

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 public sewage treatment facilities and central public water supply services, 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, veterinary, 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:

- dance;
- exam preparation;
- music;
- self-defense;
- self-improvement and weight loss.

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

- bakeries;
- confectionery shops;
- delicatessens;
- ice cream parlors;
- meat markets;
- 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:

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

Specialty retailers selling the following merchandise:

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

Personal service establishments including:

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

Funeral homes but not including crematoriums.

Indoor theater for motion pictures.

Lodges and fraternal organizations.

Private museums, art galleries and libraries.

Vehicle sales and leasing subject to the following regulations:

- (1) No vehicle shall be parked for display within fifty (50) feet of the road right-of-way.
- (2) The area where vehicles are parked for display shall be paved with asphalt or concrete.
- (3) All vehicles shall be in fully operable condition.
- (4) No vehicle repairs shall be permitted.
- (5) The Zoning Inspector shall require proof of compliance with applicable State of Ohio dealer licensing regulations.

Repair garages subject to the following regulations:

- (1) Repair work on vehicles outside of a completely enclosed building shall be prohibited.
- (2) Vehicles or trailers for short-term rental shall not be stored, displayed, or parked in front of any building.
- (3) Vehicle parts and supplies shall be stored within a completely enclosed building.
- (4) Sale, lease, or display of vehicles shall be prohibited.
- (5) Repair work on tractor-trailers shall be prohibited.

Service stations subject to the following regulations:

- (1) Fuel, oil, grease, batteries, and vehicle accessories may be supplied and sold at retail.
- (2) A canopy over any fuel pumps or fuel pump islands, including EVSE spaces or stations, shall be set back a minimum of thirty (30) feet from the road right-of-way. See also Section 161.18 for additional EVSE regulations. The maximum height of a canopy shall be twenty (20) feet.

- (3) The minimum setback for pump islands from the road right-of-way shall be forty-five (45) feet.
- (4) Vehicle mechanical repairs and body work, straightening of body parts, painting, welding, storage of vehicles not in operating condition, or other work involving noise, glare, fumes and smoke shall be prohibited.
- (5) Sale, lease, rental or display of vehicles or trailers shall be prohibited.
- (6) Retail sale of beverages, food, tobacco, and similar convenience goods is permitted within a fully enclosed building.

- (b) Conditional Buildings, Structures, and Uses. Only the following conditional uses shall be allowed after obtaining a conditional zoning certificate in accordance with the provisions of Chapter 117 of this Resolution, particularly Sections 117.12 and 117.13, the applicable provisions for the affected zoning district, and such other conditions as may be determined by the Board of Zoning Appeals in accordance with Section 117.14.

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

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

Event center or facility.

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.

Hospitals, clinics and emergency care centers.

Veterinary hospitals.

Indoor golf driving range.

Outdoor miniature golf course as an accessory use to indoor golf driving range.

Shopping Strip Center.

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 and width 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 in accordance with Section 161.12.
- (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 buildings, structures, and uses shall be allowed:

- (a) Basketball courts
- (b) Bathhouse, dressing rooms, sanitary facilities
- (c) Health club facilities
- (d) Other hard surface courts for recreational activities
- (e) Pickleball courts
- (f) Platform tennis courts
- (g) Squash and racquetball courts
- (h) Swimming pool
- (i) Volleyball courts

(7) The following buildings, structures, vehicles, and uses shall be prohibited:

- (a) Picnic grounds
- (b) Barbecue pits
- (c) Tents, cabins, trailers, and similar structures used for residential occupancy whether temporary or permanent.

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

- (1) 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.
- (2) The outdoor dining area shall comply with all required minimum setbacks, structure height, and maximum lot coverage.
- (3) An outdoor dining area shall be set back a minimum of one hundred (100) feet from any residential zoning district boundary line.
- (4) The entry and exit aisles used by patrons and employees to the outdoor dining area in relationship to 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.

- (9) 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.
- (10) Signage shall comply with Chapter 173.
- (11) Off-street parking spaces shall comply with Chapter 169 and the minimum number of spaces required shall include the seating area for outdoor dining.
- (12) Exterior lighting shall comply with Section 161.12.
- (13) 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.
- (14) 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:

- (1) Above-ground gas or oil tanks or pumps, not exceeding five hundred (500) gallons, shall not be located in the front yard, in front of a principal building, or within fifteen (15) feet of any side or rear lot line.
- (2) Drive-In, Drive-Through Facilities are permitted subject to the regulations in Sections 143.05 and 169.08.
- (3) Ground mounted satellite dishes and antennas, roof-mounted satellite dishes and antennas in accordance with Chapter 161.
- (4) Off-street parking and load/unloading spaces in accordance with Chapter 169.
- (5) Outdoor lighting in accordance with Chapter 169.
- (6) Signs in accordance with Chapter 173.
- (7) Solar panels and solar panel arrays in accordance with Chapter 161.
- (8) Such other applicable buildings, structures, and uses as set forth in Chapter 161.
- (9) Trash containers and recycling bins in accordance with Chapter 161.
- (10) Water Management and Sediment Control facilities in accordance with Chapter 159.
- (11) Wind energy conversion systems or wind turbines 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. See also Section 161.24.

- (a) Minimum Lot Area. Lots shall have a minimum area of one (1) acre (43,560 square feet), exclusive of the 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, other than driveways, 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 roads 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, 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 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. 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.
 - (4) Minimum riparian setback: See Chapter 160.
- (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.
- (f) Parking and Loading/Unloading. Off-street parking and loading/unloading spaces shall conform to the 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. See also Section 161.23.

(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 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.
- (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 four (4) feet in height.
 - b. Walk-up vending kiosks and ATMs shall be connected to external pedestrian circulation systems and shall not interfere with vehicular circulation.

143.05 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 fifty (50) 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.

143.06 CENTRAL SANITARY SEWER AND WATER LINE CONNECTIONS.

A building, structure, or use located in the Convenience Business (CB) Zoning District shall be connected to a public central sanitary sewer line within an existing sanitary sewer service plan area as shown on the adopted 208 Service Plan for the township and to a public or private central water line.