

**Concord Township Trustee**  
**October 5, 2022 Public Hearing**

**7:15 pm**

**Amendment #1:** Zoning Map Amendment to rezone current permanent parcel number 08-A-014-0-00-012-0, which is owned by Stephen Lovick and located on the north side of Concord Hambden Road between Auburn Road and Ravenna Road, from the current zoning district of THN, Town Hall Neighborhood to R-1, Residential District.

**Amendment #2:** Modify Section VI, General Requirements, to delete all references to the THN, Town Hall Neighborhood district

**Amendment #3:** Modify Section 11.02, Site Plan Review Required Prior to Issuance of a Zoning Permit to delete the reference to the THN, Town Hall Neighborhood district

**Amendment #4:** Modify Conditional Use Permit Sections 13.07, 13.08, 13.18, 13.20, 13.24 and 13.33 to delete all references to the THN, Town Hall Neighborhood district

**Amendment #5:** Modify Section XIV, Use Districts, to delete the THN, Town Hall Neighborhood district

**Amendment #6:** Modify Section XXII, Commercial and Industrial District Regulations to delete all references to the THN, Town Hall Neighborhood District

**Amendment #7:** Modify Section 30.05, Permanent Signs in Commercial, Manufacturing and Research Districts to delete all references to the THN, Town Hall Neighborhood district

**Amendment #8:** Modify Fences Section 34.01 Applicability to delete reference to the THN, Town Hall Neighborhood district

**Amendment #9:** Modify Section 36.02, Site Plan Review Required to delete reference to the THN, Town Hall Neighborhood district

**Amendment #10:** Modify Design Standards Section 37.03, Requirement to delete all references to the THN, Town Hall Neighborhood district

**Amendment #11:** Modify Section XXXVIII, Landscape and Screening Requirements to delete all references to the THN, Town Hall Neighborhood district

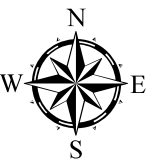
# CONCORD TOWNSHIP ZONING MAP

This Amended Zoning Map is Hereby Adopted  
by the Concord Township Board of Trustees  
This \_\_\_\_\_ Day of \_\_\_\_\_ 2022, and  
Effective This \_\_\_\_\_ Day of \_\_\_\_\_ 2022,  
and Certified by the Fiscal Officer.



Concord Township Hall  
7229 Ravenna Rd.  
Concord, OH 44077

concordtwp.com



\_\_\_\_\_  
Carl H. Dondorfer, Trustee

\_\_\_\_\_  
Amy L. Lucci, Trustee

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Morgan R. McIntosh, Trustee

\_\_\_\_\_  
Amy L. Dawson, Fiscal Officer

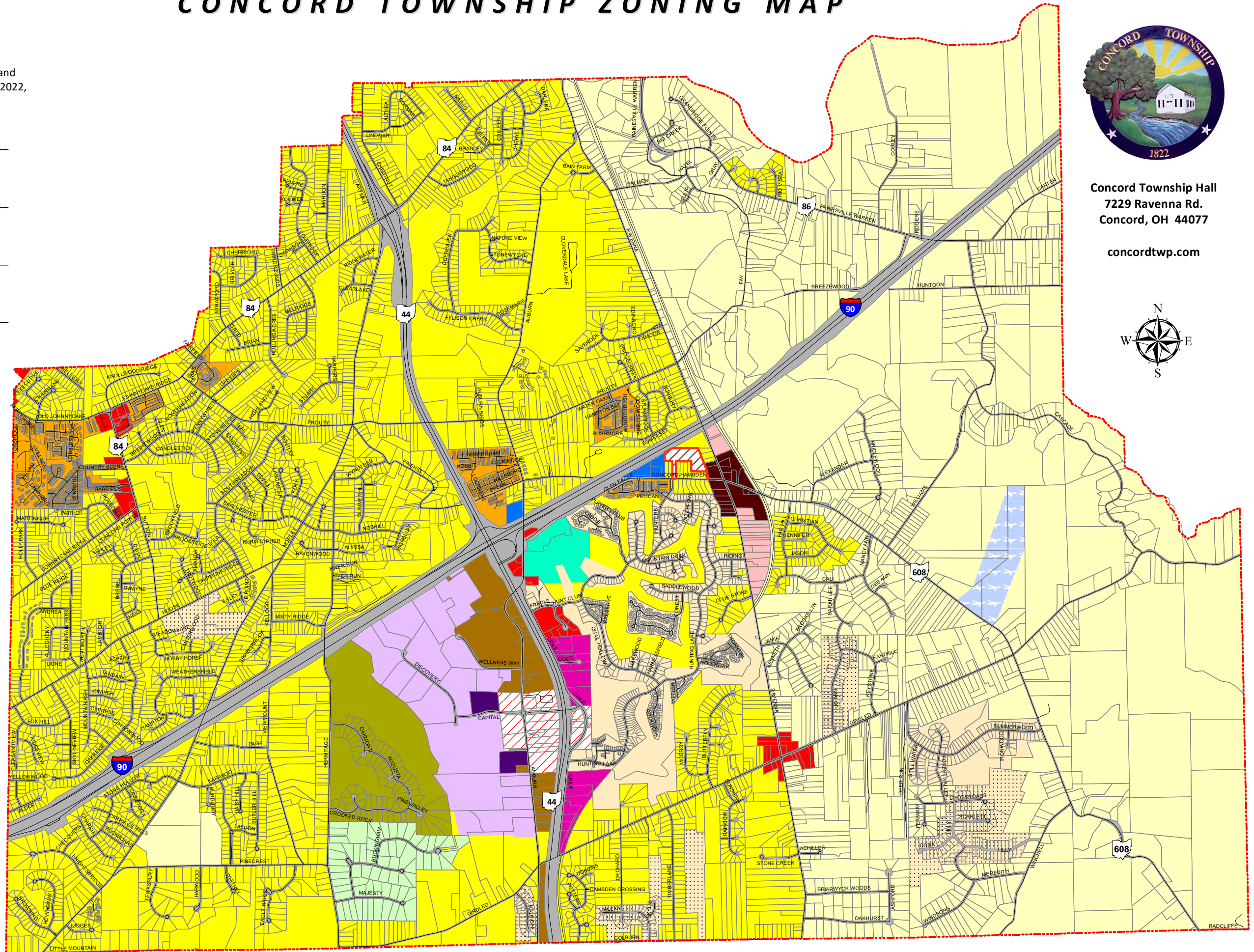
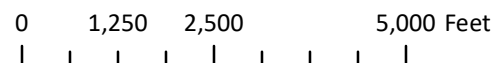
Town Hall Neighborhood to R-1

## Zoning

### District

- AP: Airport
- B-1: Restricted Retail
- B-2: General Business
- BX: Business Interchange
- C: Capital
- GB: Gateway Business
- GH: Gateway Health
- M: Manufacturing
- R-1: Residential
- R-2: Planned Unit Development
- R-2: Residential Conservation Development
- R-3: Residential
- R-4: Residential
- R-6: Residential
- R-8: Rural Residential and Recreational
- RD-2: Research and Limited Industrial
- S: Special Interchange
- THC: Town Hall Commons
- THN: Town Hall Neighborhood

1 inch = 2,500 feet



RADCLIFFE

## SECTION VI – GENERAL REQUIREMENTS

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| <p>6.01 Exemptions.</p> <p>6.02 Prohibited Uses.</p> <p>6.03 Compliance Required.</p> | <p>6.04 Second Principal Building on Lot.</p> <p>6.05 Performance Standards.</p> |
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### 6.01 EXEMPTIONS.

- A. Public Utility or Railroad Exemption. This Resolution shall not apply to public utilities or railroads. (5/1955)
- B. Agricultural Uses.
1. Agricultural uses, and buildings or structures that are incidental to agricultural uses, located on lots with a lot area of five (5) acres or more, shall be exempt from the requirements of this Zoning Resolution and property owners shall not be required to obtain a zoning permit for such uses in accordance with ORC Section 519.21. (4/1/2011)
  2. For any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of 15 or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the Township shall require a zoning certificate for and shall comply with the following:
    - a. On lots one (1) acre or less and within a platted subdivision, only the raising of fruits, vegetables, or nursery stock for private use, consumption or incidental sale shall be permitted. An agricultural building shall be permitted in conjunction with such use, the size of which shall not exceed the maximum area permitted for accessory buildings in the district in which the building is located. All buildings shall also comply with the setback regulations set forth in the district in which the building(s) is located. (4/1/2011)
    - b. Buildings or structures incidental to the use of land for agricultural purposes on lots greater than one (1) acre, but not greater than five (5) acres, shall comply with the setback, height and size restrictions set forth in the district in which the building or structure is located, except as otherwise required for buildings housing animals in subsection C, below. (4/1/2011)
    - c. Dairying and animal and poultry husbandry may be permitted on lots greater than one (1) acre, but not greater than five (5) acres must comply with the following: (Amended 7/5/2019)



- i. Whenever one or more animals are kept outdoors on a lot for such agricultural uses, an accessory building for their shelter shall be constructed on the lot.
- ii. The area of the accessory building intended to provide shelter for one or more animals for such agricultural uses shall not exceed the maximum area permitted for accessory buildings in the district in which the building is located.
- iii. Such accessory building shall comply with the following minimum setback or clearance requirements: 70 feet from the street right-of-way; 25 feet from the side or rear property line; and 100 feet from any water well. (4/1/2011)
- d. A dwelling unit on the same lot with an agricultural use and all accessory buildings associated with the dwelling unit shall comply with the applicable district regulations. However, when the number of accessory buildings is limited in a Residential District due to lot size, one (1) agricultural building may be constructed in addition to one (1) permitted non-agricultural accessory building, provided the combined area of the two (2) accessory buildings does not exceed the maximum area allowed in the district in which such accessory buildings are proposed. (4/1/2011)
- e. The use of any land for a roadside stand or market where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year shall be regulated as follows:
  - i. Each property shall be permitted only one roadside stand or market.
  - ii. The area of the roadside stand shall not exceed 200 square feet.
  - iii. The roadside stand shall be located a minimum of 30 feet from any street right-of-way line and a minimum of 15 feet from any side lot line.
  - iv. Adequate parking shall be available so as not to create a traffic safety hazard.
  - v. Any signage advertising the sale shall be in conformance with the requirements set forth in Section XXX.
  - vi. The roadside stand shall be removed at the conclusion of the farm's seasonal sales and stored in an enclosed building or placed in the rear yard. (4/1/2011)

## **6.02 PROHIBITED USES.**

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any District: (9/17/1964; Amended 12/17/1998 & 6/19/2009; 2/15/2013; 2/6/2015)

- A. Commercial amusement park. (6/17/1964)
- B. Distilling of bones, fat or glue; glue or gelatin manufacturing. (6/17/1964)
- C. Manufacturing or storage of explosives, gun powder or fireworks. (6/17/1964)

- D. Dumping, storing, burying, reducing, disposing of or burning of garbage, refuse, scrap, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of the premises, unless done at a place provided by the Township Trustees for such specific purpose. (6/17/1964)
- E. Junk yards, automobile graveyards, or places for a collection of scrap metal, paper, rags, glass, or junk for salvage or storage purposes, or for dismantling used vehicles. (6/17/1964)
- F. Race tracks. (6/17/1964)
- G. The maintenance of any premises or the permitting the use of any premises for the operation of two (2) or more motor vehicles, as defined in Section 4501.11 of the Revised Code of Ohio, which are participating in an attempt to outdistance each other over a selected course, intending thereby to include as a nuisance the racing of motor vehicles in any form, which practices are known by way of illustration rather than exclusion as drag racing, stock car racing and go-cart racing. (6/17/1964)
- H. Commercial slaughter houses. (All above 6/17/1964)
- I. Storage and Collection of Junk Motor Vehicles, Car Bodies, Appliances, Construction Materials and Equipment, and Temporary Structures on Property, as follows:
  - 1. No premises or portion thereof, in any use district, shall be used for the storage, collection, or accumulation of any junk motor vehicle as defined in this Resolution, for a period of more than 30 days, unless the vehicle is parked in a garage. (Amended 7/5/2019)
  - 2. No premises or portion thereof, in any use district, shall be used for the storage, collection or accumulation of bus bodies, car bodies, truck bodies, coaches, furniture or appliances or parts thereof.
  - 3. No premises or portion thereof in any district shall be used for the storage, collection or accumulation of construction or building materials, construction equipment or machinery except as otherwise permitted in the zoning regulations.
  - 4. No premises or portion thereof shall be used for placement of temporary structures except as incident to proposed construction thereon, maintenance of or repair of said premises. (7/23/1974; Revised 1/22/1998, 11/5/2004, 7/5/2019)
- J. Medical Marijuana Retail Dispensaries (ORC Section 3796.29) (Amended 5/6/2022)

### **6.03 COMPLIANCE REQUIRED.**

- A. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the use district in which the building or land is located. (6/17/1964)

- B. No space which for the purposes of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Resolution may, by reason of change of ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space requirement of or for any other building. (6/17/1964)

#### **6.04 SECOND PRINCIPAL BUILDING ON LOT.**

- A. A second principal building conforming to this Resolution may be constructed to the side or rear of an existing principal building on a lot, provided that each building is so located that the lot may be divided and the buildings on the resulting parcels, and the parcels themselves, will conform to the applicable requirements relating to frontage on a dedicated street or road, minimum lot area, front setback, side and rear yard clearance, and location of accessory buildings. (6/17/1964, amended 12/4/2015)
- B. As a condition of securing a Zoning Permit for a second building, the applicant shall undertake a promise that he will not convey any portion of said premises so as to create a condition violating any provision of this Resolution as existing at the time of his filing the application for the Zoning Permit, and further that if he makes such improper conveyance, he will forthwith make further conveyance or take other action to cure such violation, as may be directed by the Board of Zoning Appeals. (6/17/1964)
- C. In the event conveyance is made a part of premises and as a result of such conveyance any dwelling or building located upon said premises remaining or the premises conveyed violates the provisions of this Resolution or is less in conformity with this Resolution than before such conveyance, then said building or structure shall be moved or altered in such manner as to make it and the premises conveyed with it conform to this Resolution. Or if the same cannot be done said building shall be removed entirely from said premises. No division of premises and conveyance of part thereof, shall be made if such conveyance is of a building or structure surrounded by part of such premises and as a result of said division such conveyed premises and the structure thereon violates the Zoning Resolution either for the first time or to a greater extent than did said building and the original undivided premises. (6/17/1964)
- D. In the event two (2) or more principal buildings or structures are located on a single parcel which cannot be divided in such a way as to create two (2) or more parcels conforming to this Resolution, said single parcel shall be divided so as to secure maximum conformity of each of the constituent subdivisions thereof to the provisions of this Resolution; further provided that if the parcel is not so divided, any buildings or structures upon the constituent subdivisions of said parcel shall be removed, or moved to such location on the said subdivided parcel as to conform to the provisions of this Resolution, unless there be first secured from the Board of Zoning Appeals, on appeal thereto, permission to make such division under the variance powers possessed by said Board. (6/17/1964)

#### **6.05 PERFORMANCE STANDARDS.**

Any use established or changed, and any building or land developed, constructed or used in any

B-1, Restricted Retail; GB, Gateway Business; GH, Gateway Health District; B-2, General Business; ~~THN, Town Hall Neighborhood~~, THC Town Hall Commons; BX, Business Interchange; S, Special Interchange; M, Manufacturing; RD-2, Research and Limited Industrial District; C, Capital, or AP, Airport District shall comply with the performance standards set forth herein for the district in which such use or building is to be located as a precedence to occupancy and use. If any existing use or building is extended, enlarged or reconstructed, the performance standards for the district involved shall apply to such extended, enlarged or reconstructed part or parts of such building or use as a precedence to further use. (All of Section 6.05: 6/2/2001; Amended 6/15/2007; 6/19/2009; 2/15/2013; 2/6/2015)

A. Dust and Smoke.

1. Dust and other types of air pollution borne by the wind from sources such as parking areas, storage areas or yards shall be kept to a minimum by appropriate landscaping, paving, oiling or any other acceptable treatment.
2. The emission of smoke, soot, fly ash, fumes and/or dust shall be controlled by precipitation devices, height of stack, rate of emission or any other manner so that the quantity deposited in any B-1, GB, GH, B2, BX, ~~THN~~, THC, S, M, RD-2, C, or AP District shall not be detrimental to or endanger the public safety, comfort, welfare or adversely affect property values. (Amended 6/19/2009; 2/15/2013; 2/6/2015)

B. Fire and Explosive Hazards.

1. The storage, utilization and manufacture of materials, goods or products ranging from free to active burning is permitted, provided the materials or products shall be stored, utilized or produced within completely enclosed structures having incombustible exterior walls, and such structure shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.
2. Materials which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in B-1, GB, GH, B2, BX, ~~THN~~, THC, S, M, AP, C, or RD-2 Districts except such materials as are used or required in emergency equipment or in secondary processes accessory to the main use. (Amended 6/19/2009; 2/15/2013; 2/6/2015)

C. Glare and Heat. Any operation or process which produces glare or heat contrary to the normal and expected conditions shall be performed within an enclosure in such manner as to not be visible outside the building. Such operations shall be performed so as to not create any hazards to abutting property. (Amended 6/19/2009)

D. Odorous Matter. The emission of odorous matter in such quantities as to produce a public nuisance or hazard outside the building is prohibited in any district. The emission of odorous matter in such quantities as to produce a public nuisance or hazard shall not be

detectable beyond the lot line in a B-1, GB, GH, B-2, BX, ~~THN~~,-THC, S, M, AP, C or RD-2 district. (Amended 6/19/2009; 2/15/2013; 2/6/2015)

- E. Toxic or Noxious Matter. The discharge of toxic or noxious matter across the lot lines wherein such a use is located is prohibited for any period of time and in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property and/or abutting property.
- F. Noise. The sound pressure level of any individual operation or operations on a lot in any GB, GH, B-2, BX, ~~THN~~,-THC, S, M, AP, C, or RD-2 district, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise of the nearest Residential or B-1, Restricted Retail district. (Amended 6/19/2009; 2/15/2013; 2/6/2015)
- G. Vibration. Operations creating intense earth-shaking vibrations shall be permitted only in the BX, S, M, AP, or RD-2 districts. Such operations shall be set back from and controlled in such a manner as to prevent transmission of vibrations which would be perceptible without the aid of instruments at the lot line of a BX or M district. (Amended 6/19/2009)
- H. Waste Materials. Liquid wastes shall not be discharged into an open reservoir, stream or other open public body of water, or a storm or sanitary sewer unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkalines and other chemicals shall not exceed the amount permitted by other Federal, State or County codes.
- I. Radioactivity. No activities shall be permitted in a B-1, GB, GH, B-2, BX, ~~THN~~,-THC, S, M, C, or RD-2 District which emit dangerous radioactivity or which shall store, transfer or use radioactive material in a manner hazardous to human health. All activities shall be conducted in accordance with all applicable Federal, State and County codes. (Amended 6/19/2009; 2/15/2013; 2/6/2015)
- J. Electrical Disturbances. No establishment in a B-1, GB, GH, B-2, BX, ~~THN~~,-THC, S, M, C, or RD-2 District shall produce electrical or electronic disturbances perceptible beyond the property line of the establishment. (Amended 6/19/2009; 2/15/2013; 2/6/2015)
- K. Determination Methods. Upon receipt of any alleged performance standard violation, the Township Zoning Inspector, in conjunction with the Township Administrator, shall have the discretion to use any equipment normally available or obtainable without extraordinary expense to determine or evaluate any alleged offense under this section. If such equipment is unavailable, the Township may enlist the assistance of applicable agencies including but not limited to, the Ohio Environmental Protection Agency, the Ohio Department of Transportation, the United States Army Corps of Engineers, and/or any other recognized experts in their field. (6/2/2001)



## SECTION XI – ZONING PERMIT

11.01 Zoning Permit Required	11.06 Expiration
11.02 Site Plan Review Required	11.07 Revocation
11.03 Permit Required Prior to Construction	11.08 Zoning Permit Not Required
11.04 Zoning Permit Review Procedure	11.09 Certificate of Zoning Compliance
11.05 Review Criteria	

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### 11.01 Zoning Permit Required

A Zoning Permit shall be required for any of the following: (Amended 6/15/2007; or as otherwise noted)

- A. Construction or structural alteration of any building or structure including, but not limited to, dwellings, commercial, industrial or institutional buildings; and accessory buildings;
- B. Change of use of an existing building, accessory building, or lot;
- C. Change in occupancy of a non-residential building or unit within a non-residential building; (Amended 9/3/2010, 3/9/2018, 7/5/2019)
- D. Any change of a nonconforming use to a different use, conforming or non-conforming, or the expansion or extension of a nonconforming use; (6/1959)
- E. Decks and porches; (7/16/2004)
- F. Fences;
- G. Retaining walls that require a building permit from the Lake County Building Department; (3/9/2018)
- H. Permanent and temporary signs, unless exempted in Section 30.14;
- I. Swimming pools;
- J. Other yard structures including but not limited to gazebos, and pavilions;
- K. Any multi-family development or non-residential development proposing to increase the amount of parking or otherwise alter the existing parking area; or (7/16/2004; Amended 3/9/2018)
- L. Any other structure or use not listed as determined by the Zoning Inspector or as otherwise required in this Resolution. (6/15/2007; Amended 3/9/2018)

### 11.02 Site Plan Review Required Prior to Issuance of a Zoning Permit (3/9/2018)

- A. Development that requires a zoning permit in the B-1, B-2, BX, GB, GH, ~~THN~~, THC, RD-2, M, S, R-3, or C Districts or non-residential uses permitted in the Residential Use Districts

or the R-2, Planned Unit Development shall be subject to site plan review pursuant to Section XXXVI, Site Plan Review with the following exemptions that shall be reviewed by the Zoning Inspector through the zoning permit review process.

1. Tenant finishes and interior alterations;
2. Change in use or occupancy of an existing building;
3. Signage; and
4. Accessory buildings less than 1,500 square feet.

#### **11.03 Permit Required Before Construction**

No construction, alteration, occupancy, use or change of use, as specified in this section, shall take place until a Zoning Permit has been issued by the Zoning Inspector. (6/1959)

#### **11.04 Zoning Permit Review Procedure (3/9/2018)**

Written application for a Zoning Permit shall be made prior to submitting an application to the Lake County Building Department for a building permit.

- A. Step 1 – Application. The applicant shall submit the following to the Zoning Inspector:
  1. Zoning permit application, provided by the Township;
  2. A site plan (drawn to scale), construction plans, and specifications showing the size and the proposed location of the building, structure or use, and the location of adjacent buildings, structures, and roads, indicating setback distances and yards (6/17/1964); [See Concord Township Board of Trustees Resolution 1972-21 and 1976-11 for need of preparation by registered engineer or surveyor in certain cases.]
  3. Any other additional information as may be required by the Zoning Department to assure the fullest practicable presentation of the facts; and
  4. All required fees in accordance with a fee schedule adopted by the Township Trustees.
- B. Step 2 – Review. The Zoning Inspector shall review the application for conformance with the regulations in this Zoning Resolution.
- C. Step 3 – Decision.
  1. The Zoning Inspector shall review each completed application and either approve or disapprove the application within thirty (30) days of the application.
  2. If approved, the Zoning Inspector shall issue a zoning permit to the applicant. A copy of the application will be maintained for township records. A placard will also be issued and shall be posted at the property in a conspicuous place while the building, structure or use is being erected.
  3. If the Zoning Inspector disapproves an application, the inspector shall state in writing the reasons for the action taken.

exceeds the bond covering such restoration the additional cost shall be charged as a lien against the property.

- N. The Board of Zoning Appeals, in addition to the other powers granted to it by this Resolution, shall have the authority to allow the permanent impounding of water in such an excavation upon a finding that such a pond or lake will not be a health danger or safety hazard, and as a condition to allowing such a pond or lake may require that it be fenced or otherwise protected so that it will not become a nuisance.

(All of Section 13.06 - 3/23/1976 except as noted)

13.07 RESIDENTIAL CARE FACILITY, NURSING HOME, HOME FOR THE AGING, OR HOSPICE CARE FACILITY (as defined in the Ohio Revised Code) shall be permitted in an R-1 Residential District, an R-4 Residential District, a B-1, Restricted Retail District, B-2, General Business District, or GH, Gateway Health District, ~~or a THN, Town Hall Neighborhood District~~ when granted as a Conditional Use subject to the following conditions: (Amended 6/19/2009; 2/15/2013)

- A. Land Requirements: A residential care facility, nursing home, home for the aging and/or hospice care facility shall be located on a parcel of land with the following minimum requirements: (Amended 6/19/2009)
1. R-1, Residential District: A parcel of at least five (5) acres in area and having a minimum of two hundred and fifty (250) feet of frontage on the right-of-way sideline of a dedicated road.
  2. R-4, Residential District: A parcel of at least ten (10) acres in area and having at least three hundred (300) feet of frontage on the right-of-way sideline of a dedicated road. (Amended 6/19/2009)
  3. B-1, Restricted Retail District; B-2, General Business District; or GH, Gateway Health District; ~~; and THN, Town Hall Neighborhood District:~~ A parcel of at least three (3) acres in area and having at least two hundred (200) feet of frontage on the right-of-way sideline of a dedicated road. (Amended 6/19/2009; 2/15/2013)
- B. Total Gross Floor Area: A residential care facility, nursing home, home for the aging and/or hospice care facility development shall not exceed the following maximum total gross floor area: (Amended 6/19/2009)
1. R-1, Residential District: Based on the following Calculation:  
 Begin with the total acreage of the parcel. Then subtract one-half ( $\frac{1}{2}$ ) of the portion of the acreage determined to be Sensitive Lands as defined in this section from the total acreage of the parcel. The remaining acreage is then multiplied by 1.75 (the approximate number of homes that could be built per acre under the R-1 district guidelines). This multiplication results in the approximate total number of homes that could have been built on the site. The approximate total number of homes that could have been built is then multiplied by 3,000 (the approximate square footage of a new home, including garage) to determine the maximum gross square footage of a residential care facility, nursing home and/or home for the aging, or hospice care facility that could be built on the site. (Amended 6/19/2009)  
 [Total Acreage -  $\frac{1}{2}$ /Acreage of Sensitive Lands x 1.75 x 3,000 = square footage that may be built]
    - a. For the purposes of this Section, "Sensitive Lands" shall be defined as follows:
      - i. Delineated wetlands;

- ii. Areas within the one-hundred (100) year flood plain;
  - iii. Gosport Soils.
- 2. R-4, Residential District: Based on the following Calculation:
 

Begin with the total acreage of the parcel. Then subtract one-half ( $\frac{1}{2}$ ) of the portion of the acreage determined to be Sensitive Lands as defined in this section from the total acreage of the parcel. The remaining acreage is then multiplied by 0.75 (the approximate number of homes that could be built per acre under the R-4 district guidelines). This multiplication results in the approximate total number of homes that could have been built on the site. The approximate total number of homes that could have been built is then multiplied by 3,000 (the approximate square footage of a new home, including garage) to determine the maximum gross square footage of a residential care facility, nursing home and/or home for the aging or hospice care facility that could be built on the site. (Amended 6/19/2009)

[Total Acreage -  $\frac{1}{2}$ /Acreage of Sensitive Lands x 0.75 x 3,000 = square footage that may be built]

  - a. For the purposes of this Section, "Sensitive Lands" shall be defined as follows: (Amended 6/19/2009)
    - i. Delineated wetlands;
    - ii. Areas within the one-hundred (100) year flood plain;
    - iii. Gosport Soils.
- 3. B-1, Restricted Retail District; B-2, General Business District; or GH, Gateway Health District; ~~and THN, Town Hall Neighborhood District~~: Shall not exceed thirty percent (30%) of the total lot area. (Amended 6/19/2009; 2/15/2013)
- C. Setbacks from Public Right-of-Way: No building or portion of a building shall be located closer to the right-of-way sideline of a dedicated road than the following: (6/19/2009)
  - 1. R-1 and R-4 Residential Districts: Sixty (60) feet. (6/19/2009)
  - 2. B-1, Restricted Retail District; B-2, General Business District; or GH, Gateway Health District; ~~and THN, Town Hall Neighborhood District~~: In compliance with the minimum front building setback established for the corresponding district, as set forth in Sect. 22.04. (6/19/2009; 2/15/2013)
- D. Setbacks from Adjoining Property Lines: No building or portion of a building shall be located closer to an adjoining property line than the following:
  - 1. R-1, Residential District: Sixty (60) feet from an adjoining property line.
  - 2. R-4, Residential District: Sixty (60) feet from an adjoining property line. (Amended 6/19/2009)
  - 3. B-1, Restricted Retail District; B-2, General Business District; or GH, Gateway Health District; ~~and THN, Town Hall Neighborhood District~~: Thirty (30) feet from an adjoining property line, except when abutting any residential district in which case no building shall be closer than fifty (50) feet to an abutting property line. (Amended 6/19/2009; 2/15/2013)
- E. Such uses shall be located on a major street or have direct access to a major street without going through a residential neighborhood in order to lessen the impact on the residential neighborhood.
- F. All exterior lighting shall be directed toward the interior of the lot so as to minimize light

emission onto neighboring properties.

- G. All refuse areas shall be enclosed.
- H. All signs shall conform to the zoning requirements for the district in which they are located in accordance with Section XXX of this Resolution.
- I. Parking: Off-street parking shall comply with the standards in Section XXIX, except as specifically modified below. (Amended 3/9/2018)
  - 1. Parking Setbacks:
    - a. R-1, Residential District: No parking area shall be located closer than sixty (60) feet to an abutting property line.
    - b. R-4, Residential District: No parking area shall be located closer than sixty (60) feet to an abutting property line.
    - c. B-1, Restricted Retail District; B-2, General Business District; or GH, Gateway Health District; ~~and THN, Town Hall Neighborhood District~~: No parking area shall be located closer than ten (10) feet to an abutting side property line and twenty-five (25) feet from the rear property line, except when abutting any residential district in which case no parking area shall be closer than fifty (50) feet to an abutting property line. (Amended 6/19/2009; 2/15/2013)
    - d. No parking area in an R-1, R-4, B-1, B-2, or GH ~~or THN~~ District shall be closer than twenty-five (25) feet to any public road right-of-way sideline. (Amended 6/19/2009; 2/15/2013)
- J. No access drive shall be closer than ten (10) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways. (Amended 2/15/2013)
- K. If not specifically addressed in this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.
- L. Landscaping and Buffering: A residential care facility, nursing home, home for the aging, or hospice care facility shall provide landscaping in accordance with the Landscaping and Screening Requirements set forth in Section XXXVIII of the Zoning Resolution. (Amended 6/19/2009)
- M. Safety/Inspection: (Amended 2/15/2013)
  - 1. A Residential Care Facility, Nursing Home, Home for the Aging or Hospice Care Facility shall comply with the requirements of the BOCA, National Fire Prevention Code and any amendments thereto and all other applicable safety codes. (Amended 6/19/2009)
  - 2. Inspection, for the purpose of fire safety, shall be conducted by the Concord Township Fire Department prior to occupancy by residents and periodic, unannounced inspections shall be conducted a minimum of one (1) time per year thereafter.
  - 3. Owners shall display proof of such inspection and compliance in a conspicuous place.

(All of Section 13.07 - 12/15/2001, except as noted)

- 13.08 CHILD OR ADULT DAY CARE CENTER: A child day care center for seven (7) or more children or an adult day care shall be permitted in a B-1, Restricted Retail District; GB, Gateway Business District; GH, Gateway Health District; BX, Business Interchange District; B-2, General Business District; M, Manufacturing District; THC, Town Hall Commons District; ~~THN, Town Hall Neighborhood District;~~



- F. Wireless Telecommunications Facility Located in Open Space: A wireless telecommunications facility is permitted on land that has been established as permanent open space or a park subject to the following conditions:
1. The open space shall be owned by the municipality, county, township, or state government, a homeowners association, charitable organization, or a private, non-profit organization.
  2. Maximum height permitted:
    - a. Tower: 200 feet (including antenna)
    - b. Equipment shelter: 20 feet
  3. The maximum size of the equipment shelter shall not exceed 300 square feet, or if there is more than one, 750 total square feet.
  4. The tower shall comply with the minimum setback requirements for the subject zoning district, except when abutting a single-family, duplex, or multi-family residential lot, in which case the minimum setback shall be 300 feet.
- G. Wireless telecommunication facilities proposed to be located in the B-1, GB, GH, THC, ~~THN~~, B-2, B-X, M, RD-1, RD-2, or S Districts are excluded from the requirements set forth in Section 13.18. (Amended 2/15/2013)

(All of Section 13.18 - 12/17/2004, except as noted)

13.19 RESEARCH AND DEVELOPMENT LABS: Research and Development labs shall be conditionally permitted in the GB, Gateway Business District in compliance with the following:

- A. The proposed use shall have a lot area of not less than one acre.
- B. The proposed use shall have a street frontage of not less than 150 feet.

(All of Section 13.19 – 6/15/2007)

13.20 RESTAURANT (COUNTER SERVICE); RESTAURANT (TABLE SERVICE): Restaurant (Counter Service) shall be conditionally permitted in the BX, Business Interchange; GB, Gateway Business; GH, Gateway Health; B-1, Restricted Retail; ~~THN, Town Hall Neighborhood~~; THC, Town Hall Commons; and C, Capital Districts. Restaurant (Table Service) shall be conditionally permitted in the ~~THN, Town Hall Neighborhood and~~ THC, Town Hall Commons Districts, both in compliance with the following: (Amended 6/19/2009; 2/15/2013; 2/6/2015)

- A. All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.
- B. The applicant shall demonstrate to the satisfaction of the Board of Zoning Appeals that the development will have minimal impact on traffic in adjacent residential districts.

(All of Section 13.20 – 6/15/2007, except as noted)

13.21 GARDEN OR NURSERY RETAIL SALES (NON-WHOLESALE): Garden or Nursery Retail sales (non-wholesale) shall be conditionally permitted in the BX, Business Interchange and B-1, Restricted Retail Districts in compliance with the following:

- A. Areas devoted to outdoor display shall comply with all building setbacks and yard regulations for the district in which they are located.
- B. The outdoor display area shall not be located in areas intended for traffic circulation or pedestrian access as identified on the site plan.
- C. Outdoor display areas shall be maintained in a neat and orderly fashion.

(All of Section 13.21 – 6/15/2007)

13.22 VETERINARY SERVICE: Veterinary Service shall be conditionally permitted in the BX, Business Interchange and B-1, Restricted Retail Districts in compliance with the following:

- A. There shall be no outside runs associated with the veterinary office.
- B. The boarding of animals shall be restricted to inside, short-term, overnight lodging only as necessary for animals receiving medical attention.
- C. Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.
- D. No animals shall be buried on the premises and incineration shall not create odors or smoke off the premises.

(All of Section 13.22 – 6/15/2007)

13.23 FUNERAL SERVICES: Funeral Services shall be conditionally permitted in the BX, Business Interchange, GB, Gateway Business and B-1, Restricted Retail Districts in compliance with the following:

- A. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking areas.
- B. Funeral service facilities shall not provide in-house cremation services.

(All of Section 13.23 – 6/15/2007)

13.24 BED AND BREAKFAST: Bed and Breakfast shall be conditionally permitted in the GB, Gateway Business, B-1, Restricted Retail, THC, Town Hall Commons, ~~THN, Town Hall Neighborhood,~~ and C, Capital Districts in compliance with the following: (Amended 6/19/2009; 2/6/2015)

- A. A maximum of eight (8) guestrooms shall be permitted and shall be located within the facility.
- B. Meals shall be provided only to guests taking lodging in the facility.
- C. Each guestroom should have direct access from within the room to a full bathroom containing a sink, toilet, and shower or bathtub.
- D. A floor plan designating present location, exits and evacuation routes shall be posted in conspicuous locations within the bed and breakfast.

(All of Section 13.24 – 6/15/2007 except as noted)

- B. The outdoor display of goods for sale shall comply with the following:
1. Areas devoted to outdoor display shall comply with all building setbacks and yard regulations for the district in which they are located, except as otherwise permitted for a specific use.
  2. The outdoor display area shall not be located in areas intended for traffic circulation or pedestrian access as identified on the site plan.
  3. Outdoor display areas shall not cover more than 10 percent of the site area. This limitation shall not apply to motor vehicle dealers and automotive rental establishments.
  4. No signs shall be permitted in conjunction with outdoor display areas except those otherwise in compliance with the sign regulations in Section XXX.
  5. Outdoor display areas shall be maintained in a neat and orderly fashion.
  6. The site plan submitted with an application for a conditional use permit shall indicate the types of merchandise to be displayed, and, if applicable, any seasonal changes of display.
  7. Any outdoor display or sale of merchandise shall be directly related to the principal business conducted at that location.
  8. No permanent outdoor display shall be permitted between the front wall of the principal building and the adjacent street.

(All of Section 13.32 – 6/15/2007, except as noted)

13.33 OUTSIDE DINING: Outside Dining shall be conditionally permitted in the BX Business Interchange, GB Gateway Business, B-1 Restricted Retail, ~~THN Town Hall Neighborhood~~, THC Town Hall Commons, and C, Capital Districts in compliance with the following: (Amended 6/19/2009; 2/6/2015)

- A. All outdoor dining areas shall be contiguous to the principal building.
- B. No outdoor dining areas shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.
- C. No signs shall be permitted in conjunction with outdoor dining areas except those otherwise in compliance with the sign regulations in Section XXX.
- D. The outdoor seating area shall be used in conjunction with, and under the same management and exclusive control of, the restaurant located on the same property.
- E. The outdoor seating area shall not interfere with the public right-of-way.
- F. One (1) parking space per 100 square feet of outdoor dining area shall be provided. (3/9/2018)
- G. The proposed use shall not generate excessive noise beyond the premises. Speakers used in connection with outside dining areas should be set at a volume so as not to disturb abutting properties. In order to minimize any effects of the above, the Board of Zoning Appeals may impose additional noise reduction measures, including mounding, landscaping and sound barriers, to assure that the level of noise is less than or the same as the prevailing noise levels of permitted uses in the district. (9/18/2009)
- H. Conditions may be established by the Board of Zoning Appeals restricting the hours of operation in order to reduce adverse impacts on abutting uses. (9/18/2009)

(All of Section 13.33 – 6/15/2007 except as noted)

## SECTION XIV – USE DISTRICTS

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14.01 For the purpose of carrying out the provisions of this Resolution, the unincorporated area of Concord Township is hereby divided into the following use districts:

- R-1 Residential (7/13/1982)
- R-2 Planned Unit Development and Residential Conservation Development (11/12/1974, amended 12/4/2015)
- R-3 Residential (1/13/1986; Amended 6/18/1998, 12/4/2015)
- R-4 Residential (12/17/1998)
- R-6 Residential (4/2/1987)
- R-8 Rural Residential and Recreational District (3/20/1997)
- S Special Interchange (6/17/1964)
- B-1 Restricted Retail (6/17/1964)
- B-2 General Business (6/17/1964)
- GB Gateway Business (6/15/2007)
- GH Gateway Health (2/15/2013)
- BX Business Interchange (3/3/2001)
- THC Town Hall Commons (6/19/2009)
- ~~THN Town Hall Neighborhood (6/19/2009)~~
- M Manufacturing (3/25/1963)
- RD-2 Research and Limited Industrial (9/10/1988)
- AP Airport District (3/3/2006)
- C Capital (2/6/2015)

14.02 The boundaries of designated districts are shown upon the Zoning Map attached to and made a part of this Resolution, which map and any amendments thereto are designed as the Zoning Map of Concord Township. (7/13/1982)

14.03 All streets, roads, and railroad right-of-way, if not otherwise specifically designated shall be deemed to be in the same zone as the property immediately abutting upon such street, road or railroad right-of-way. (12/4/2015)

**SECTION XXII – Commercial and Industrial District Regulations**

(All Sections 6/15/2007, except as noted)

22.01 Purpose.	22.07 Accessory use requirements.
22.02 Use regulations.	22.08 Landscaping and screening requirements
22.03 Table of uses.	22.09 Supplemental requirements.
22.04 Lot, yard and building requirements.	22.10 Capital District Standards.
22.05 Off-street parking regulations.	22.11 Performance Standards
22.06 Design standards for the GB, BX, THC, <del>THN</del> , and C Districts.	22.12 Site plan review.

**22.01 PURPOSE.**

The Gateway Business (GB), Gateway Health (GH), Restricted Retail (B-1), Town Hall Commons (THC) ~~Town Hall Neighborhood (THN)~~, General Business (B-2), Business Interchange (BX), Manufacturing (M), Research and Limited Industrial (RD-2), the Special (S), and the Capital (C) Districts and their regulations are established in order to achieve, among others, the following purposes: (Amended 6/19/2009; 2/15/2013; 2/6/2015)

- A. To provide in appropriate and convenient districts, sufficient areas for various business activities, the exchange of goods and services, and the production of goods to serve the community and surrounding areas;
- B. To protect residential neighborhoods adjacent to commercial and industrial uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;
- C. To ensure that proposed developments protect the unique natural features that define the character of Concord Township and are appropriate and compatible with their surroundings, in accordance with the intent, objectives and development criteria of the Districts;
- D. To provide a Gateway Business (GB) District that offers a balance of personal services, office and retail uses along a major thoroughfare while supporting surrounding businesses and local residents. The design of this area will encourage grouping of establishments located in a unified site, providing adequate off-street parking as well as efficient and safe methods of handling vehicular and pedestrian traffic.
- E. To provide a Gateway Health (GH) District along the Auburn Road corridor that will centralize medical and dental uses, office, research, and laboratory facilities with supporting service uses such as residential care facilities, day care centers, and fitness clubs, while meeting the growing demands of health care, medical research and related service industries. (2/15/2013)



- F. To provide a Restricted Retail (B-1) District to accommodate the sale of convenience retail goods and personal services that primarily serves the residents of Concord Township. Business nodes shall be located around key road intersections.
- G. To provide a Town Hall Commons (THC) District that will preserve and enhance the historic center of the Township at the Concord-Hambden/Ravenna Road crossroads area through a mixture of community facilities, business, and recreational uses that serves as a gathering place for the community. (6/19/2009)
- ~~H. To provide a Town Hall Neighborhood (THN) District that will compliment the historic center of the Township at the Concord-Hambden/Ravenna Road crossroads with selective community-oriented business and residential uses while promoting emerging land use patterns. (6/19/2009)~~
- ~~H.~~ To provide a General Business (B-2) District that provides an opportunity for non-intrusive trade business services and wholesale business that service a regional marketplace. (6/19/2009)
- ~~I.~~ To provide a Business Interchange (BX) District that offers a variety of general commercial, service and light manufacturing uses. This district is intended to accommodate businesses in the community that cannot be practically provided for in a neighborhood business district development.
- ~~K.~~ To provide a Manufacturing (M) District that accommodates the development of light manufacturing enterprises which shall operate in a clean and quiet manner. (6/19/2009)
- ~~L.~~ To provide a Research and Limited Industrial (RD-2) District that encourages and accommodates a growing number of businesses, light manufacturing, management headquarters, research and development operations, executive offices, and supporting services. Facilities should be grouped together in order to provide common amenities, such as adequate and convenient parking, services, utilities and a park-like, harmonious atmosphere. (Amended 1/6/2012)
- ~~M.~~ To provide a Special Interchange (S) District that maximizes the geographic characteristics of the land for hotel and hospitality related businesses. (6/19/2009)
- ~~N.~~ To provide a Capital (C) District to: 1. Promote coordinated development on properties with access to and impacted by the Capital Parkway Extension and its new intersections with the intent of maximizing the economic value and function of all properties in the district. 2. To ensure efficient use and function of the new Capital Extension infrastructure, including reduction of curb cuts and coordination of joint access among lots. 3. To promote uses and development compatible with and supportive of the planned Town Center within the District. 4. To require site improvements which promote consistent and high quality function and appearance of the District. 5. To establish an area in which unique site developments which provide special benefits to the District may be

approved as Innovative Site/Planned Developments consistent with the provisions of the Ohio Revised Code. (2/6/2015)

~~E.N.~~ To establish design standards in certain areas that will integrate proposed developments into the surrounding environment and avoid large blank walls typical of big box buildings.

## **22.02 USE REGULATIONS.**

- A. A use listed in Section 22.03 shall be permitted by right as a permitted use in a district when denoted by the letter “P”, provided that all the requirements of Section XXXVI, Site Plan Review, and other applicable requirements of this Zoning Resolution and other township resolutions have been met.
- B. A use listed in Section 22.03 shall be permitted as a conditional use in a district when denoted by the letter “C”, provided the Board of Zoning Appeals first makes the determination that the requirements and procedures of Section XIII, Conditional Use Permits, and Section XXXVI, Site Plan Review, of the Zoning Resolution have been met.
- C. A use listed in Section 22.03 shall be permitted as an accessory use in a district when denoted by the letter “A”. Such use shall be permitted as a subordinate building or use when it is clearly incidental to and located on the same lot as the principal building or use. Accessory uses are further regulated in subsequent sections of this Zoning Resolution.
- D. Although a use may be indicated as a permitted, conditional or accessory use in a particular business, commercial or industrial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted use or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12.

**22.03 TABLE OF USES.**  
 (Amended 6/19/2009; 1/6/2012; 2/15/2013; 2/6/2015; 3/9/2018, 7/5/2019)

	RD-2	BX	GB	GH	B-1	B-2	M	S	<del>HN</del>	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Neighborhood	Town Hall Commons	Capital
<b>Office &amp; Professional Services</b>											
Urgent care/ medical clinic			P	P	P						P
Medical & dental office	P	P	P	P	P	P	P		P	P	P
Administrative, business & professional offices	P	P	P	P	P	P	P		P	P	P
Research and development labs	P		C	P			P				P
<b>Retail &amp; Personal Services</b>											
Restaurant (table service)		P	P	P	P				€	C	P
Restaurant (counter service)		C	C	C	C				€	C	C
Retail establishments within an enclosed building		P	P		P						P
Personal services including but not limited to hair care, dry cleaning, shoe repair, photography studios, etc.		P	P		P	P			P	P	P
Garden or nursery retail sales (non-wholesale)		C			C						
Bank, financial institutions		P	P		P						P
Veterinary services		C			C	C					
Funeral services		C	C		C	C					
Bed and breakfast			C		C				€	C	C
Hotels/Motels	P	P	P	P				P			P

	RD-2	BX	GB	GH	B-1	B-2	M	S	<del>THN</del>	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	<del>Town Hall Neighborhood</del>	Town Hall Commons	Capital
Business services including mailing and copy centers		P	P		P	P			<del>P</del>	P	P
Rental services including electronic, furniture and party supplies		P									
Child or adult day care center	C	C	C	C	C	C	C		<del>C</del>	C	C
Microbrewery		C	C		C						C
Microdistillery		C	C		C						C
Microwinery		C	C		C						C
<b>Automotive &amp; Transportation</b>											
Gas stations		P	C		C						C
Car wash		C	C		C						C
Motor vehicle dealers (new/pre-owned), including recreational vehicle and motorcycle dealers		C									
Automotive rental		P									
Automotive services (including instant oil changes)		P	C		C						
Automotive repair	P	P				P					
<b>Manufacturing &amp; Limited Industrial</b>											
Light manufacturing	P	P					P				
Brewery/Distillery/ Winery	P										
<b>Distribution &amp; Wholesale</b>											
Wholesale business	P	P				P					
Warehouse facilities	P	P									

	RD-2	BX	GB	GH	B-1	B-2	M	S	THN	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Neighborhood	Town Hall Commons	Capital
<b>Trade Business Services</b>											
Publishing/printing/bindery	P	P				P	P				
Landscaping services		P				P					
Lumber and building material dealers		P				P					
General building contractors		P				P					
Construction and equipment sales and rental (including misc. yard care equipment)		C				C					
<b>Entertainment/Recreation</b>											
Membership sports/fitness club	P	P		P	P			P			P
Studios for instruction		P			P						P
Indoor commercial recreation		P			P			P			P
Theater		P	P		P						P
Meeting/banquet facilities, clubs	P	P	C		C			P			P
<b>Community Facilities</b>											
Library, Museum			P		P					P	P
Community Center										P	P
School										C	
Outdoor recreation										P	C
Church/place of worship		C	C		C					C	C
Hospital			C	C							
Residential care facility, nursing home, and home for the aging				C	C	C			€		
Adult group home					C	C					



	RD-2	BX	GB	GH	B-1	B-2	M	S	<del>THN</del>	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	<del>Town Hall Neighborhood</del>	Town Hall Commons	Capital
Hospice care facility (used for care of hospice patients only)				C	C	C			€		
Government and Public Uses		P	P	P	P	P	P	P	<del>P</del>	P	P
<b>Other</b>											
Utility and communication services		P				P					
Surface extraction of sand, gravel or other earth materials	C	C	C	C	C	C	C	C	€	C	C
<b>Innovative Site/PD</b>											
Innovative Site/PD – see section 13.36 for special standards and uses											C
<b>Accessory Uses</b>											
Outdoor storage and/or display in association with a permitted or conditional use	C	C	C	C	C	A	A				C
Outside dining		C	C		C				€	C	C
Drive-thru facility in association with a permitted or conditional use		C	C		C						
Retail in association with a permitted or conditional use when conducted and entered only from within the principal building	C			C							
Warehousing	A	A				A	A				
Child or adult day care	C	C	C		C	C	C	C	€	C	C
Restaurant/cafeteria or pharmacy in association with a	A		A	A	A		A	A	<del>A</del>	A	A

	RD-2	BX	GB	GH	B-1	B-2	M	S	<del>THN</del>	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	<del>Town Hall Neighborhood</del>	Town Hall Commons	Capital
permitted or conditional use when conducted and entered only from within the principal building											
Meeting/banquet facilities (accessory)		A	A		A	A		A			A
Outdoor recreation								A	A	A	
Golf courses & related facilities (private)								A			
Swimming pools, tennis courts (private)								A	A		A
Personal services including but not limited to hair care, dry cleaning, shoe repair, photography studios, etc.								A			
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A
Off-street parking and loading areas	A	A	A	A	A	A	A	A	A	A	A
Fences, walls, decks, landscape features	A	A	A	A	A	A	A	A	A	A	A
Trash receptacles	A	A	A	A	A	A	A	A	A	A	A
Signs	A	A	A	A	A	A	A	A	A	A	A
Other permitted accessory uses as specified in Section 22.07.E.	A	A	A	A	A	A	A	A	A	A	A
<p><u>Notes to Table:</u></p> <p>P=Permitted Uses      C=Conditional Use      A=Accessory Use</p> <p>Blank cell means the use is not permitted in the district.</p>											

## 22.04 LOT, YARD AND BUILDING REQUIREMENTS.

The minimum lot and building requirements for uses in the commercial and industrial districts set forth in Section XXII are specified in Table 22.04. (Amended 6/19/2009)

- A. Minimum Lot Area. The area of the lot shall not be less than the dimensions set forth in Table 22.04.
- B. Minimum Lot Frontage/Width. The minimum lot frontage shall be the same as the minimum lot width, except for lots fronting on cul-de-sacs as set forth in Table 22.04.
- C. Minimum Lot Width for Corner Lots. Corner lots shall have the same minimum lot width required for both street frontages.
- D. Building Setbacks and Yard Clearances. All buildings and structures shall be located on a lot so as not to obstruct or otherwise encroach upon the minimum front, side and rear yard setback or clearance requirements established in Table 22.04, measured from the appropriate lot line. In cases where the front property boundary extends into a right-of-way easement, the front building setback shall be measured from the edge of the right-of-way to the building.
  - 1. For corner lots, the minimum front building setback shall be required for both street frontages.
  - 2. Where a lot is considered a double frontage lot, the required minimum front building setback shall be provided from each road or street, unless otherwise specified.  
(Amended 12/4/2015)
- E. Riparian Setbacks. Buildings, structures and uses are subject to the regulations as set forth in Section XVII of this Resolution. (Amended 7/15/2016)
- F. Building Separation. When more than one building is located on a lot, the separation between buildings shall not be less than the minimum distance set forth in Table 22.04, and shall further comply with the applicable requirements set forth in the Ohio Building and Fire Codes.
- G. Maximum Impervious Surface.
  - 1. The impervious surface on a lot shall comply with the maximum percentage of the total lot area set forth in Table 22.04.
  - 2. The percentage shall be calculated by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot. Impervious surfaces include, but are not

limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

- H. **Building Height.** The height of principal and accessory buildings shall not exceed the maximum heights established in Table 22.04. Church spires, belfries, clock towers, wireless towers, scenery lofts or other mechanical appurtenances may exceed these height restrictions when erected upon and as an integral part of such building. (10/12/1982; Amended 3/19/2004)
- I. **Roof mechanicals.** All mechanical appurtenances on the roof top and all visible equipment mounted on the side of a building shall be shielded from public view and adjoining developments. The shielding shall be integrated into the architecture of the building in terms of massing, materials and details. The shielding for the mechanical appurtenances on the roof shall be part of the roof form. (12/15/2006)

**Table 22.04.** (Amended 6/19/2009; 2/15/2013; 2/6/2015; 7/15/2016; 3/9/2018)

	RD-2	BX	GB	GH	B-1	B-2	S	M	THN	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Special Interchange	Manufacturing	Town Hall Neighborhood	Town Hall Commons	Capital
<b>Lot Requirements</b>											
Minimum Lot Area	3 ac	1 ac	.5 ac	1 ac	.5 ac	1 ac	5 ac	2 ac	<del>.75 ac</del>	.75 ac	1 ac
Minimum Lot Frontage/ Lot Width <sup>a</sup>	200 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	<del>100 ft</del>	100 ft	100 ft
<b>Minimum Front Building Setback Line</b>											
Lots Fronting Auburn Road	150 ft	75 ft	75 ft	75 ft	75 ft	75 ft	75 ft	150 ft	N/A	N/A	40 ft
Lots Fronting All Other Streets	100 ft	50 ft	40 ft	100 ft	50 ft	50 ft	50 ft	150 ft	<del>50 ft</del>	50 ft	40 ft <sup>c</sup>
<b>Minimum Side Yard Clearance (each side)</b>											
Abutting Residential District <sup>b</sup>	100 ft	70 ft	50 ft	50 ft	50 ft	50 ft	75 ft	200 ft	<del>50 ft</del>	50 ft	50 ft
Abutting Non-residential District	50 ft	20 ft	20 ft	20 ft	20 ft	20 ft	75 ft	50 ft	<del>20 ft</del>	20 ft	20 ft
<b>Minimum Rear Yard Clearance</b>											
Abutting Residential District	100 ft <sup>b</sup>	70 ft <sup>b</sup>	50 ft <sup>b</sup>	50 ft <sup>b</sup>	50 ft <sup>b</sup>	50 ft <sup>b</sup>	75 ft <sup>b</sup>	200 ft <sup>b</sup>	<del>50 ft<sup>b</sup></del>	50 ft <sup>b</sup>	50 ft <sup>b</sup>
Abutting Non-residential District	50 ft	20 ft	20 ft	20 ft	20 ft	20 ft	75 ft	50 ft	<del>20 ft</del>	20 ft	20 ft

	RD-2	BX	GB	GH	B-1	B-2	S	M	<del>THN</del>	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Special Interchange	Manufacturing	<del>Town Hall Neighborhood</del>	Town Hall Commons	Capital
Minimum Building Separation	20 ft	20 ft	15 ft	20 ft	15 ft	20 ft	20 ft	20 ft	<del>20 ft</del>	20 ft	15 ft
Maximum Impervious Surface	70%	70%	70%	70%	70%	70%	70%	70%	<del>70%</del>	70%	70%
<b>Minimum Riparian Setbacks</b>											
See Section XVII of this Resolution for Regulations.											
<b>Maximum Building Height</b>											
Principal Building	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	<del>40 ft</del>	40 ft	60 ft
Accessory Building	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	<del>20 ft</del>	20 ft	20 ft
<b>Notes to Table:</b>											
<p>¶ Lots located in the BX, GB, GH, B-1, B-2, S, M, <del>THN</del>, C and THC Districts and around the perimeter of a cul-de-sac shall have a minimum frontage at the street right-of-way line of 60 ft. and width of 100 ft. at the building setback line. Lots located in the RD-2 District and around the perimeter of a cul-de-sac shall have a minimum frontage at the street right-of-way line of 85 ft. and width of 200 ft. at the building setback line. (Amended 6/19/2009; 2/15/2013; 2/6/2015)</p> <p><sup>b</sup> Clearance requirements include the minimum buffer strip requirement for properties abutting residential districts, as set forth in Section 38.09 of the Landscaping and Screening Requirements, and shall not be additional footage.</p> <p><sup>c</sup> Relocation of Crile Road will result in several lots with “double frontage.” Rear setback standards shall be applied to the Old Crile Road frontage of these lots. (2/6/2015)</p>											

**22.05 OFF-STREET PARKING REGULATIONS.**

Off-street parking areas shall conform to the off-street parking requirements specified in Section XXIX of the Zoning Resolution.

**22.06 DESIGN STANDARDS FOR THE GB, GH, BX, THC, ~~THN~~, and C DISTRICTS.**

Design standards are established for the Gateway Business (GB), Gateway Health (GH), Business Interchange (BX), Town Hall Commons (THC), ~~Town Hall Neighborhood (THN)~~, and Capital (C) Districts to ensure that new development or redevelopment complies with the purposes of this Section. All uses proposed in the GB, GH, BX, THC, ~~THN~~, and C Districts regulated in this Section shall comply with the design requirements set forth in Section XXXVII of the Zoning Resolution. (Amended 6/19/2009; 2/15/2013; 2/6/2015)

**22.07 ACCESSORY USE REQUIREMENTS.**

Accessory uses, buildings and structures permitted in commercial and industrial districts set forth in Section XXII shall comply with the following regulations: (Amended 6/19/2009)

- A. Accessory Buildings. Accessory buildings with a floor area 1,500 square feet or less shall conform to all lot and yard requirements for principal buildings of the corresponding zoning district and be subject to the approval of the Zoning Inspector. Accessory buildings with a floor area greater than 1,500 square feet shall conform to all lot and yard regulations and site plan review and approval requirements of the zoning district in which the parcel or lot is located. (Amended 10/17/08)
- B. Trash Receptacles. All solid waste resulting from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings or in a completely enclosed container. Such building, container or dumpster shall comply with the following:
1. All commercial compactors, storage bins, refuse containers, utilities and mechanical equipment shall be contained wholly within enclosed buildings, or enclosed by three solid walls and one gated wall of such nature and height (2 ft. height exceeding enclosed containers) as to conceal completely all operations thereof from grade level.
  2. Gates and doors shall be kept closed at all times and only opened when containers are being used or emptied or serviced.
  3. All receptacle areas shall be designed and constructed with screening as an integral part of the associated building architecture and using the building massing, materials, and architectural details to unite screening structure with the building when property abuts a residential property.
  4. Loading, unloading, opening, closing, or operation of trash containers shall not take place in such a manner as to cause a noise disturbance across a residential real property boundary between the hours of 7:00 p.m. and 6:00 a.m. The actual pick-up time/haul away for trash containers and commercial trash/waste containers shall be prohibited between the hours of 7:00 p.m. and 6:00 a.m. The actual operation of trash compactors shall be prohibited between the hours of 7:00 p.m. and 6:00 a.m., including delivery and loading operations.
- (9/14/1982; Amended 12/15/2006)
- C. Fences and Walls. Fences and walls may be erected in compliance with the requirements set forth in Section XXXVIII of the Zoning Resolution.
- D. Signs. Signs shall conform to the regulations specified in Section XXX of the Zoning Resolution.
- E. Other Permitted Accessory Uses. In addition to the accessory uses set forth in Section 22.03, the following items shall be considered permitted accessory structures within the commercial and industrial districts set forth in Section XXII. The following structures do

not require a zoning permit, but shall not be located on a lot where they will impair vehicular or pedestrian traffic movement or visibility both on and off the property. (Amended 6/19/2009)

1. Mailboxes or newspaper tubes.
2. Flag poles.
3. Statuary or art objects.
4. Charity boxes.
5. Public phone facilities.

## **22.08 LANDSCAPING AND SCREENING REQUIREMENTS.**

Visual screening and landscape buffers shall be provided for all lots in the commercial and industrial districts set forth in Section XXII in accordance with the landscaping requirements set forth in Section XXXVIII of the Zoning Resolution. (Amended 6/19/2009)

## **22.09 SUPPLEMENTAL REQUIREMENTS.**

- A. Delivery and Loading Areas: Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. Delivery and loading areas shall be substantially set back from a residential use or residentially zoned property that is adjacent to that site, and wherever site conditions permit, loading docks and vehicle loading doors shall be located on facades that are not visible from public rights-of-ways. The delivery and loading areas shall be enclosed so that they are not visible to adjacent residential properties. The enclosure shall screen the noise and activity at the loading dock. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 7:00 p.m. and 6:00 a.m. shall not take place in such a manner as to cause a noise disturbance across a residential real property boundary. Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area between 7:00 p.m. and 6:00 a.m. with motor and/or refrigerators/generators running. (12/15/2006; 3/9/2018)
- B. Outdoor Grilling Adjacent to Residential Areas: No person shall kindle or maintain a fire for the commercial preparation of food in any type of outdoor or portable grill in the rear of the building, adjacent to any residential area. (12/15/2006).
- C. Lighting:
  1. Exterior lighting of buildings and/or parking areas shall be positioned so as not to emit light onto neighboring properties or road right-of-ways, but shall shine directly onto buildings, or be directed downward onto parking areas, access drives and pedestrian walkways. (12/15/2006)

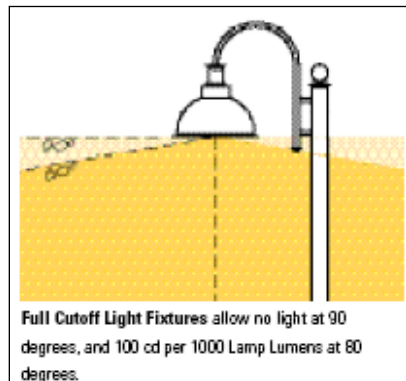


2. All lighting shall be shielded from adjoining residential properties in such a manner as to prevent distraction and glare. Light pollution control measures shall be taken to avoid negative impact of misdirected light. Business that utilizes canopy lighting shall use recessed ceiling fixtures with the bottom of the lenses flush with the canopy in addition to meeting other lighting guidelines. No lights shall be oriented towards residential areas. Building-mounted light fixtures and free standing light fixtures should be in proportion with the building and shall not exceed the building height. Pole and building-mounted light fixtures shall not exceed the height of the building as follows: (12/15/2006)

<u>Height of Building</u>	<u>Height of Fixture</u>
< - 50'	fixture 14ft.
50 -100'	fixture 25 ft.
100 – 150'	fixture 35ft.

3. Light Trespass. Light trespass over a commercial or industrial property line when adjoining residential properties shall be limited to no more than 0.5 foot-candles at the property line and one quarter foot candle ten feet over the property line. Lighting levels are based on initial lamp lumens and 1.0 maintenance factor. Fully shielded light source (full cut off) shall be used, as illustrated in Figure 1. They are shielded so that light emitted from a fixture, directly or indirectly, is projected below a horizontal plane through the lowest point of the fixture where light is emitted. (12/15/2006)

**Figure 1.**



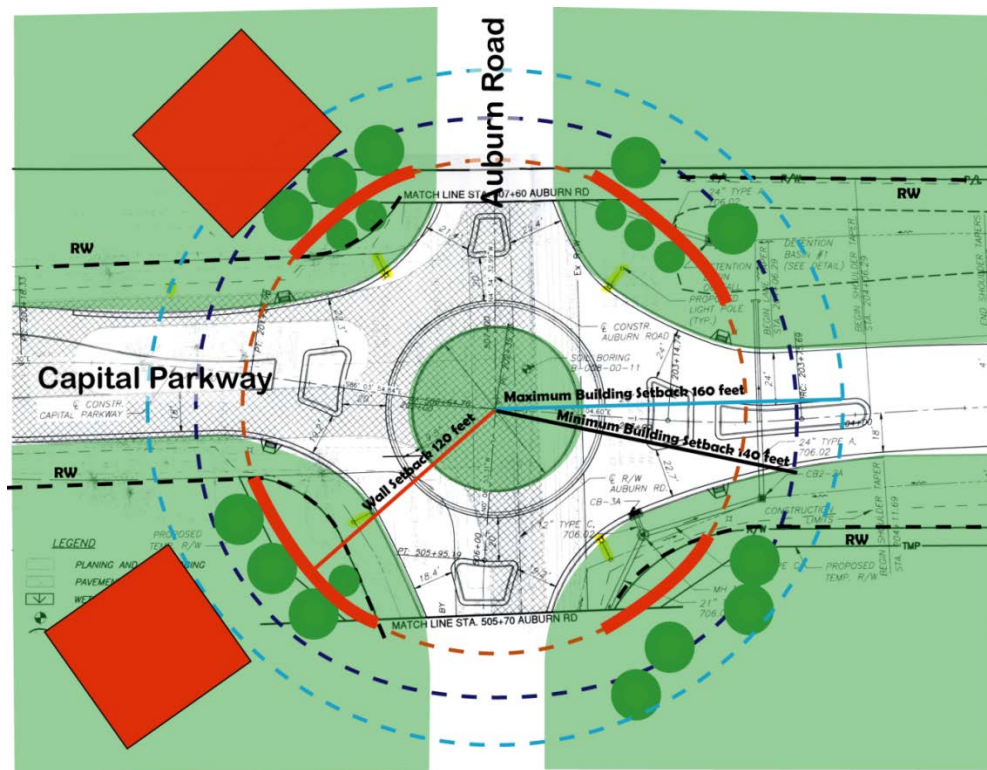
4. Uplighting is not permitted, except for use on flagpoles. (12/15/2006)

The IESNA Lighting Handbook, ninth edition or later, is recommended to be used as reference for lighting. It provides explanations of concepts, techniques, applications, procedures, and systems. Specific “lighting measurements” methods and calculations are found in Chapter 2 and Chapter 9 (ninth edition). “Levels of Trespass” explanations are found in Chapter 21. (12/15/2006)

**22.10 Capital District Standards (2/6/2015)**

- A. Minimum lot area shall be not less than 1.0 acre, except as otherwise approved in an Innovative Site/PD, refer to Section 13.36.
- B. Minimum setbacks shall be as provided in Table 22.04.
- C. Maximum Setbacks and Wall Orientation for “Concord Circle” Frontages. It is the intent of these regulations to require that every lot having frontage on Concord Circle include building and landscape features which complement the circular design of the roundabout and contribute to the sense of place of the Circle. It shall also be the intent of these regulations to encourage creativity in site design in addressing this objective. See Figure 1.

**Figure 1: Concord Circle**



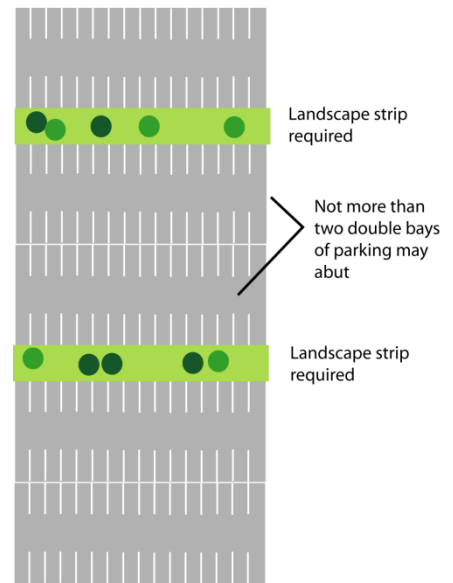
- D. At a minimum, the following shall be constructed on each Circle frontage lot:
  - 1. A wall of brick, stone, stucco, or similar masonry material reflecting the building architecture or as otherwise approved in the Site Plan shall be constructed in an arc located 120 feet from the center of and concentric with the Concord Circle, and extending between the two points of contact of the arc with the lot lines/public rights-of-way. The wall shall be at least three (3) feet and not more than six (6) feet high.

2. Professionally designed landscaping, including at least 50% low evergreen shrubs (2-5 feet mature height) in the area between the wall and the right-of-way and larger evergreen shrubs and ornamental trees in the area behind the wall.
- E. The reviewing board may approve a landscape design in lieu of the above provided that the landscape design features contribute to the intent of the design of the Circle as described above.
- F. The reviewing board may also approve a landscape design in lieu of the above if the façade or façades of the building on the lot are oriented toward the Circle and include design features which contribute to the design of the Circle.
1. Preferred design features include a building wall tangent to a radius of the Circle and located not less than one hundred forty (140) feet and not more than one hundred sixty (160) feet from the center point of the Circle.
  2. Every façade oriented toward or visible from the Circle shall, for purposes of site plan and design review, be treated as a front façade and loading or storage facilities shall not be permitted in these facades.
- G. Building Design
1. Maximum Height. Buildings in this district shall be as provided in Table 22.04 except as approved in an Innovative Site/PD.
  2. Maximum Commercial Floor Area. The total floor area of a single retail business or single service business shall not exceed 50,000 square feet unless approved in an Innovative Site/PD.
  3. Facades. The provisions of Section XXXVII Design Standards shall apply in the Capital District.
- H. Front Yard Parking. Parking located in the front yard shall comply with the following standards:
1. Not more than two rows of parking spaces (two rows of parking accessed by a single aisle) shall be located in the front yard.
  2. Parking and aisles shall be located at least twenty (20) feet from the public right-of-way.
  3. Front yard parking and aisles shall be screened with a low wall, three (3) feet in height above the grade of the nearest part of the parking lot, faced with stone, concrete, stucco, or similar masonry material reflecting the building architecture or as otherwise approved in the Site Plan. The screening wall shall be located not more than ten (10) feet from the side of the parking lot closest to the public right-of-way.

The wall shall be continuous except for breaks approved in the Site Plan for such purposes as surface drainage, planter sign locations, or driver sight lines. Breaks in the wall may also be permitted if filled with evergreen landscaping or other substantial features such as large rocks.

4. Parking shall not be permitted in the front yard(s) of a corner lot.
5. For every ten (10) parking spaces located wholly or partially within the front yard, at least one (1) tree and three (3) shrubs shall be planted and maintained in the front yard as approved in the site plan. This landscaping requirement shall be in addition to the basic yard and parking lot landscaping required for all parking lots in Section XXXVIII, Landscape and Screening Requirements.
6. A conforming location for an identification sign on the lot (whether a sign is requested or not) shall be identified with the plan for front yard parking, screening wall, and landscaping to ensure that a suitable site is available for any potential sign without conflict with other approved site improvements.
7. General Parking Standards. All parking shall comply with the following standards in addition to those in Section XXIX Parking of this resolution:

- a. Landscaped islands and peninsulas shall be dispersed throughout the lot so that no more than ten (10) side-by-side parking spaces abut in a row.
- b. No more than two (2) parallel double bays of parking shall abut. A landscape strip at least twenty (20) feet wide shall be required to separate additional abutting bays. Features such as walkways and storm water management facilities are encouraged in these areas.
- c. Vehicles, trailers, movable signs, and other objects, equipment or structures owned or otherwise controlled by the site owner, lessee, or tenant of the site shall not be parked, placed, or stored in any location closer to the public right-of-way than 100 feet or than the rear line of the building, whichever is furthest from the right-of-way.



I. Landscaping and Lighting

1. Road Frontage Landscaping. Landscaping shall be installed in road frontage areas as provided in Section 38.06 except that earth mounding shall not be required where screening walls are installed as provided in Section 22.10H3.
2. Maintenance of Unimproved Areas. When any part of a lot has been improved with a building, parking, drives, or other surface improvements, then the owner shall

maintain all unimproved parts of the lot by regular mowing and removal of litter and dumped materials. Unimproved areas shall not be used for storage of equipment or any other objects or materials unless approved for a defined period of time in the zoning permit. Where a large portion of a lot, specifically identified on the zoning permit, is intended to remain unimproved for an undetermined period of time, only mowing of frontage areas and areas abutting other improved lots, and litter/dumping/waste removal may be required.

3. **Maintenance of Landscaping Required.** The owner of a lot shall be required to maintain all landscaping approved in a site plan so long as the approved building or use continues on the lot. The meaning of “maintain” includes but is not limited to: periodic addition of fresh mulch to original mulched areas; replacement of trees, shrubs, and other plant material which becomes diseased, damaged, or dies; continuous removal of weeds and trash; continuous mowing of grass areas; and similar activities typical of active and responsible maintenance of landscaped areas. The requirement to maintain is a condition of the issuance of any zoning permit.
  4. **Maintenance of Watercourses and Storm Water Facilities Required.** The owner of a lot shall be required to maintain all natural and man-made watercourses and storm water facilities as approved in a site plan so long as the approved building or use continues on the lot. The meaning of “maintain” includes but is not limited to: continuous removal of weeds and trash; continuous mowing of grass areas; and similar activities typical of active and responsible maintenance of such areas. The requirement to maintain is a condition of the issuance of any zoning permit.
  5. **Lighting.** Lighting shall comply with the standards in Section XXXVII Design Standards.
- J. **Pedestrian Facilities.** It shall be the intent of these standards to promote and support pedestrian movement within and between sites and to and from public rights-of-way. Site plans shall include pedestrian facilities complying with these standards, except as otherwise approved in Site Plan Review.
1. **Public Sidewalk.** Property owners may be required to construct or participate in the cost of construction of sidewalks in the public right-of-way as provided in the Ohio Revised Code.
  2. **Connection to Public Sidewalk.** A sidewalk shall be installed on each lot connecting the front or main entry of every business or use on the lot with the existing or future location of a sidewalk in the public right-of-way.
  3. **Connection with Parking.** Sidewalks shall be installed connecting every parking lot with the business or use which it serves.

4. Sidewalks within Parking Lots. Sidewalks shall be constructed within or abutting all parking lots in locations which ensure that all parking spaces are not more than 80 feet from a sidewalk.
  5. Sidewalks shall be constructed of concrete. Sidewalk crossings of drives and aisles shall be stamped or patterned concrete.
  6. Sidewalks shall be constructed to connect the front or main entrance(s) of the businesses or uses on each lot to locations on the side or rear lot lines of the lot where connecting sidewalks have been approved in site plans or constructed on the abutting lot(s). If no connecting sidewalk has been approved or constructed, then sidewalks shall be constructed in the locations most suitable for future connecting sidewalks on the abutting lots. Sidewalk construction may be deferred as a condition of the zoning permit until sidewalks on abutting lots are approved or constructed.
- K. Signs. Signs shall be permitted in accordance with Section XXX of this Resolution. (Amended 12/4/2015)
- L. Loading Facilities, Waste Storage in the Capital District. Wherever site conditions permit, loading docks, vehicle loading doors, and waste facilities shall be located on facades which are not visible from public rights-of-way, including State Route 44. Where site conditions make such locations necessary, visual screening shall be installed in the form of walls, fences, and landscaping including shrubs and trees.
- M. Entry Drives. Drives providing access from public roads shall extend at least fifty (50) feet from the public road right-of-way line without any curb cut from the drive (i.e., turns onto other drives, parking lots or parking spaces). The intent shall be to prevent slowing or turning movements within the drive in close proximity to the point of access with the public right-of-way.
- N. Refer to Section 13.36 Innovative Site/PD for specific conditions for developing an Innovative Site/PD within the Capital District.

#### **22.11 PERFORMANCE STANDARDS.**

The uses set forth in Section 22.03, shall comply with the performance standards outlined in Section 6.05 of the Zoning Resolution, as applicable. (Amended 12/4/2015)

#### **22.12 SITE PLAN REVIEW.**

Prior to the construction, alteration, expansion or modification of a use in the commercial and industrial districts set forth in Section XXII, a site plan for such activity shall be reviewed and approved according to the site plan review procedures set forth in Section XXXVI of the Zoning Resolution. (Amended 6/19/2009)

**30.05 PERMANENT SIGNS IN COMMERCIAL, MANUFACTURING AND RESEARCH DISTRICTS.**

The following shall apply to any permanent sign in non-residential districts.

**A. Maximum Sign Area for Permanent Signs in Commercial, Manufacturing and Research Districts.**

Sign Type	<i>S, B-1, B-2, R-2, GH, GB, BX, C</i>	<del>THC, THN</del>	<i>M, RD-2</i>	<i>AP</i>
	Business Districts	Town Hall Districts	Manufacturing & Industrial Districts	Airport District
1. Wall Signs <sup>(a)</sup>				
a. Primary Frontage	1.5 SF/LF	1.5 SF/LF	1.5 SF/LF	1.5 SF/LF
b. Secondary Frontage(s) <sup>(a)</sup>	.75 SF/LF	.75 SF/LF	.75 SF/LF	.75 SF/LF
c. Projecting Signs <sup>(b)</sup>	8 SF	8 SF	8 SF	8 SF
d. Awning/Canopy/ Marquee Signs	Included as part of wall sign allowance			
e. Bonus for Large Setbacks <sup>(a)</sup>	.5 SF	.5 SF	.5 SF	.5 SF
2. Freestanding Signs <sup>(c)</sup>				
a. Basic Allowance	60 SF	40 SF	40 SF	60 SF
b. Basic Allowance for Lots Along Rt-44 & Crile Rd <sup>(c)</sup>	80 SF	80 SF	80 SF	-
c. Basic Allowance for Sites Adjacent to I-90 <sup>(c)</sup>	120 SF	120 SF	120 SF	-
d. Directional Signs <sup>(d)</sup>	3 SF	3 SF	3 SF	3 SF
3. Instructional Signs	See Section 30.05(E)			
4. Window Signs <sup>(e)</sup>	50% of Window Area	10% of Window Area	10% of Window Area	10% of Window Area
<p><sup>(a)</sup> See Section 30.05(C) for supplemental requirements.</p> <p><sup>(b)</sup> Projecting signs greater than eight (8) square feet may be considered only when the additional sign area is deducted from the wall sign allowance.</p> <p><sup>(c)</sup> See Section 30.05(D) for supplemental requirements.</p> <p><sup>(d)</sup> The maximum allowance is two (2) signs for each point of ingress and egress.</p> <p><sup>(e)</sup> Maximum allowance includes both permanent <i>and</i> temporary signs <i>combined</i>.</p> <p><i>Note: SF = Square Feet      LF = Linear Feet</i></p>				



**B. Maximum Height for Permanent Signs in Commercial, Manufacturing and Research Districts. (Amended 7/5/2019)**

Sign Type	<i>S, B-1, B-2, R-2, GH, GB, BX, C</i>	<i>THC, <del>THN</del></i>	<i>M, RD-2</i>	AP
	Business Districts	Town Hall Districts	Manufacturing & Industrial Districts	Airport District
1. Freestanding Signs	12 FT	8 FT	8 FT	8 FT
2. Instructional Signs	See Section 30.05(E), below			
3. Directional Signs	4 FT	4 FT	4 FT	4 FT
<sup>(a)</sup> See Section 30.05(D) for supplemental requirements. <i>Note: FT = Feet</i>				

**C. Supplemental Requirements for Permanent Wall Signs in Commercial, Manufacturing and Research Districts.**

1. A business may have multiple wall signs which may be placed on the wall, awning(s), or canopy(ies) provided that the total area of all such signs shall not exceed the maximum permitted area specified in Section 30.05(A).
2. Awning and marquee signs shall have a minimum clearance of fourteen (14) feet over any vehicular use area and eight (8) feet over any pedestrian use area.
3. The maximum permitted area for all wall signs shall include awning/canopy and marquee signs, as well as projecting signs greater than eight (8) square feet.
4. Bonus Areas Permitted for Secondary Frontage. For buildings with secondary frontage(s) as set forth in Section 30.03(F), the total permitted area of all identification wall signs for each such secondary frontage area shall not exceed fifty (50) percent of the total sign area that would otherwise be permitted for the primary frontage under Section 30.05 (A).

At the owner’s discretion, the sign area permitted for the primary frontage may be *shifted* to a secondary frontage, provided that the resulting total area on any secondary frontage does not exceed the maximum area which would have been permitted on that elevation if it had qualified as the primary frontage. Such signs may be distributed on a maximum of three (3) walls.

5. Bonus Areas Permitted for Large Building Setback. Where a building frontage exceeds a setback of two-hundred (200) feet from a facing public street or interstate highway, the total area of all wall signs permitted for that frontage may be increased by one-half (.5) square foot of sign area per linear foot of such frontage.

**SECTION XXXIV – FENCES**  
(Amended 12/4/2015)

- |                               |                                      |
|-------------------------------|--------------------------------------|
| 34.01 Applicability.          | 34.04 Location and Height Standards. |
| 34.02 Zoning Permit Required. | 34.05 Construction, Maintenance, and |
| 34.03 Decorative Fencing.     | Repair.                              |

**34.01 APPLICABILITY.**

Fences may be permitted for residential uses in the R-1, R-2, R-3, R-4, R-6 and R-8 residential use Districts in accordance with this Section. Fences proposed for non-residential uses within residential Districts or in the B-1, B-2, BX, C, GB, GH, M, THC, ~~THN~~, RD-2, or S districts, shall be subject to the fence requirements set forth in Section XXXVIII of the Zoning Resolution.

**34.02 ZONING PERMIT REQUIRED.**

The construction of fences shall require a zoning permit except as otherwise indicated herein. Fences for agricultural uses are exempt from these regulations. (Amended 3/9/2018)

**34.03 DECORATIVE FENCING.**

Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length, but which comply with the height, yard and maintenance requirements set forth in this Section, shall not require a zoning permit.

**34.04 LOCATION AND HEIGHT STANDARDS.**

Fences and walls shall be permitted in any required yard, or along the edge of any yard except as otherwise provided herein. Fences and walls shall not be located within the road right-of-way.

A. Front Yards

1. Fences and walls located in any front yard shall not exceed a height of four (4) feet, except as otherwise indicated below.
2. See Figure 34.05-1 for an illustration of where the maximum side and rear yard height of fences applies to interior, corner, flag and double frontage lots.

B. Side and Rear Yards

1. Fences and walls located in the side or rear yards up to the front edge of the building shall not exceed a height of eight (8) feet, except as otherwise indicated below.
2. Fences and walls located in side or rear yards that abut a controlled access highway shall not exceed eight (8) feet.
3. See Figure 34.05-1 for an illustration of where the maximum side and rear yard height of fences applies to interior, corner, flag and double frontage lots.

**SECTION XXXVI – SITE PLAN REVIEW**  
(All Sections 6/15/2007, except as noted)

36.01 Purpose and Intent.	36.06 Zoning Commission Review Criteria.
36.02 Site Plan Review Required.	36.07 Zoning Commission Action.
36.03 Informal Review Process.	36.08 Significance of an Approved Plan.
36.04 Site Plan Application and Submission Requirements.	36.09 Expiration of Plan Approval.
36.05 Site Plan Review Approval Process.	36.10 Deviations From Approved Plan.

**36.01 Purpose and Intent**

The purpose of the site plan review requirements is to ensure and maintain development practices and patterns to protect the public health and safety of the community and to properly advance the long term community vision and planning goals set forth in the Township Comprehensive Plan. Establishing these regulations will create a planning process to achieve the following:

- A. Promotion of an integrated approach toward site design/development with emphasis upon building design, landscaping, layout, environmental constraints and existing zoning parameters;
- B. Provide assurance that a single development and/or one built in phases will be completed in accordance with an approved plan;
- C. Ensure sites are properly designed for traffic circulation and emergency access;
- D. Promote the public health and safety for the residents of Concord Township.

**36.02 Site Plan Review Required**

- A. The review and approval of a site plan by the Zoning Commission is required for the following, unless stated otherwise:
  1. Any use or development involving the new construction, reconstruction or expansion of structures in the B-1, B-2, BX, GB, GH, ~~THN~~, THC, RD-2, M, S, R-3, or C Use Districts; or
  2. New construction, reconstruction or expansion of non-residential uses in the Residential Use Districts;
  3. Any existing or previously approved development that proposes to modify a use or site, including expanding the floor area of the permitted use, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation (Amended 6/19/2009; 2/15/2013; 2/6/2015; 3/9/2018)

**SECTION XXXVII – DESIGN STANDARDS**  
(All Sections 6/15/2007; except as noted)

37.01 Title.	37.04 Review Process.
37.02 Purpose and Intent.	37.05 Building Design Elements.
37.03 Requirement.	37.06 Lighting

**37.01 Title**

Design Standards

**37.02 Purpose and Intent**

In accordance with Section 519.02 of the Ohio Revised Code, the Design Standards are established to create a unified, high quality built environment for the business corridor(s) in Concord Township.

**37.03 Requirement**

All site plans submitted for the GB, Gateway Business District; GH, Gateway Health District; BX, Business Interchange District; ~~THN, Town Hall Neighborhood District;~~ THC, Town Hall Commons, and C, Capital District are subject to design review and shall meet the requirements set forth in this section of the Zoning Resolution. An application for Design Review shall be submitted for review and approval simultaneously with the Site Plan Review application. (Amended 6/19/2009; 2/15/2013; 2/6/2015; 3/9/2018)

- A. Architectural elevations for all sides of the primary structure, accessory structures and associated facilities are required to be submitted with the application. This includes but is not limited to any proposed or existing buildings, signs, trash enclosures, fences, and lighting. (Amended 3/9/2018)
- B. For projects proposed in the ~~THN and~~ THC Districts, the basic building elements shall be consistent and compatible with Western Reserve architecture, as described in the *Quick Guide to Greek Revival (basics of the Western Reserve style)* available in the Concord Township Zoning Office. (6/19/2009)

**37.04 Review Process**

Design Standards will be reviewed by the Zoning Commission during the Site Plan Review process as described in Section XXXVI of the Concord Township Zoning Resolution, or as otherwise required in this Zoning Resolution.

**37.05 Building Design Elements**

- A. General. Any building elevation of any structure facing a public roadway shall be considered a front side of façade for design purposes.

**SECTION XXXVIII - LANDSCAPE AND SCREENING REQUIREMENTS**

(All Sections 6/15/2007, except as noted)

- |   |   |
|---|---|
| 38.01 Purpose.                                    | 38.08 Landscaping and screening for service structures and yards. |
| 38.02 Applicability.                              | 38.09 Landscaping and screening adjacent to residential areas.    |
| 38.03 General requirements.                       | 38.10 Fences.   |
| 38.04 Building landscaping and yard requirements. | 38.11 Landscaping material standards.                             |
| 38.05 Interior parking lot guidelines.            | 38.12 Recommended vegetation list.                                |
| 38.06 Landscaping along road frontage.            |   |
| 38.07 Perimeter parking lot guidelines.           |   |

**38.01 Purpose**

The purpose of this Section and its regulations is to help protect and preserve important natural and environmental variables, and their functions, of a site while enhancing the overall character and appearance of the built environment. Specific objectives include:

- A. Minimize potential noise, glare and visual clutter of outdoor storage, service areas, and parking and loading areas by obscuring the view with landscaping and screening.
- B. Provide protection from soil erosion.
- C. Soften the appearance of building masses and break up and reduce the impact of large parking areas.
- D. Remove, reduce, lessen or absorb the impact between one use or zone and another.

**38.02 Applicability**

- A. The following landscape and screening regulations shall apply to all non-residential uses and developments, and multi-family developments, and planned developments. A landscape plan is required to be submitted in accordance with the following:
  - 1. New construction, reconstruction or expansion of structures in the B-1, B-2, BX, GB, GH, RD-2, M, S, ~~THN~~-THC, R-3, or C Use Districts.
  - 2. -New construction, reconstruction or expansion of non-residential uses permitted in the Residential Districts.(Amended 6/19/2009; 2/15/2013; 2/6/2015; 3/9/2018)
- B. The Landscape Plan shall be submitted as part of the Site Plan Review requirements set forth in Section XXXVI.
- C. No site plan required in this Resolution shall receive final approval unless a landscaping plan meeting the requirements of this Section has been approved. (3/9/2018)
- D. The landscape plan shall be prepared by an Ohio Registered Landscape Architect. (3/9/2018)

- E. Existing landscape material on the property that is in satisfactory condition, may be used to satisfy any landscaping requirement in whole or in part.
- F. Where this section and other areas of the Resolution conflict one another, the provisions in Section XXXVIII shall apply.
- G. Additional landscaping standards for the C District are required in Section 22.10 of this resolution. (2/6/2015)

### **38.03 General Requirements**

- A. The proposed location of buildings, off-street parking areas, and other earth disturbing activities shall be accomplished with the desire to minimize the removal of individual trees having a trunk diameter of six inches (6") or greater as measured four and one half feet (4 ½ ') above ground level.
- B. The proposed site shall demonstrate consideration toward placing structures and off-street parking areas to avoid the destruction of heavily wooded areas, outstanding trees species and riparian areas.
- C. Landscape materials shall be arranged to create varied and attractive views and complement the architectural features of the principle structure on the site.
- D. The owner of a lot shall be required to maintain all landscaping approved in a site plan so long as the approved building or use continues on the lot. The meaning of "maintain" includes but is not limited to: replacement of trees, shrubs, and other plant material which becomes diseased, damaged, or dies; removal of weeds and trash; mowing of grass; and similar activities typical of active and responsible maintenance of landscaped areas. Any landscape or screening material approved in the site plan that dies or is destroyed shall be replaced within 60 days, or if replacement within 60 days is impossible or impractical, then when soil conditions permit. (Amended 3/9/2018)
- E. Landscape Plans shall be implemented within 120 days of project or phase completion or when soil conditions permit. (12/15/2006)
- F. In areas where general planting will not prosper, other materials such as fences, walls, pavings of wood, brick, stone, gravel and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
- G. Every effort shall be made during construction to preserve existing healthy trees and shrubs on the site. Preservation of trees and vegetation of special significance due to size, age, habitat, or historical significance is highly encouraged. A mature tree, tree mass or woodland should remain on the site providing it does not pose any undue threat to the health, safety and welfare by its location with respect to any proposed improvements to the site. Consultation/review by a certified Arborist, Urban Forester or similar expert shall be used, if needed, at the expense of the property owner. (1/22/1974; Amended 12/15/2006)

### 38.04 Building Landscaping and Yard Requirements

- A. General Requirement: A minimum five foot (5') planting area shall be provided between all building walls and paved areas except at service areas, mechanical equipment areas and primary pedestrian access points to the structure. Open structures such as porches, canopies, balconies, platforms, carports, covered patios and walkways and similar architectural projections shall be considered parts of the building to which they are attached. In any instance, at least half (½) of the building front shall be landscaped.
- B. Planted Side and Rear Yards: Side and rear yards shall be landscaped in accordance with the side and rear yard clearance requirements established in the zoning district in which the proposal is located.
- C. Areas outside the requirements in Section 38.04 A, and areas not paved, shall be landscaped with live ground cover or lawn, which shall be maintained in good and healthy condition at all times.

### 38.05 Interior Parking Lot Landscaping Guidelines

Interior parking guidelines are intended to define major circulation aisles and driving lanes and provide visual and climatic relief from broad expanses of pavement.

- A. Any open parking lot that contains more than six thousand square feet (6,000 sq. ft.) of area or twenty (20) or more vehicular parking spaces shall provide interior parking lot landscaping in addition to any other required perimeter landscaping. (Amended 3/9/2018)
- B. The amount of this interior parking lot landscaping shall be a minimum of ten percent (10%) of the interior parking area. The interior parking area includes the area within the parking spaces, and parking aisles. (Amended 3/9/2018, 7/5/2019)
- C. Landscaped areas shall be evenly dispersed throughout the parking area in islands or peninsulas. Each island or peninsula shall be not less than one 150 square feet in size. The design shall not impede internal vehicular traffic circulation. Each island shall be a minimum of five feet (5') in any horizontal direction. (Amended 3/9/2018)
- D. Within landscaped islands or peninsulas, one major shade tree shall be provided for every ten (10) parking spaces. Required trees placed in islands shall be placed in a space containing at least 150 square feet of pervious area per tree to allow for adequate root aeration and expansion.
- E. Each tree, at the time of installation, shall have a clear trunk height of at least six feet (6') and a minimum caliper of two inches (2").
- F. Remaining areas shall be vegetated with shrubs, ground cover or turf grass or similar low level plant material not to exceed two feet (2') in height at maturity. (Amended 3/9/2018)



- G. As permitted in Section 29.06 (D), any interior landscaping island where bioretention cells are proposed, the minimum required landscaping area shall be provided however, the plant material requirements are waived for that particular island. Plant material provided must align with the bioretention design. (3/9/2018)

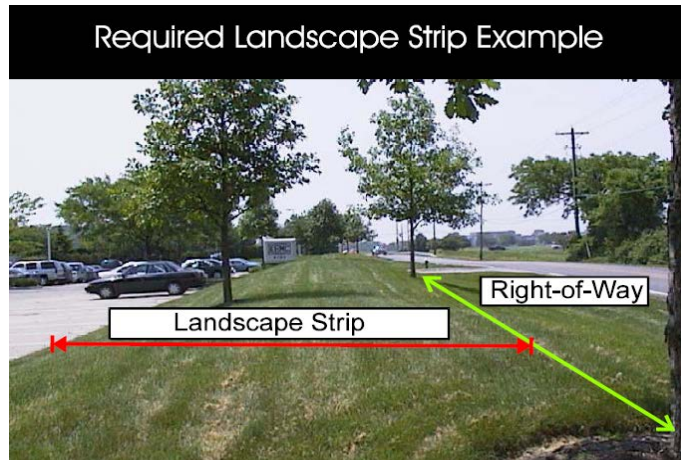
### **38.06 Landscaping Along Road Frontage**

A landscape strip along the street frontage shall be provided in accordance with the following requirements. The landscape strip is measured from the right-of-way line to the parking lot. (See Figure 1)

- A. The landscape strip shall be provided along the full width of the lot and shall be mounded in accordance with the requirements of Section 38.06 F and remain unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, pedestrian walks and driveways (generally perpendicular to the right-of-way line).
- B. Within this landscape strip, there shall be at least one (1), two-inch (2") caliper deciduous tree or small flowering trees with creative placement for every 35 feet of road frontage, along with random shrub plantings. A recommend five (5) shrubs should be randomly staggered for every 35 feet of road frontage.
- C. Landscape mounds shall have an elevation at least two feet (2') higher than the finished elevation of the parking lot. (Amended 10/17/2008)
- D. Earth mounds and decorative landscape treatments shall not block adequate safe distances at driveway locations and intersections.
- E. The width of the landscape strip shall be no less than twenty-five feet (25'). Corner lots shall have a landscape strip of required width on both frontages.
- F. Mounds shall block or screen the view of adjacent off-street parking areas and shall be constructed with plant materials to prevent erosion. Slopes on earthen mounds shall be no greater than 3:1 with a minimum crown width of at least two feet (2') to create a generally flat crest.
  - 1. The transition between existing grade and the slope of the mound should be gradual with contouring intended to make the mound appear as part of natural landscape. Gradual slope variation within the mound will encourage a more natural appearance.
  - 2. Where applicable, trees should be planted on the shallower portion of the slope.
  - 3. It is recommended the top twelve inches (12") of the mound consist solely of high quality topsoil.
  - 4. In lieu of the mounding requirements set forth in this section, the applicant may propose using storm water best management practices, such as bioretention areas or enhanced swales with native plantings to minimize the site impact on the storm water system and are consistent with the intent of these regulations. (Amended 10/17/2008)

- G. The grading plan and landscape plan shall evaluate the site and ensure that underground utilities, surface water and groundwater flow, and mature trees are not adversely affected by the landscape strip.
- H. If existing landscaping or woodlands exist along the frontage and is consistent with the intent of these regulations, the applicant may preserve a 25 ft. wide strip in lieu of the landscape requirements outlined above.

**Figure 1.**



**38.07 Perimeter Parking Lot Guidelines**

Landscaping around the perimeter of parking lots shall be provided in accordance with the following requirements:

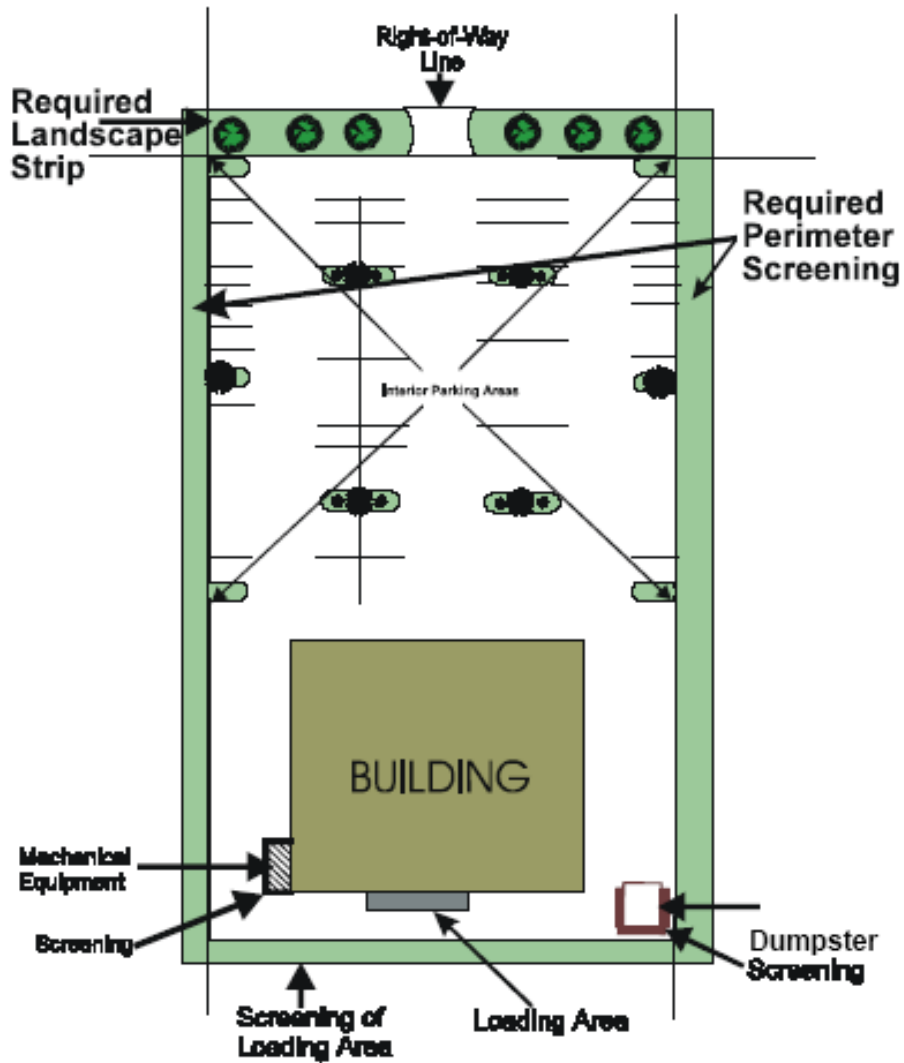
- A. Landscape areas shall be in accordance with the side and rear yard setbacks established in the zoning district in which the proposal is located. Perimeter screening shall effectively conceal parking areas and interior driveways from adjoining residential properties with the use of earth mounds, a planting strip, hedges, fencing or similar landscaping feature for visual separation from adjoining property. (Amended 3/9/2018)
- B. In areas where common or shared interior access points between businesses are proposed, the perimeter landscaping requirement for that area shall be waived.

**38.08 Landscaping/Screening for Service Structures and Yards**

- A. Service structures include, but are not limited to, loading/unloading docks, propane tanks, electrical transformers, and other equipment or elements providing service to the building or site.

1. Screening shall include a continuous planting, hedge, fence or similar feature that will enclose any service structure on all sides. Fences shall be designed in accordance with Section 38.10.
  2. Screening established with plant materials shall provide seventy-five percent (75%) opacity with two years (2) of planting and shall be equally effective in the winter and summer.
  3. All other types of screening shall completely screen service structures. Construction materials and design features shall be consistent with the primary structure on site.
  4. The minimum height of screening material shall be two foot (2') more than the height of the enclosed structure, but shall not exceed ten feet (10').
  5. If a service structure is designed to be removed or emptied mechanically on a regular basis, a curb to contain the placement of the structure is required.
- B. Screening of service yards, outdoor storage areas, and other places which tend to be unsightly, shall be accomplished by use of walls, fencing, planting or a combination of these. Screening shall be equally effective in winter or summer. (1/22/1974; Amended 6/15/2007)
- C. Figure 2 generally illustrates the overall landscaping and screening requirements set forth in the preceding sections.

Figure 2- Overall Landscaping & Screening Requirements



### 38.09 Landscaping/Screening Adjacent to Residential Areas

A. A minimum buffer strip of fifty (50) feet is required when the B-1, GB, GH, ~~THN~~, THC, B-2, BX, S, RD-2, M, and C Districts abuts any residential district. This fifty (50) foot buffer area shall be included in the side and rear yard clearance requirements, as established in Section 22.04 of the district regulations and shall not be additional footage. (12/15/2006; Amended 6/15/2007; 6/19/2009; 2/15/2013; 2/6/2015, 7/5/2019)

1. The 50 ft. required buffer area will be considered a protected "Green Space". The "Green Space" is a canopy cover with existing mature trees or, if necessary, planted with additional selected hardwoods. If soil and environmental conditions require other types of trees or plan, Best Management Practices shall be utilized as recommended by a certified Arborist, Urban Forester or other expert. Trees planted are required to be a variety of the type (i.e. Maples, Oak, Beech, Elms, Conifers, etc.) that can achieve, as a goal, a 50% canopy cover. (12/15/2006)
2. Mature trees, tree masses, or woodlands existing in the required buffer "Green Space" shall be designated "Tree Protection Area" on all plans including landscaping and site plans. All "tree protection areas" shall be unmistakably delineated in the field so that it is obvious to all equipment operators and other construction personnel. A temporary physical barrier such as a snow fence shall be erected a minimum of one foot outside the drip line on all sides of individual trees, trees masses or woodlands prior to major clearing or construction. The barrier shall be placed to prevent the disturbance to or compaction of soil inside the barrier, and shall remain until construction is complete. The barrier shall be shown on all plans including the landscape plan. (12/15/2006)
3. The following practices are not permitted and considered harmful in a "tree protection area": grading or trenching; placing backfill near trees; driving or parking equipment in "tree save" areas; dumping of trash; storage of construction materials and supplies. (12/15/2006)
4. Protected "Green Space" is not allowed to be used for water retention, retention basins, storage, out buildings, or dumping of any type. (12/15/2006)
5. "Green space" maintenance, proper pruning, proper clearing of dead trees, control of grape vine and other invasive plants/vegetation is required to take place annually by the property owner (minimum requirement). Consultation/review by a certified Arborist, Urban Forester or similar expert shall be used, if needed, at the expense of the property owner. (12/15/2006)

B. The site shall be planned to accomplish a desirable transition with the street scape, and to provide for adequate planting, pedestrian movement and parking areas. In order to minimize run-off and provide adequate open space, sites shall have a minimum pervious area of 30%. Storm water and water quality measures shall be integrated in the design of parking lots and roof water run off to assure that the runoff water quality

is maintained or improved. Incorporation of Best Management Practices (B.M.P.) such as rain gardens and or bio retention basins shall be used. (9/24/1974; Amended 12/15/2006)

- C. When a commercial or nonresidential use project is proposed within the GH, Gateway Health District ~~or THN, Town Hall Neighborhood District~~ that abuts a residential care facility, nursing home, home for the aging or hospice care facility within the same district, additional landscaping/screening shall be provided between the project boundaries that shall be no less than 20 feet in width and include the use of earth mounds, a planting strip, hedges, fencing or similar landscaping features, which provides visual separation and a year round vertical screen. This landscaping/screening area shall be in addition to the required minimum side and rear clearance requirements established within these districts. (6/19/2009; Amended 2/15/2013)

### 38.10 Fences

Proposed fences or walls in the B-1, B-2, BX, GB, GH, ~~THN~~, THC, RD-2, S, M, or C Districts or non-residential uses permitted in the Residential Districts shall be reviewed as part of the site plan review process for a proposed development, as set forth in Section XXXVI. However, when a fence or wall is proposed for properties with an approved site plan and/or when no other new construction, additions or site alterations are proposed, a zoning permit shall be obtained from the Zoning Inspector prior to the construction or erection of a fence. Plan approval is subject to the provisions of this section and Section XI, Zoning Permits, of the Concord Township Zoning Resolution. (Amended 6/19/2009; 2/15/2013; 2/6/2015; 12/4/2015)

- A. Fences and walls shall be permitted in any required yard, or along the edge of any yard except as otherwise specified herein.
- B. Permitted Fences
1. Permitted Fences Solid fences. Permitted solid fences are board on board or alternating board on board fences, solid picket fences, stockade or palisade fences, or brick or stone wall fences.
    - a. Solid fences shall be permitted in all zoning districts.
    - b. Solid fences shall be permitted in all required yards.
  2. Open fences. Permitted open fences are chain link fences, bollard and chain fences, open picket fences, smooth rail, split rail, or contemporary rail fences, and wrought iron style/design fences.
    - a. Chain link fences shall be prohibited in the B-1, GB, GH, ~~THN~~, THC, and C Districts. (Amended 6/19/2009; 2/15/2013; 2/6/2015)
    - b. Chain link shall be permitted in side and rear yards in the BX, B-2, M, S, or RD-2 districts or nonresidential uses permitted in other Residential Districts.

- c. Other open fences as defined above shall be permitted in all yards of the B-1, GB, GH, ~~THN~~, THC, BX, B-2, M, S, RD-2, and C zoning districts or nonresidential uses permitted in other Residential Districts. (Amended 6/19/2009; 2/15/2013; 2/6/2015; 12/4/2015)

C. Prohibited Fences. No person shall erect or maintain:

- 1. Any fence with a charged electrical current.
- 2. A razor wire fence.
- 3. A fence composed of or containing any of the following materials:
  - a. Chicken wire
  - b. Pallets
  - c. Barbed wire

D. The posts and all other supporting portions of the fence shall not exceed the maximum height of the fence by more than four (4) inches. The maximum height of the fence shall be measure from the finished grade as shown on the approved site plan or zoning permit application.

E. Line of Sight Safety Areas. A fence or wall shall not be located so as to adversely affect the vision of operators of motor vehicles driving on public streets or emerging from alleys or driveways intersecting public streets. A fence or structure at such an intersection shall not be erected or maintained more than thirty-six (36) inches higher than the pavement or curb level in any district (within the required setback lines) or within twenty-five (25) feet of the curb or pavement line, whichever is greater.

F. Maximum Fence Height. (10/17/2008)

Use District	Yard		
	Front	Side	Rear
B-1, GB, GH, <del>THN</del> , THC, and C	4 ft	8 ft*	8 ft*
BX, B-2, RD-2, S, M, and nonresidential uses in Residential Districts	4 ft	8 ft	8 ft
<p><u>Note to Table:</u>                      *Except when such yard abuts a public right-of-way, then the maximum fence height shall not exceed 4 ft.</p>			

(Amended 6/19/2009; 2/15/2013; 2/6/2015)

G. Fences may be placed on a property line outside of the public right-of-way.



- H. All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening. Fence gates placed at a driveway entrance or walkway in the front yard shall be subject to all fence requirements.
- I. The posts and all other supporting portions of fences shall be placed on the side of the fence facing the interior of the property of the owner installing the fence unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.
- J. Maintenance. All fences shall be maintained in accordance with the following:
  1. The property owner shall maintain the fence in a condition fit for the intended use and any local regulations.
  2. The property owner of any fence shall be liable to maintain the fence in compliance with the Township Zoning Resolution and all applicable laws and regulations.
  3. Every fence is to be kept in a safe and secure condition, and in a neat and orderly condition at all times, and to prevent rust, corrosion, rotting, or other deterioration in the physical appearance of such fence.
- K. In-ground swimming pools shall be fully enclosed by an approved fence not less than six (6) feet in height to prevent any access to the pool except through a controlled access point. Above-ground swimming pools shall be enclosed by either a fence or pool wall not less than six (6) feet in height to prevent access to the pool except through a controlled access point.

### **38.11 Landscaping Material Standards**

- A. Evergreen shrubs. Plants shall be no less than 24 inches in height.
- B. Deciduous shrubs. Plants shall be no less than 30 inches in height.
- C. Conifers (evergreen trees). Each tree, at the time of installation, shall no less than six feet (6') as measured from the top of the soil ball.
- D. Deciduous trees. Each tree, at the time of installation, shall have a clear trunk height of at least six feet (6') and a minimum caliper of two (2) inches as measured at six (6) inches above the crown of the roots (if bare root) or from the top of the soil ball.

### **38.12 Recommended Vegetation List**

- A. Artificial plants shall not be used to meet landscaping requirements, and all plant materials used to comply with provisions of this Section, shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.

- B. The applicant shall also be responsible for ensuring landscape materials are not included in the Ohio Department of Natural Resource's list of invasive species or noxious weeds list.
- C. Native plantings are encouraged and should be incorporated as much as possible into the Landscape Plan. (3/9/2018)