving

music;

dance;

exam preparation;

self-defense;

self-improvement and weight loss.

Preparation and processing of food and beverages to be retailed on the premises including

- bakeries;
- delicatessens;
- meat markets;
- confectionery shops;
- ice cream parlors;
- soda fountains;
- taverns and restaurants including carry-out or drive-in restaurants.

Food sales including convenience and beverage stores, and frozen food lockers.

Drug stores, retail stores and shops selling the following merchandise:

- variety home items and consumables;
- hardware and paint; **[Z-2018-1 – Effective 12/26/2018]**
- floor and wall coverings;
- pharmaceuticals;
- surgical, medical, dental and optical instruments and supplies;
- stationery and office supplies;
- cards;
- tobacco;
- reading material;
- musical instruments and supplies;
- athletic equipment, clothes and supplies;
- photo equipment, supplies and processing;
- records, tapes and supplies;
- video sales and lease;
- clothing, footwear and headwear;
- linens, drapery and fabrics;
- luggage;
- appliances;
- lamps and lighting fixtures;
- toys;
- bicycles, supplies and repairs;
- auto parts and supplies.

Specialty retailers selling the following merchandise:

- flowers, plants and gifts;
- seed, lawn and garden equipment and supplies;
- hobbies and crafts;
- pet stores, supplies and grooming;
- artwork;
- antiques;
- jewelry, silverware and watches;
- glassware;
- handbags and leather goods;
- novelties;
- paper goods;
- computers and related electronic equipment;
- telecommunication equipment;

vehicles and boats.

Personal service establishments including
tailors, furriers, dressmaking or sewing;
barbers and beauticians;
dry cleaning, laundries and laundromats;
carpet and upholstery cleaning;
shoe, leather, watch, clock, lamp, camera, radio, television and appliance
repair;
photo and art studios;
photocopying and printing;
travel bureaus;
picture framing;
interior decorating;
custom signs and lettering;
website design, internet sales and services;
locksmiths, alarm and security systems;
caterers;
micro-blading service establishments licensed by the state of Ohio;
exercise and fitness studios, martial arts facilities, yoga studios, and similar
disciplines and related facilities.

Indoor Theater for Motion Pictures.

- (b) Conditional Buildings, Structures, and Uses. Only the following conditional use shall be allowed:

Adult day-care. See Section 141.02(d) for conditions.

Party centers.

Places of worship or churches provided no part of any building or land shall be used for business, commercial use or non-place of worship related activities. **[Z-1998-3 - Effective 11/25/1998]**

Child day-care center as licensed by the State. See Section 141.02(d) for conditions.

Lodges and fraternal organizations.

Private museums, art galleries and libraries.

Funeral homes but not including crematoriums.

Hospitals, clinics and emergency care centers.

Veterinary hospitals.

Service station garages or repair garages provided:

such uses are served by central sewage disposal facilities;
no motor vehicle shall be parked nor shall any pump or pump island
including Electric Vehicle Supply Equipment (EVSE) and spaces or
stations for such equipment (see also Section 161.18 for any additional
applicable regulations) be located on the premises closer than thirty (30)
feet from the right-of-way line of any dedicated street;

no rental trailers may be stored or displayed outside, and;

no repair work on motor vehicles shall be done except within a building.

Shopping Center Mall.

Shopping Strip Center. [Z-2000-2 – Effective 6/21/2000]

Indoor Golf Driving Range. [Z-1995-4 – Effective 2/26/1996]

Outdoor Miniature Golf Course as an accessory use to Indoor Golf Driving Range. [Z-1997-8 – Effective 4/15/1998]

Aboveground gas or oil tanks or pumps, not exceeding five hundred (500) gallons, shall not be located in the front yard or within fifteen (15) feet of any side or rear lot line.

Indoor or outdoor tennis club subject to the following conditions:

- (1) The minimum lot size shall be ten (10) acres, calculated exclusive of the area within any road right-of-way, and shall be held in the same ownership.
- (2) Every building and structure shall be set back at least one hundred (100) feet from the road right-of-way margin and hundred (100) feet from all property lines.
- (3) The minimum lot frontage shall be one hundred fifty (150) feet.
- (4) Where exterior lighting is provided in or around such use, it shall be arranged so that no annoying glare is directed or reflected toward other buildings or streets adjacent to the tennis club.
- (5) Retail sales and services shall not be permitted except those incidental to the running of the club, restaurant, snack bar, pro shop, pool and private parties.
- (6) The following accessory facilities shall be allowed:
 - (a) Platform tennis courts
 - (b) Health club facilities
 - (c) Bath house, dressing rooms, sanitary facilities
 - (d) Swimming pool (Maximum 5,000 square feet)
 - (e) Volleyball courts
 - (f) Squash and racquetball courts.
- (7) The following activities shall not be allowed:
 - (a) Picnic grounds
 - (b) Barbecue pits
 - (c) Tents, cabins, trailers, and similar structures used for residential occupancy whether temporary or permanent.

- (8) Shall comply with all of the other applicable regulations for the zoning district in which it is located.

Outdoor Dining as defined in Section 105.02 subject to the following conditions:

- (1) Conditions: An outdoor dining area shall be subject to the following conditions, the general standards and specific criteria set forth in Section 117.13, and such other conditions as may be determined by the Board of Zoning Appeals. In the event of any conflict with the provisions of this section and other sections of this resolution, the more stringent provision shall apply.
 - a. The outdoor dining area shall be contiguous with the principal permitted restaurant or tavern use on a lot and located on a patio or deck, with or without a permanent roof.
 - b. The outdoor dining area shall comply with all required minimum setbacks, structure height, and maximum lot coverage.
 - c. An outdoor dining area shall be setback a minimum of one hundred (100) feet from any residential zoning district boundary line.
 - d. The entry and exit aisles used by patrons and employees to the outdoor dining area in relationship the principal building devoted to the permitted restaurant or tavern use shall at all times remain open and unimpeded by tables, chairs, furnishings, or equipment.
 - e. The perimeter of the outdoor dining area shall be fully enclosed by a decorative fence or wall with appropriate means of entry and exit, not less than four (4) feet in height and in compliance with Chapter 161. Concrete filled bollards or planting boxes affixed to the ground made of concrete or masonry material, not less than four (4) feet in height, shall be located along the perimeter of the outdoor dining area where it is adjacent off-street parking spaces and driveways in order to prevent access by vehicles.
 - f. The outdoor dining area shall be kept free of litter and in a safe and sanitary condition at all times, including tables, chairs, umbrellas and any screening or landscaping areas.
 - g. No cooking facilities, including permanent or portable grills or similar equipment, shall be permitted within an outdoor dining area. All cooking shall be conducted within the principal building where the restaurant or tavern is located. The restaurant or tavern shall provide, prepare, and serve the food and beverages consumed by patrons within the outdoor dining area.
 - h. The outdoor dining area seating capacity shall not exceed fifty percent (50%) of the indoor seating capacity of the restaurant or tavern that is accessible to the public.
 - i. Any noise, vibration, smoke, electrical interference, dust, odors, or heat associated with an outdoor dining area shall not be detectable to the ordinary senses beyond the lot lines. This shall include any outside entertainment or equipment, including but not limited to, a band, orchestra, musician, singer, individual, group, radio, television, loudspeaker, microphone, or other amplifying mechanical device.
 - j. Signage shall comply with Chapter 173.
 - k. Off-street parking spaces shall comply with Chapter 169 and the minimum number of spaces required shall include the seating area or outdoor dining.
 - l. Lighting shall comply with Chapter 161.

- m. All tables, chairs, umbrellas, furnishings, and any other portable equipment shall be completely removed and stored indoors or off-premises when the outdoor dining area is closed for the season.
- n. The owner or lessee shall comply with all applicable governmental codes and regulations, including R.C. 4301.62, Ohio Liquor Control Law.

(c) Accessory Buildings, Structures, and Uses. Only the following accessory buildings, structures, and uses shall be permitted:

Wind energy conversion systems or wind turbines in accordance with Chapter 161.

Ground mounted satellite dishes and UHF television antennas, and roof-mounted satellite dishes and UHF television antennas in accordance with Chapter 161.

Drive-In, Drive-Through Facilities are permitted subject to the regulations in Sections 143.06 and 169.08.

Off-street parking and load/unloading spaces in accordance with Chapter 169.

Signs in accordance with Chapter 173.

Solar panels and solar panel arrays in accordance with Chapter 161.

143.03 HEIGHT, AREA, YARDS AND BULK.

All uses, buildings and structures located within the CB Convenience Business District shall conform to the following requirements:

- (a) Minimum Lot Area. Lots shall have a minimum area of one (1) acre (43,560 square feet), exclusive of public or private road right of way.
- (b) Minimum Lot Width. All lots shall have a minimum width of one hundred fifty (150) feet.
- (c) Maximum Lot Coverage. Lot coverage shall not exceed forty percent (40%).
- (d) Minimum Yard Dimensions.
 - (1) Front yards. No building or structure, including paved or graveled areas other than roadways or driveways not used for the parking of vehicles, shall be located less than seventy (70) feet from the right of way of any public or private road right of way. For lots abutting State or Federal highways, such distance shall be increased to one hundred (100) feet from the right of way of such highways. For lots wholly or partly abutting a residential district, including lots abutting a residential district on the center line of a public or private road right of way, such distance shall be increased to one hundred (100) feet from the right of way of all public or private road rights of way lying wholly or partly within the residential district.

- (2) Side yards. Each lot or separate development shall have side yards, free of all buildings and structures including paved or graveled areas, of not less than twenty (20) feet; except that parking or loading areas may be located up to the boundary line of an adjacent property where such areas serving the establishment are shared with or coordinated with similar areas serving such adjacent property. For lots wholly or partly abutting a residential district, a side yard of not less than forty (40) feet shall be maintained free of all buildings and structures including paved or graveled areas along all boundary lines abutting such residential district. No commercial building shall be located less than one hundred (100) feet from the boundary line of any lot located in a residential district.
- (3) Rear yards. A rear yard of not less than fifty (50) feet shall be maintained free of all buildings and structures including paved and graveled areas. For lots abutting a residential district, the rear yard shall be increased to sixty (60) feet along the boundary line adjacent to a residential district.

(e) Maximum Height. No building or other structure shall exceed a height of thirty-five (35) feet or two and one-half (2.5) stories, whichever is less other than indoor theaters for motion picture use which shall be no higher than forty-five (45) feet, with any building between forty (40) and forty-five (45) feet having automatic smoke vents or the currently deemed acceptable device for smoke ventilation.

(f) Parking and Loading/Unloading. Off-street parking and loading/unloading spaces shall conform to requirements of Chapter 169.

(g) Screening and Landscaping. All yards shall be entirely landscaped. Where the lot line of a parcel abuts a residential district, a solid wall or uniformly painted fence not less than five (5) nor more than six (6) feet in height shall be constructed and maintained along such lot line. In the alternative, a strip of land densely planted with shrubs or trees and not less than four (4) feet wide may be maintained along such boundary line, so as to form a year-round dense visual screen.

(h) Minimum Front Lot Lines/Lot Frontage. All front lot lines shall be a minimum of one hundred fifty (150) feet.

143.04 OUTSIDE SALE OF EQUIPMENT AND MERCHANDISE.

- (a) Except for farm markets and roadside stands, no equipment, merchandise or food except for Christmas trees or nursery stock shall be permanently displayed for sale in the open or outside any building. Except for and during actual loading or unloading, no trailer shall be parked on any lot for the receipt, storage or sale of any equipment, merchandise or food therefrom. No tents or stands shall be erected on any lot for the receipt, storage or sale of equipment, merchandise or food, with the exception of temporary charitable events sponsored by a non-profit organization and as may be permitted in accordance with Section 161.03. **[Z-1996-4 – Effective 5/28/1996]**
- (b) There shall be no more than two (2) exterior vending machines and they shall be located immediately adjacent to a building.

- (c) Vending Kiosks and Automated Teller Machines (ATMs) that are stand-alone structures may be located in a parking lot and are permitted subject to the following regulations:
 - (1) Minimum yards: see Section 143.03(d).
 - (2) Maximum height: Ten (10) feet.
 - (3) Maximum size: Twenty-five (25) square feet.
 - (4) Maximum number per lot: Two (2).
 - (5) Design:
 - a. They shall be elevated above the parking lot surface and protected by a six-inch curb or protected by bollards.
 - b. Walk-up vending kiosks and ATMs shall be connected to external pedestrian circulation systems and shall not interfere with vehicular circulation.

143.05 CONDITIONS FOR SHOPPING CENTER MALL.
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- (a) The uses set forth in Section 143.02 (a) shall be permitted uses in a Shopping Center Mall along with supermarkets and department stores.
- (b) The shopping center mall shall be constructed as a single unitary structure and all uses shall have direct access from the interior of the enclosed mall. The mall shall contain a minimum of two (2) anchor tenants, each with not less than 75,000 square feet of usable area.
- (c) The entrances and exits to a Shopping Center Mall shall be planned to cause the least amount of traffic congestion. No access point shall be located closer than one hundred and twenty-five (125) feet from the intersection of two or more streets. There shall not be more than two (2) access points on any street.
- (d) The permanent outdoor storage, display, servicing or repair of equipment, goods or merchandise shall be prohibited, irrespective of whether or not such are for sale.
- (e) The minimum area to develop a Shopping Center Mall shall be one hundred (100) acres.
- (f) Not more than forty percent (40%) of the area shall be occupied by buildings and structures.
- (g) The maximum height of the building shall be thirty-five (35) feet or two and one-half (2.5) stories, whichever is less.
- (h) Trash compactors, dumpsters or other similar facilities shall be screened from public view and may be located in the loading/unloading areas.
- (i) Outdoor lighting shall be designed by an illuminating engineer to prevent glare or direct light on abutting public or private property. Outdoor lighting shall be diminished after 10:00 p.m. except for security or occasional special event lighting. Outdoor lighting shall be in accordance with Chapter 161.

143.06 DRIVE-IN, DRIVE-THROUGH FACILITY REGULATIONS.

- (a) A drive-up window or station for payment or pick-up of an order shall not be located in front of any building.
- (b) An exterior menu ordering and communication or speaker system shall be:
 - (1) Utilized only for the purposes of communications between employees and customers.
 - (2) Located a maximum of ten (10) feet from the nearest wall of the building that it serves.
 - (3) Designed to direct the sound away from any adjacent residential uses.
 - (4) Located so that service is to the driver's side door.
- (c) Vehicle queuing or stacking shall comply with Section 169.08.