

LEGAL NOTICE

CONCORD TOWNSHIP BOARD OF TRUSTEES

PUBLIC HEARING

The Concord Township Board of Trustees will conduct a **Public Hearing** on Wednesday, May 3, 2023, beginning at 7:15 p.m., at Concord Township Hall, located at 7229 Ravenna Road in Concord Township for the following zoning amendments to the Concord Township Zoning Resolution, as initiated by motion of the Zoning Commission:

- **Amendment #1:** Revise Section 5.02(A)(105), Indoor Commercial Recreation to allow a restaurant as an accessory use.
- **Amendment #2:** Revise Section 22.03 Table of Uses to amend the list of permitted uses, conditional uses, and accessory uses in the Commercial and Industrial Districts.
- **Amendment #3:** Revise Section 22.07(E)(4) Charity Boxes, to limit the number allowed and add location requirement.
- **Amendment #4:** Revise Section 13.08 Child or Adult Day Care Center to eliminate reference to the M and RD-2 Districts, and require compliance with the Ohio Fire Code
- **Amendment #5:** Revise Section 13.16 Adult Group Home to require compliance with the Ohio Fire Code.
- **Amendment #6:** Revise Section 13.19 Research and Development Labs to allow in the Gateway Health District.
- **Amendment #7:** Revise Section 13.21 Garden or Nursey Retail Sales (non-wholesale) to allow in the B-2 General Business District.
- **Amendment #8:** Revise Section 13.25 Gas Stations to delete Capital District and to require compliance with the Ohio Fire Code.
- **Amendment #9:** Revise Section 13.26 Car Wash to delete Capital District and to add conditions for accessory uses and vacuum areas.
- **Amendment #10:** Revise Section 13.32 Outdoor Storage and/or Display in Association with a permitted or conditional use to add location, and screening requirements for outdoor storage areas.
- **Amendment #11:** Revise Section 13.36 Innovative Site/PD to require the plan to indicate the precise use or land use proposed, and to add permitted uses, and revise accessory uses allowed in the district.

Copies of the proposed zoning amendments are available for review on the township website at <https://concordtwp.com/departments/zoning/> or at Concord Township Hall, Zoning Department, Monday through Friday between 8:00 a.m. – 4:00 p.m.

Concord Township Board of Trustees
Morgan R. McIntosh, Chairperson
James W. Teknipp, Fiscal Officer

Publish one (1) time: Saturday April 22, 2023
Bill: Concord Township

100. HOSPITAL: An institution providing health care services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities and other similar facilities. (6/15/2007)
101. HOT TUB: A permanent or semi-permanent structure located either above grade or below grade, designed to contain at least two (2) feet of water at any one point with a diameter less than six (6) feet and electrical connections, but not including temporary metal, plastic, fiberglass or inflatable structures intended to be used as pools by children. See also "SWIMMING POOL, PERMANENT". (4/1/2011)
102. HOTEL/MOTEL: A building with a minimum of nine (9) rooms in which lodging is provided and offered to the public for compensation at a daily rate, and which may include facilities for meetings, banquet rooms, restaurants and recreational facilities as incidental uses. (6/15/2007)
103. HOUSE TRAILER: Means a large trailer fitted for use as a mobile home. (11/24/1980)
104. ILLUMINANCE: The quantity of light arriving at a surface divided by the area of that surface. Measured in foot-candles. (12/15/2006)
105. INDOOR COMMERCIAL RECREATION: An establishment engaged in providing activities for the general public indoors by means of games or sports for a fee including but, not limited to, bowling alleys, space for competition such as indoor basketball courts and indoor soccer fields, and arcade activities. Indoor commercial recreation facilities may include a restaurant as an accessory use. (6/15/2007, Amended 7/5/2019)
106. INNOVATIVE SITE/ PD: A planned development located within the Capital District as provided in this Resolution. (2/6/15)
107. JUNK MOTOR VEHICLE: A motor vehicle that meets all of the following criteria: (1) Three model years old or older; (2) Apparently inoperable; and (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission. A collector's vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three criteria. (11/5/2004)
108. LANDSCAPE SERVICES: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. (6/15/2007)
109. LATTICE TOWER: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top. (12/17/2004)
110. LAUNDROMAT: An establishment providing home type washing, drying, dry cleaning or ironing machines for hire to be used by customers on the premises. (6/17/1964)
111. LIBRARY/MUSEUM: A room or building for exhibiting, or an institution in charge of a collection of books, digital media, and artistic, historical, or scientific objects. (6/15/2007)
112. LIGHT TRESPASS: Light (emitted by a lighting fixture) that falls outside the boundaries of the property on which the fixture is installed, where it is neither wanted nor needed. (12/15/2006)
113. LOADING SPACE: An off-street space on the same lot with a building, or a group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials. (3/9/2018)

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, 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), 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; 11/4/2022)

- 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 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.
- J. 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)
- K. 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)
- L. To provide a Special Interchange (S) District that maximizes the geographic characteristics of the land for hotel and hospitality related businesses. (6/19/2009)
- M. 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)
- 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, 11/4/2022)

	RD-2	BX	GB	GH	B-1	B-2	M	S	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Commons	Capital
Office & Professional Services										
Urgent care/ medical clinic			P	P	P					P
Medical & dental office	P	P	P	P	P	P	P		P	P
Administrative, business & professional offices	P	P	P	P	P	P	P		P	P
Research and development labs	P		C	CP			P			P
Retail & Personal Services										
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
Garden or nursery retail sales (non-wholesale)		C			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
Business services including mailing and copy centers		P	P		P	P			P	P

	RD-2	BX	GB	GH	B-1	B-2	M	S	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Commons	Capital
Rental services including electronic, furniture and party supplies		P								
Child or adult day care center	€	C	C	C	C	C	€		C	C
Microbrewery		C	C		C					C
Microdistillery		C	C		C					C
Microwinery		C	C		C					C
Automotive & Transportation										
Gas stations		P	C		C					€
Car wash		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				
Manufacturing & Limited Industrial										
Light manufacturing	P	P					P			
Brewery/Distillery/Winery	P									
Distribution & Wholesale										
Wholesale business	P	P				P				
Warehouse facilities	P	P								
Trade Business Services										
Publishing/printing/bindery	P	P				P	P			
Landscaping services		P				P				

	RD-2	BX	GB	GH	B-1	B-2	M	S	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Commons	Capital
Lumber and building material dealers		P				P				
General building contractors		P				P	<u>P</u>			
Construction and equipment sales and rental (including misc. yard care equipment)		C				C				
Entertainment/Recreation										
Membership sports/fitness club	P	P	<u>P</u>	P	P			P		P
Studios for instruction		P			P			<u>P</u>		P
Indoor commercial recreation		P			P			P		P
Theater		P	P		P			<u>P</u>		P
Meeting/banquet facilities, clubs	P	P	C		C			P		P
Community Facilities										
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				
Hospice care facility (used for care of hospice patients only)				C	C	C				
Government and Public Uses		P	P	P	P	P	P	P	P	P
Other										

	RD-2	BX	GB	GH	B-1	B-2	M	S	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Commons	Capital
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
Innovative Site/PD										
Innovative Site/PD – see section 13.36 for special standards and uses										C
Accessory Uses										
Outdoor storage and/or display in association with a permitted or conditional use	C	C	C	C	C	<u>CA</u>	<u>CA</u>			€
<u>Outdoor display in association with a permitted or conditional use</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>				<u>C</u>
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 permitted or conditional use when conducted and entered only from within the principal building	A		A	A	A		A	A	A	A
Meeting/banquet facilities (accessory)		A	A		A	A		A		A
Outdoor recreation								A	A	

	RD-2	BX	GB	GH	B-1	B-2	M	S	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Manufacturing	Special	Town Hall Commons	Capital
Golf courses & related facilities (private)								A		
Swimming pools, tennis courts (private)								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
Off-street parking and loading areas	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
Trash receptacles	A	A	A	A	A	A	A	A	A	A
Signs	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
<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	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Special Interchange	Manufacturing	Town Hall Commons	Capital
Lot Requirements										
Minimum Lot Area	3 ac	1 ac	.5 ac	1 ac	.5 ac	1 ac	5 ac	2 ac	.75 ac	1 ac
Minimum Lot Frontage/ Lot Width ^a	200 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft
Minimum Front Building Setback Line										
Lots Fronting Auburn Road	150 ft	75 ft	75 ft	75 ft	75 ft	75 ft	75 ft	150 ft	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	50 ft	40 ft ^c
Minimum Side Yard Clearance (each side)										
Abutting Residential District ^b	100 ft	70 ft	50 ft	50 ft	50 ft	50 ft	75 ft	200 ft	50 ft	50 ft
Abutting Non-residential District	50 ft	20 ft	20 ft	20 ft	20 ft	20 ft	75 ft	50 ft	20 ft	20 ft
Minimum Rear Yard Clearance										
Abutting Residential District	100 ft ^b	70 ft ^b	50 ft ^b	50 ft ^b	50 ft ^b	50 ft ^b	75 ft ^b	200 ft ^b	50 ft ^b	50 ft ^b
Abutting Non-residential District	50 ft	20 ft	20 ft	20 ft	20 ft	20 ft	75 ft	50 ft	20 ft	20 ft

	RD-2	BX	GB	GH	B-1	B-2	S	M	THC	C
	Research & Limited Industrial	Business Interchange	Gateway Business	Gateway Health	Restricted Retail	General Business	Special Interchange	Manufacturing	Town Hall Commons	Capital
Minimum Building Separation	20 ft	20 ft	15 ft	20 ft	15 ft	20 ft	20 ft	20 ft	20 ft	15 ft
Maximum Impervious Surface	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Minimum Riparian Setbacks										
See Section XVII of this Resolution for Regulations.										
Maximum Building Height										
Principal Building	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	60 ft
Accessory Building	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
<u>Notes to Table:</u>										
<p>^a Lots located in the BX, GB, GH, B-1, B-2, S, M, 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>^b 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>^c 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, and C DISTRICTS.

Design standards are established for the Gateway Business (GB), Gateway Health (GH), Business Interchange (BX), Town Hall Commons (THC), 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, 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. Provided no more than two (2) on a lot and that they are not located between the front wall of the building and the public road right-of-way.
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.

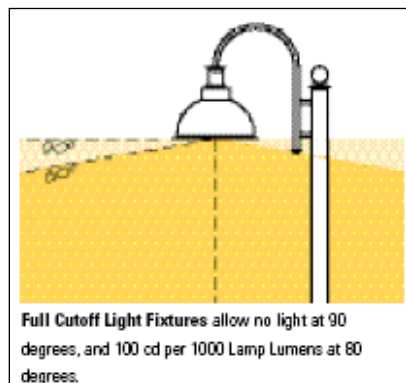
- A. Delivery and Loading Areas: Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. Delivery and loading areas shall be substantially set back from a residential use or residentially zoned property that is adjacent 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.



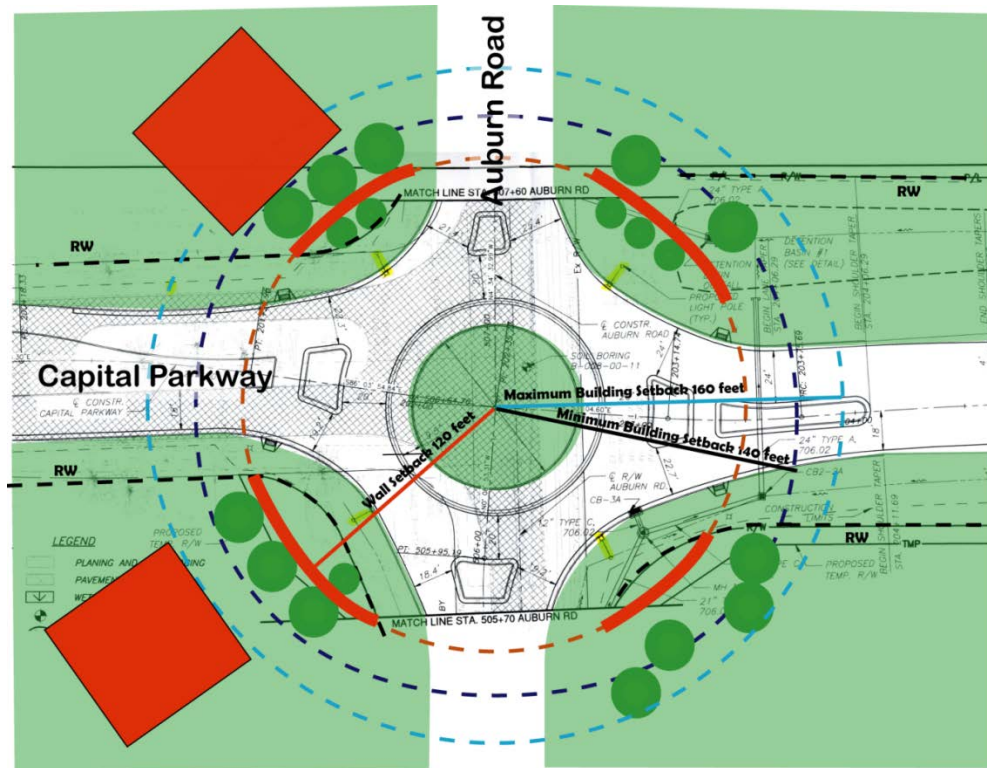
4. Uplighting is not permitted, except for use on flagpoles. (12/15/2006)

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 13.376.
- 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



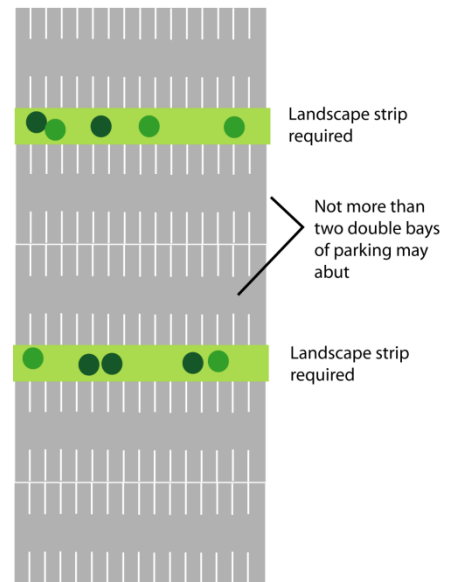
- D. At a minimum, the following shall be constructed on each Circle frontage lot:
 1. A wall of brick, stone, stucco, or similar masonry material reflecting the building architecture or as otherwise approved in the Site Plan shall be constructed in an arc located 120 feet from the center of and concentric 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 13.376 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)

SECTION XIII - CONDITIONAL USE PERMIT

- 13.01 Conditional Use Definition
- 13.02 Conditional Use Permit Definition
- 13.03 Purpose
- 13.04 Contents of the Application For A Conditional Use Permit
- 13.05 General Standards Applicable To All Conditional Uses
- 13.06 Surface Extraction Of Sand, Gravel, Or Other Earth Materials
- 13.07 Residential Care Facilities, Nursing Homes, Homes for the Aging, and Hospice Care Facility
- 13.08 Child or Adult Day Care Center
- 13.09 Church/Place of Religious Worship
- 13.10 School
- 13.11 College/University
- 13.12 Library, Museum and Community Center
- 13.13 Arboretum and Camp
- 13.14 Community Parks and Playgrounds
- 13.15 Neighborhood Parks
- 13.16 Adult Group Homes
- 13.17 Drive-thru Facilities
- 13.18 Wireless Telecommunication Facilities
- 13.19 Research and Development Labs
- 13.20 Restaurant (counter service)
- 13.21 Garden or Nursery Retail Sales (non-wholesale)
- 13.22 Veterinary Service
- 13.23 Funeral Services
- 13.24 Bed and Breakfast
- 13.25 Gas Stations
- 13.26 Car Wash
- 13.27 Motor Vehicle Dealers (new/pre-owned), including recreational & motorcycle
- 13.28 Automotive Services (including instant oil change)
- 13.29 Construction and Equipment Sales and Rental
- 13.30 Meeting/Banquet Facilities, Clubs
- 13.31 Hospital
- ~~13.32~~ 13.32 Outdoor Storage ~~and/or Display~~ in association with a permitted or conditional use
- ~~13.32~~~~13.33~~ 13.33 Outdoor Display in association with a permitted or conditional use
- ~~13.33~~~~13.34~~ 13.34 Outside Dining
- ~~13.34~~~~13.35~~ 13.35 Retail in association with a permitted or conditional use
- ~~13.35~~~~13.36~~ 13.36 Microbrewery/Microdistillery/Urban Winery
- ~~13.36~~~~13.37~~ 13.37 Innovative Site/PD

- 13.01 A CONDITIONAL USE is a specifically listed use provided for in this Zoning Resolution which is not otherwise permitted in any zoning district but which may be permitted by the Board of Zoning Appeals under conditions set forth in this Zoning Resolution in accordance with Section 519.14 of the Revised Code of Ohio. (3/23/1976; Amended 5/20/2000)
- 13.02 A CONDITIONAL USE PERMIT is a permit granted by the Board of Zoning Appeals and issued by the Zoning Inspector for the use of land, buildings and other structures not otherwise permitted in any zoning district, under conditions and stipulations set forth in this Zoning Resolution.

- A. In its consideration of an application for a Conditional Use Permit, the Board of Zoning Appeals shall be governed by the rules of procedure prescribed by this Resolution, including Sections 9.04 through 9.10.
- B. The Conditional Use Permit issued pursuant to this Resolution shall be valid only to the applicant to whom the permit is issued and shall not be assigned or transferred unless such assignment or transfer has been approved by the Zoning Inspector.
- C. The Conditional Use Permit shall be deemed to authorize a particular conditional use or a specific parcel of land for which it was approved, and shall not be altered, expanded or modified in any respect except in accordance with the Conditional Use Permit approval procedures of this Resolution.
- D. The sections of this Resolution specified in Section 13.02 A above, shall apply to applications for Conditional Use Permits as well as to the procedures for applications for zoning appeals.

(All of Section 13.02 - 5/2/1982; Amended 6/15/2007)

- 13.03 PURPOSE: Certain types of principal uses are classified as conditional uses because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements, or potential for significant impact on a particular district. Consequently, the conditional use procedures call for a more flexible and equitable procedure for properly accommodating such activities in a community. The forces that influence decisions regarding the nature, magnitude and location of such land use activities are many and varied, depending on functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to a special, individual and limited zoning districts, it is important to provide controllable and reasonably flexible requirements for certain kinds of uses that will allow practical latitude for the investor, but that will, at the same time, maintain adequate provisions for the health, safety, convenience and general welfare of the Township's residents. (3/23/1976; Amended 5/20/2000)
- 13.04 CONTENTS OF THE APPLICATION FOR A CONDITIONAL USE PERMIT: An application for a Conditional Use Permit shall be filed with the Secretary of the Board of Zoning Appeals in accordance with procedures set forth in Section 519.15 of the Revised Code of Ohio and on forms provided by the Zoning Inspector by at least one owner or lessee of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information: (3/23/1976; Amended 5/20/2000)
- A. Name, address and telephone number(s) of the applicant.
 - B. Legal description of the property and the name of the owner(s) of record.
 - C. Description of existing use.
 - D. Zoning district classification.
 - E. Description of proposed conditional use.
 - F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and internal traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and other such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
 - G. A narrative statement evaluating the effects on adjoining property; the effect of such elements

as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.

(All of Section 13.04 - 3/23/1976 except as noted)

- 13.05 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES: In addition to the specific requirements for conditionally permitted uses, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:
- A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township Comprehensive Plan and/or the Zoning Resolution.
 - B. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - C. Will not be hazardous or disturbing to neighboring uses.
 - D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - F. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be hazardous to the general welfare of the community.
 - G. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation. (6/15/2007)
 - H. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards or congestion. (6/15/2007)
 - I. Will not result in the destruction, loss or damage of a natural, scenic or historic feature.
 - J. Will not be detrimental to or endanger the public health, safety or general welfare. (5/20/2000)
 - K. Will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity for the uses permitted, nor substantially diminish or impair property values within the neighborhood. (5/20/2000)
 - L. Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. (5/20/2000)

(All of Section 13.05 - 3/23/1976 except as noted)

- 13.06 SURFACE EXTRACTION OF SAND, GRAVEL, OR OTHER EARTH MATERIALS: Surface extraction of sand, gravel or other earth materials may be permitted only under a Conditional Use Permit considering the effect upon the surrounding land. Such extraction shall not be permitted by right. Such conditional use may be permitted under specific conditions and stipulations in any district or

may be prohibited by the Board of Zoning Appeals after making a determination for conformance with the following procedures and standards requirements:

- A. That said area proposed for extraction under this section shall comprise no less than fifty (50) contiguous acres.
- B. That this section does not apply to county subdivision regulations, excavation of basements or the construction of oil, water and gas wells in conjunction with structures otherwise permitted by this Resolution.
- C. That this section applies to the removal of overburden for the purpose of determining the location, quality or quantity of a mineral deposit.
- D. That for purposes of enforcing this section an operator is defined as any person or corporation engaged in surface mining or who removes or intends to remove sand, gravel, earth materials, minerals, incidental coal or overburden.
- E. That the permanent above ground structures shall conform as to location, size and appearance with the structures in the use district in which the extraction operation is located.
- F. That no sand, gravel or other earth materials shall be removed or extracted nearer than two hundred (200) feet of horizontal distance from any street or highway right-of-way, or from any R-1, R-2, R-3, R-4,, R-6 or R-8 district property lines. (Amended 12/17/1998; and 3/9/2018)
- G. That a green strip with a minimum depth of fifty (50) feet shall be planted with grass and landscaped with a year round vertical green combination of shrubs and trees so as to shield the extraction operation from any adjacent property. In the event that the terrain or other natural features serve the intended purpose of providing a visual screen year round, then no other planting screen and landscaping shall be required.
- H. That no sand, gravel or earth materials shall be removed or extracted nearer than fifty (50) feet of horizontal distance to any adjacent property lines in districts other than R-1, R-2, R-3, R-4,, R-6 and R-8. (Amended 12/17/1998; and 3/9/2018)
- I. That there shall be no processing or manufacturing of such sand, gravel and earth materials on the premises.
- J. That the area to be excavated shall be planted after the excavation has been completed with sufficient cover of grass, trees or shrubs to cover the land and prevent erosion.
- K. That the applicant for a Conditional Use Permit to extract sand, gravel or other earth materials shall file with the Board of Zoning Appeals, along with the Application for Conditional Use Permit, detailed plans and maps prepared by a registered engineer or surveyor which clearly show the following:
 1. The total property of which the excavated area is a part.
 2. The owner of the property as shown on the recorded plat.
 3. The location and owners of record of all properties within five hundred (500) feet of the applicant property. Names and location of roads and natural features within five hundred (500) feet of the applicant property.
 4. A geological survey to show that the depth of excavation will not unreasonably disturb the existing water table or drainage area of the land to be affected and adjacent lands within five hundred (500) feet of the applicant property.

5. The proposed final topography of the land after excavation has been completed, indicated by contour lines of no greater interval than two (2) feet, on a map with a scale of one inch equals two hundred feet.
 6. The drainage plan on, above, below, and away from the area of land to be affected, indicating the directional flow of water, constructed drainways, natural waterways used for drainage and the streams or tributaries receiving or to receive this drainage.
 7. A plan for reclamation showing the grass, both in amount and type, trees and shrubs and other ground cover to be planted in the excavated area.
 8. The dates that the land or any portion thereof will be restored in accordance with the plans submitted.
 9. The depth of such excavation below the natural grade.
 10. The amount of material to be removed in each phase and over the total duration of the operation.
 11. A work schedule setting forth the proposed time limits within which the operation will be commenced and completed, showing the daily hours of operation, proposed haul roads if over-the-road vehicles are employed, methods of traffic control, methods of maintenance to insure that public right-of-ways are kept undisturbed, clean and safe along or in the vicinity of the proposed haul roads from or to the land involved.
- L. The applicant for such a permit shall also file with the Zoning Inspector a bond payable to the Concord Township Trustees with sureties approved by the Trustees in the amount of one thousand (1,000) dollars per acre of any portion thereof of the land to be excavated and conditioned upon the applicant faithfully restoring the land to be excavated as the contour map submitted with the application indicates, and upon the applicant providing the drainage shown upon the map submitted with the application and upon the applicant planting grass, trees and shrubs as shown on the plan submitted with the application.

On each annual anniversary of the issuance of the Conditional Use Permit and the filing of the bond required herein and when the land has been restored in accordance with the application and plans, the permit holder shall file with the Zoning Inspector a report showing the amount of sand, gravel or other earth material removed and the depth and extent of the excavation. Such report shall further set forth that portion of the land that has been restored in accordance with the approved plan submitted with the application for the Conditional Use Permit. At such time as the Zoning Inspector finds that the land has been restored in accordance with the approved plan, submitted with the application for a permit, he shall recommend to the Trustees the release of the bond for each acre or portion thereof so restored.

The Township Trustees shall release the bond for each acre or portion thereof so restored.

- M. In the event that the land is not restored in accordance with the approved plans as determined by the Zoning Inspector, at the time stated in the permit or any extension thereof granted by the Board of Zoning Appeals for good cause shown, or if the applicant fails to file the annual report required in paragraph L. above, or if the applicant deviated from the plan approved by, or the conditions stipulated by the Board of Zoning Appeals, the Board of Township Trustees shall declare the conditions of the bond forfeited and proceed to cause the land to be restored in accordance with the approved plan submitted by the applicant charging such cost to the bond. In the event the cost of restoring the land under the conditions of this paragraph

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 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: 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: 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: 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: 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: 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 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; ~~RD-2, Research and Limited Industrial District;~~ and C, Capital District when granted a Conditional Use Permit as provided in Section 13.02 of this Resolution. The intent is to provide the community with an adequate supply of quality day care in a safe environment with minimal impact on adjoining properties. (4/21/1994; Amended

6/15/2007, 6/19/2009 & 1/6/2012; 2/15/2013; 2/6/2015)

A. General requirements:

1. The proposed child day care center shall secure a license to operate in accordance with Chapter 5104 of the Ohio Revised Code. Evidence of such license shall be presented to the Board of Zoning Appeals.
2. Lot size shall be a minimum of one (1) acre of land or the minimum lot size established for the corresponding district, whichever is greater. (Amended 1/6/2012)

B. Safety/inspections: (Amended 1/6/2012)

1. Child or adult day care centers shall comply with the requirements of the Council of American Building Officials (CABO) Code, the ~~National Fire Prevention Association (NFPA)~~ Ohio Fire Code and all other applicable safety codes.
2. For the purpose of safety, the Concord Township Fire Department shall conduct an inspection prior to the initial operation of the child or adult day care center and semiannually there-after, or as deemed necessary by the Concord Township Fire Chief. All child and adult day care centers may also be subject to inspection by the State Fire Marshall's Office.
3. Where applicable, a food service license shall be obtained.
4. Owners shall display proof of such licenses, inspection and compliance in a conspicuous place.
5. A floor plan designating present location, exits and evacuation routes shall be posted in conspicuous places within the child or adult day care center.

C. Signs shall conform to the requirements of Section XXX of this Resolution.

D. Off-street parking shall comply with the requirements of Section XXIX of this Resolution. (4/21/1994; Amended 6/2/2001 and 6/15/2007; and 3/9/2018)

E. Vehicles used to transport clients on fieldtrips or similar activities shall be permitted to park overnight at the center, in compliance with the parking setbacks. (3/9/2018)

F. The location and design of the facility shall provide for the protection of the children and adults from the traffic, noise, and other hazards of the area and/or the arterial street location. (6/15/2007; Amended 1/6/2012)

G. The required outdoor activity area shall not be located closer than twenty (20) feet to any residential property. (6/15/2007)

H. All outdoor activity areas for child or adult day care centers shall be adequately enclosed by a fence at a height approved by the Board of Zoning Appeals. An entry gate shall be securely fastened. Such fences shall comply with all other applicable fence requirements set forth in Section 38.10 of the Landscape and Screening Requirements. (6/15/2007; Amended 1/6/2012)

I. For adult day cares, an on-site drop-off/pick-up area that will not impede traffic on or off the site shall be provided at the main entrance to the facility to ensure the safety of the adults. (Amended 1/6/2012)

J. When child or adult day care centers are conditionally permitted as an accessory use, the

building setback and lot requirements for the main or principal permitted use of the property shall prevail, but remain in compliance with all other applicable requirements of this Section. (6/19/2009; Amended 1/6/2012)

(All Section 13.08 - 4/21/1994, except as noted)

- 13.09 CHURCH/PLACE OF RELIGIOUS WORSHIP: A church/place of religious worship shall be conditionally permitted in an R-1, Residential, or R-4, Residential District, B-1 Restricted Retail District, GB Gateway Business District, THC Town Hall Commons District, BX, Business Interchange District, and C, Capital District subject to compliance with the following conditions: (5/20/2000; Amended 6/15/2007 & 6/19/2009; 2/6/2015)
- A. A church/place of worship shall be located on a parcel containing at least two (2) acres of land and having a minimum lot width of two hundred (200) feet at the building setback line. For churches proposed in the B-1, GB, THC, BX or C Districts, the minimum lot area and width requirements set forth in the district regulations shall apply. (5/20/2000; Amended 6/15/2007 & 6/19/2009; 2/6/2015)
 - B. 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.
 - C. No building or portion of a building shall be located closer than fifty (50) feet from any abutting property line or public right-of-way sideline. (Amended 6/19/2009)
 - D. No parking area shall be located closer than fifty (50) feet from an abutting property line and twenty-five (25) feet to any public road right-of-way sideline. Parking areas shall also be screened in accordance with the Landscaping and Screening Requirements set forth in Section XXXVIII. (5/20/2000; Amended 6/15/2007 & 6/19/2009)
 - E. No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
 - F. All exterior lighting shall be directed toward the interior of the lot on which such use is proposed so as to minimize light emission onto neighboring properties. For churches proposed in the B-1, GB, THC, or BX Districts, the lighting requirements set forth in the district regulations shall apply. (5/20/2000; Amended 6/15/2007 & 6/19/2009)
 - G. All refuse areas shall be enclosed. For churches proposed in the B-1, GB or BX Districts, the trash receptacle area requirements set forth in the district regulations shall apply. (5/20/2000; Amended 6/15/2007)
 - H. All play areas shall be enclosed by a fence at least four (4) feet in height and shall have controlled access.
 - I. No church/place of worship shall provide for boarding or lodging of any type except that a rectory, parsonage and/or convent may be located on the same site.
 - J. If not specifically addressed within this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.
 - K. A child day care center shall be permitted as an accessory use and in compliance with any applicable regulations set forth under Section 13.08. (6/15/2007)

L. A food bank shall be permitted as an accessory use. (6/15/2007)

(All of Section 13.09 - 5/20/2000 except as noted)

13.10 SCHOOL: A school shall be permitted in an R-1, Residential or R-4, Residential District and THC, Town Hall Commons District subject to compliance with the following conditions: (Amended 6/19/2009)

- A. A school shall be located on a parcel containing at least five (5) acres of land and a minimum lot width of three hundred (300) feet at the building setback line.
- B. Such uses shall be located on a major street or have direct access to a major street without having to go through a residential neighborhood in order to lessen the impact on the residential neighborhood.
- C. No building or portion of a building shall be located closer than fifty (50) feet from an abutting property line or public right-of-way sideline. (Amended 6/19/2009)
- D. No parking area shall be located closer than fifty (50) feet from an abutting property line and twenty-five (25) feet to any public road right-of-way sideline. Parking areas shall also be screened from abutting properties in accordance with the applicable Landscaping and Screening Requirements set forth in Section XXXVIII of this Resolution. (Amended 6/19/2009)
- E. No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
- 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 play areas shall be enclosed by a fence at least four (4) feet in height and shall have controlled access.
- I. No school shall provide dormitory-type dwelling of a temporary or permanent nature. (5/20/2000; Amended 7/21/2001)
- J. If not specifically addressed within this Section, all buildings shall conform in all ways with the requirements of the zoning district in which they are located.

(All of Section 13.10 - 5/20/2000 except as noted)

13.11 COLLEGE/UNIVERSITY: A college/university shall be permitted in an R-1, Residential, or an R-4, Residential, district subject to compliance with the following conditions:

- A. A college/university shall be located on a parcel containing at least five (5) acres of land and having a minimum lot width of three hundred (300) feet at the building setback line. A college or university may also utilize space in a school in order to provide individual classes or individual programs off-campus.
- B. 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.
- C. No building or portion of a building shall be closer than fifty (50) feet from any abutting property line.

- D. Off-street parking shall comply with the standards in Section XXIX, except as specifically modified below. (Amended 3/9/2018)
 - 1. No parking area shall be located closer than fifty (50) feet from an abutting property line.
 - 2. No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
- E. All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.
- F. All refuse areas shall be enclosed.
- G. All play areas shall be enclosed with a fence at least four (4) feet in height and shall have controlled access.
- H. No college/university shall provide dormitory dwelling of a temporary or permanent nature. (5/20/2000; Amended 7/21/2001)
- I. 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.

(All of Section 13.11 - 5/20/2000 except as noted)

- 13.12 LIBRARY, MUSEUM AND COMMUNITY CENTER: A library, museum and/or community center shall be permitted in an R-1, Residential, and R-4, Residential Districts subject to compliance with the following conditions: (5/20/2000; Amended 6/15/2007)
- A. A library, museum, and/or community center shall be located on a parcel containing at least two (2) acres of land and having a minimum lot width of two hundred (200) feet at the building setback line.
 - B. 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.
 - C. No building or portion of a building shall be closer than fifty (50) feet from any abutting property line.
 - D. Off-street parking shall comply with the standards in Section XXIX, except as specifically modified below. (Amended 3/9/2018)
 - 1. No parking area shall be located closer than fifty (50) feet from an abutting property line.
 - 2. No access drive shall be closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
 - E. All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.
 - F. All refuse areas shall be enclosed.
 - G. All play areas shall be enclosed by a fence at least four (4) feet in height and shall have a controlled access point.
 - H. 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.

(All of Section 13.12 - 5/20/2000 except as noted)

- 13.13 ARBORETUM AND CAMP: An arboretum or camp shall be permitted in an R-1, Residential, or an R-4, Residential district subject to compliance with the following conditions:
- A. No arboretum or camp shall be permitted on a parcel containing less than ten (10) acres of land and having a minimum lot width of five hundred (500) feet at the building setback line.
 - B. 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.
 - C. No building or portion of a building shall be located closer than fifty (50) feet from any abutting property line.
 - D. No parking area shall be located closer than fifty (50) feet from an abutting property line. Parking areas shall also be screened from abutting properties by a fence, mounding, planting or any combination thereof which provides for a year-round vertical screen at least four (4) feet in height as measured from the parking area surface. Parking areas and access drives shall be paved with an impervious material such as asphaltic concrete or asphalt.
 - E. No access drive shall be located closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
 - 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. 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.
 - I. All lodging and accommodations for a camp/campground shall be for temporary occupancy. (5/20/2000; Amended 7/21/2001)

(All of Section 13.13 – 5/20/2000 except as noted)

- 13.14 COMMUNITY PARKS AND PLAYGROUNDS: Community parks and playgrounds shall be permitted in an R-1, Residential, or an R-4, Residential, district subject to compliance with the following conditions:
- A. A community park or playground shall be located on a parcel containing at least five (5) acres of land and having a minimum lot width of three hundred (300) feet at the building setback line.
 - B. No building or portion of a building shall be located closer than fifty (50) feet from any abutting property line.
 - C. No parking area shall be located closer than fifty (50) feet from an abutting property line.
 - D. No access drive shall be located closer than twenty-five (25) feet from an abutting property line, and no closer than one hundred (100) feet from an intersection of public right-of-ways.
 - E. All exterior lighting shall be directed toward the interior of the lot so as to minimize light emission onto neighboring properties.
 - F. If not specifically addressed within this Section, all buildings shall conform in all other ways to the requirements of the zoning district in which they are located.

(All of Section 13.14 - 5/20/2000 except as noted)

- 13.15 NEIGHBORHOOD PARKS: Neighborhood parks shall be permitted in an R-1, Residential, or an R-4, Residential, district subject to compliance with the following conditions:
- A. Neighborhood parks shall be located on a parcel having at least one quarter (1/4) acre of land and no more than one (1) acre of land. Neighborhood parks shall have a minimum lot width of at least seventy-five feet.
 - B. A neighborhood park shall have no parking areas.
 - C. A neighborhood park shall have no exterior lighting.
 - D. There shall be no building or structure in a neighborhood park.
 - E. Such neighborhood parks shall be low impact in nature.

(All of Section 13.15 - 5/20/2000 except as noted)

- 13.16 ADULT GROUP HOMES: Adult group homes shall be conditionally permitted in an R-1, Residential District; B-1, Restricted Retail District; OR B-2, General Business District and the R-4, Residential District subject to compliance with the following conditions:
- A. An Adult Group Home shall be located on a lot of at least one (1) acre in area in an R-1, Residential district; B-1, Restricted Retail district; or B-2, General Business District, and at least two (2) acres when located in an R-4, Residential district.
 - B. Signs shall conform with the provisions set forth in Section XXX of this Resolution. (Amended 3/9/2018)
 - C. Adult Group Homes shall maintain in all respects, the exterior appearance of a single-family home in the R-1, Residential district and the R-4, Residential district.
 - D. Adult Group Homes shall comply with all applicable licensing requirements, building code requirements, fire code requirements and health requirements.
 - E. If not specifically addressed in this Section, all buildings shall conform in all others ways to the requirements of the zoning district in which they are located.
 - F. Off-street parking areas shall be provided in accordance with Section XXIX of this Resolution. (Amended 3/9/2018)
 - G. All refuse areas shall be enclosed.
 - H. Safety/Inspection:
 - 1. An Adult Group Home shall comply with the requirements of the BOCA, ~~National Fire Prevention~~ Ohio Fire Code and any amendments thereto and all other applicable safety codes.
 - 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 13.16 - 12/15/2001 except as noted)

- 13.17 DRIVE-THRU FACILITIES: Drive-thru lanes and all pertinent structures associated with a drive-thru

facility including but not limited to speakers, windows, transaction sites, pneumatic tubes, lighting, cameras and overhangs shall be conditionally permitted in the BX, Business Interchange, GB, Gateway Business, and B-1, Restricted Retail in accordance with the following: (12/15/2001; Amended 6/15/2007; 2/6/2015)

- A. Shall only be permitted as accessory uses for the main uses of buildings and land as specified within the particular zoning classification or district.
- B. All pertinent structures shall conform to all building setbacks as provided in the particular zoning classification or district in which it is to be located.
- C. Drive-thru facilities shall provide the minimum number of waiting spaces as set forth in Section 29.09 of this Resolution. (Amended 3/9/2018)
- D. Drive-thru facilities shall comply with the parking setback requirements set forth in Section XXIX, except in the R-2, Planned Unit Development District where such drive-thru facilities must be located a minimum of one hundred (100) feet from any dwelling unit located within the planned unit development. When such use abuts a residential district, landscaping and screening shall be provided in compliance with Section 38.09. (12/15/2001; Amended 6/15/2007)
- E. Any lighting provided for a drive-thru facility shall comply with the lighting requirements set forth in Section 22.09 of the district regulations. (12/15/2001; Amended 6/15/2007)
- F. Any speakers provided for a drive-thru facility should be set at a volume so as not to disturb abutting properties.
- G. Drive-thru facilities shall be located on a lot so as to minimize interference with an establishment's pedestrian traffic and other parking areas.
- 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 and on road traffic and to ensure compatibility with normal vehicular activity in the district. (6/15/2007)
- I. Access drives shall be 200 feet from an intersection; one access drive per street frontage shall be permitted; and interconnecting circulation aisles between parcels shall be provided when practicable. (6/15/2007)
- J. Such facilities should be located on a major street in an area least disruptive to pedestrian and vehicular traffic. (6/15/2007)
- K. Waiting spaces for drive-through facilities shall not be the sole or primary site egress route. (6/15/2007; Amended 3/9/2018)
- L. Waiting spaces shall not utilize parking or aisles required for access to parking. (6/15/2007; Amended 3/9/2018)

(All of Section 13.17 - 12/15/2001 except as noted)

- 13.18 WIRELESS TELECOMMUNICATION FACILITIES: Wireless telecommunications facilities that include towers are not permitted in residential districts with the exception of placement on any property with an institutional use (e.g., church, park, library, municipal/government, hospital, school, utility) located in these districts, or within a multi-family dwelling district. However, antennae attached to existing buildings or structures are permitted, as set forth herein. In applying for a permit in any

residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone. Once those efforts have been exhausted, a wireless telecommunications facility may be located in a residential district subject to the following purposes, requirements or conditions:

A. Purpose: The purpose of this section is to regulate the placement, construction, and modification of towers and telecommunication facilities in areas zoned for residential use in order to protect health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the township. Specifically, the purposes of these regulations are:

1. To regulate the location of wireless telecommunication facilities in the township.
2. To protect residential areas and land uses from potential adverse impact of wireless telecommunications facilities.
3. To minimize adverse visual impact of wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
4. To promote and encourage collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support wireless telecommunications facilities.
6. To avoid potential damage to property caused by wireless telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined structurally unsound.
7. To ensure the wireless telecommunications facilities are compatible with surrounding land uses.

B. General Requirements:

1. Applications for a Conditional Use Permit shall be made to the Board of Zoning Appeals in accordance with the procedures outlined in Section 13.02 of this Resolution. All required information, as set forth in Section 13.04, shall be submitted at the time of application.
2. When the proposed wireless telecommunications facility is to include a new tower, a plot plan and supporting documentation shall be submitted in conformance with the following requirements:
 - a. The plot plan shall be at a scale no less than one inch equal to 100 feet;

- b. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is situated (if the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner shall be evidenced in the application);
 - c. A description of the design plan proposed by the applicant identifying the utilization of the most recent technological design as part of the design plan;
 - d. A landscaping plan that indicates how the wireless telecommunications facility will be screened from adjoining uses.
 - e. The proposed location of the tower and equipment shelter, and all the buildings and uses within 300 feet of the proposed facility (aerials and/or renderings may augment the plot plan);
 - f. Information regarding the feasibility of collocation on an existing tower, or antenna support structure;
 - g. Information regarding the proposed service area for the facility and the necessity or demonstrated need for the proposed location. There shall be an explanation of why a tower at this proposal site is technically necessary;
 - h. A grid setting forth all wireless telecommunications antenna, towers and facilities, with the number of antennas on each, within a five mile radius of the proposed site, together with the name, address and telephone number of the owner/operator of the tower; and
 - i. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation (letter of intent) that the owner of the property will grant an easement or enter into a lease for the proposed facility and that the vehicular access is provided to the facility.
3. Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s) shall be presented to the Board of Zoning Appeals as a means of demonstrating the need for a new tower.
 4. A Conditional Use Permit must be approved by the Board of Zoning Appeals.
 5. After the issuance of a zoning certificate to construct a wireless telecommunications facility, the applicant shall commence construction within one hundred eighty (180) days and shall complete construction within one (1) year or the zoning certificate shall expire. As a condition of issuance of the certificate, the Zoning Inspector shall require the applicant and the owner of the property to certify that if construction is not commenced

within the one hundred eighty (180) days or completed within one (1) year that the site will be available for another wireless telecommunications facility.

6. Security fencing of at least six (6) feet and no higher than eight (8) feet shall surround the tower, equipment shelter and any guy wires, either completely or individually as determined by the Board of Zoning Appeals. Barbed wire at the top of the fence is permitted.
7. The location of the tower and the equipment shelter shall comply with all natural resource protection standards set forth by the Zoning Resolution, including those for wetlands, floodplain and steep slopes, as applicable.
8. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
9. A buffer zone shall be established consisting of landscaping not less than fifteen (15) feet in depth between the wireless telecommunications facility and the public rights-of-way and any adjacent properties from which a direct view can be had. This buffer shall consist of a tight screen fence of evergreen hedge, or evergreen trees not less than six (6) feet in height, or of another year-round vegetative screen. This buffer zone shall be continually maintained and promptly restored, when necessary.
10. The tower shall be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
11. All towers shall be designed and certified by a registered design professional to withstand wind loads of 90 miles per hour with one-half (1/2) inch of icing and to accommodate at least two (2) providers.
12. No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting as prescribed by the FAA. If lighting is required by FAA, white strobe lights shall not be permitted at night unless no other less bothersome, annoying, and disturbing alternative is permitted by the FAA. Security lighting around the equipment is permitted with a prior approval by the Board of Zoning Appeals.
13. Underground equipment shelters are encouraged and may be requested by the Board of Zoning Appeals.
14. The owner/operator of a wireless telecommunications facility shall notify the Fire Department whose jurisdiction the facility is located in by certified mail of the location and height of the proposed tower as a condition of issuance of a zoning certificate.
15. Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.

16. “No Trespassing” signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.
 17. No advertising shall be permitted on the wireless telecommunications facility.
 18. Outdoor storage of any supplies, vehicles or equipment related to the use of the facility is prohibited (excluding the period of construction).
 19. All providers utilizing towers shall present a report to the township detailing when the use of the tower facility will be discontinued (including the date). If a facility goes unused for six (6) months, a designated township official may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facilities owner/operator will then receive a notice instructing them to either reactivate the facility within six (6) months, or dismantle and remove the facility. If reactivation or dismantling does not occur, the township will remove or will contract to remove the facility and assess the owner/operator the costs.
 20. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance.
- C. Antenna Combined with a Nonresidential Use: An antenna may be attached to a nonresidential building or a structure that is a permitted use in the residential district; including, but not limited to, a church, a municipal or government building or facility, agricultural building, and a building or structure owned by a utility. The following conditions shall be met:
1. The maximum height shall be 20 feet above the existing building or structure.
 2. If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the following:
 - a. The shelter shall comply with the minimum setback requirements for accessory buildings for the subject zoning district.
 - b. The maximum size of the equipment shelter shall not exceed 300 square feet, or if there is more than one, 750 total square feet.
 - c. A buffer zone shall be planted in accordance with Section 13.18 B. 9.
 - d. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation of the site’s principal use.
- D. Tower Located on a Multi-Family or Nonresidential Use Property: A tower to support an antenna may be constructed on a property zoned “R-3” for multi-family dwellings or with a nonresidential use that is a permitted use within the residential districts including, but not limited to, a church, hospital, school, municipal or government building, facility or structure, agricultural use and a utility use, subject to the following conditions:

1. The tower shall comply with the minimum setback requirements for the subject zoning district or use, except when abutting a single-family or two-family residential lot, in which case the minimum setback shall be 300 feet.
 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; if there is more than one, 750 total square feet.
 4. Vehicular access to the tower and equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.
 5. In order to locate a telecommunications facility on a property that is vacant or with an agricultural use, the tract shall be at least 2.5 acres.
 6. A buffer zone shall be planted in accordance with Section 13.18 B. 9.
- E. Located on a Residential Building: An antenna for a wireless telecommunications facility may be attached to a multi-family building in the R-3 District subject to the following conditions:
1. The maximum height shall be 20 feet above the existing building.
 2. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located in, or attached to, the building), the shelter shall comply with the following:
 - a. The shelter shall comply with the minimum setback requirements for accessory buildings for the subject zoning district.
 - b. The maximum size of the equipment shelter shall not exceed 300 square feet; if there is more than one, 750 total square feet.
 - c. A buffer zone shall be planted in accordance with Section 13.18 B. 9.
 - d. Vehicular access to the shelter shall, if at all possible, use the existing circulation system.
- 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, 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 and GH, Gateway Health Districts 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; THC, Town Hall Commons; and C, Capital Districts. Restaurant (Table Service) shall be conditionally permitted in the 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, and B-2 General Business 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, 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)

13.25 GAS STATIONS: Gas Stations shall be conditionally permitted in the GB, Gateway Business, and B-1, Restricted Retail, ~~and C, Capital~~ Districts in compliance with the following: (Amended 2/6/2015)

- A. Fuel pumps may be erected in a front yard but not less than 50 feet from the public right-of-way, and any adjoining property line.
- B. Gasoline stations located on a corner lot shall have not less than 150 feet frontage on each of the two intersecting streets.
- C. Driveways to provide access to a gasoline pump, platforms and curbs shall be designed in accordance with regulations adopted by the Ohio Department of Transportation and the Ohio Fire Code~~National Fire Protection Association~~.
- D. A canopy may be constructed over the pump island provided the canopy shall be no closer than 40 feet to the right-of-way, as measured from the perimeter of the roofline of the canopy.
- E. All activities provided at gasoline stations, except those required to be performed at a fuel pump, air dispenser, or self-serve automobile vacuum, shall be carried on entirely inside a building.
- F. On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per fronting street.
- G. The proposed use shall have a lot area of not less than one (1) acre.
- H. Such uses shall be located so as to front on at least one (1) street which is designed and used for major traffic movements within the Township.
- I. The Board of Zoning Appeals may limit the number of fuel pumps based on evaluation of site size, location, distance from residential uses, and traffic flow on, into and out of the site, traffic impacts within the surrounding area and any other relevant factors to the surrounding area. But, in no case shall there be less than four pumps.
- J. Off-street Parking areas shall be provided in accordance with Section XXIX of this Resolution. (Amended 3/9/2018)
- K. Waiting spaces shall be provided in accordance with Section 29.09 of this Resolution. (Amended 3/9/2018)
- L. Any accessory uses to the principal use must be reviewed and approved by the Board of Zoning Appeals prior to any construction or reconstruction related to such use.
- M. A loading space shall be provided on the site plan. (Amended 3/9/2018)

(All of Section 13.25 – 6/15/2007, except as noted)

13.26 CAR WASH: Car Washes shall be conditionally permitted in the BX, Business Interchange, GB, Gateway Business, and B-1, Restricted Retail, ~~and C, Capital~~ Districts in compliance with the following: (6/15/2007, Amended 2/6/2015)

- A. The area for the facility shall be located on the lot so as to utilize the maximum amount of the lot for the purpose of containing the waiting line of cars prior to the time the cars or other vehicles are actually serviced. (6/15/2007)
- B. Off-street parking areas shall be provided in accordance with Section XXIX of this Resolution. (Amended 3/9/2018)
- C. Waiting spaces shall be provided in accordance with Section 29.09 of this Resolution.
- D. Car washes may include accessory uses such as detailing, drying and vacuuming areas.
- ~~C.E.~~ Any vacuum areas shall be shown on the site plan and shall be screened from any property line that abuts a residential property. (Amended 3/9/2018)

13.27 MOTOR VEHICLE DEALERS (NEW/PRE-OWNED), INCLUDING RECREATIONAL AND MOTORCYCLE DEALERS: Motor vehicle dealers (new/pre-owned), including recreational and motorcycle dealers shall be conditionally permitted in the BX, Business Interchange District in compliance with the following:

- A. The display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks set forth in Section XXIX.
- B. All activities, including cleaning, servicing and repair shall be conducted within an enclosed building unless otherwise permitted by the Board of Zoning Appeals.
- C. The sale of pre-owned or used motor vehicles, including the display, offering for sale and dealing of pre-owned or used vehicles shall only be permitted as an accessory use to a new motor vehicle dealer, and such sale at retail, display, offering for sale and dealing of pre-owned or used vehicles shall be operated in conjunction with, on the same lot as, and under the same ownership and management of the new motor vehicle dealer.

(All of Section 13.27 – 6/15/2007)

13.28 AUTOMOTIVE SERVICES (INCLUDING INSTANT OIL CHANGE): Automotive Services (including instant oil change) shall be conditionally permitted in the GB, Gateway Business and B-1 Restricted Retail Districts in compliance with the following:

- A. All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere herein.
- B. The parking of employee vehicles and vehicles waiting to be serviced or returned to customers following service shall be parked in areas indicated for such parking on the approved site plan.
- C. Off-street parking areas shall be provided in accordance with Section XXIX of this Resolution. (Amended 3/9/2018)
- D. Waiting spaces shall be provided in accordance with Section 29.09 of this Resolution. (Amended 3/9/2018)

(All of Section 13.28 – 6/15/2007)

13.29 CONSTRUCTION AND EQUIPMENT SALES AND RENTAL: Construction and Equipment Sales and Rental shall be conditionally permitted in the B-X Business Interchange and B-2 General Business Districts in compliance with the following: (Amended 6/19/2009)

- A. Equipment storage areas shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site.
- B. The outdoor overnight parking and storage of any trucks and other equipment shall be enclosed by a wall or fence. Such fence shall comply with all applicable fence requirements set forth in Section 38.10 of the Landscape and Screening Requirements.
- C. Additional screening may be required by the Board of Zoning Appeals, if necessary, to adequately screen storage areas and materials from adjoining districts or public streets.
- D. Outdoor storage and display areas shall be prohibited in the front yard.
- E. Outdoor storage and display areas shall be maintained in a neat and orderly fashion.

(All of Section 13.29 – 6/15/2007 except as noted)

13.30 MEETING/ BANQUET FACILITIES, CLUBS: Meeting/Banquet Facilities and Clubs shall be conditionally permitted in the GB, Gateway Business and B-1, Restricted Retail Districts in compliance with the following:

- A. The proposed use shall not generate excessive noise beyond the premises. In order to minimize the effects of noise, the Board of Zoning Appeals may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the district.
- B. The Board of Zoning Appeals may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.

(All of Section 13.30 – 6/15/2007)

13.31 HOSPITAL: Hospitals shall be conditionally permitted in the GB, Gateway Business District and GH, Gateway Health District in compliance with the following: (Amended 2/15/2013)

- A. Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street.
- B. Access drives shall be located no less than 100 feet from an intersection.
- C. Accessory uses, such as a pharmacy, gift shop, cafeteria and similar customarily related uses shall be allowed when conducted and entered from within the principal building.

(All of Section 13.31 – 6/15/2007, except as noted)

13.32 OUTDOOR STORAGE ~~AND/OR DISPLAY~~ IN ASSOCIATION WITH A PERMITTED OR CONDITIONAL USE: Outdoor storage ~~and/or display~~ in association with a permitted or conditional use shall be conditionally permitted in the RD-2, Research and Limited Industrial, BX, Business Interchange, GB, Gateway Business, GH, Gateway Health, B-1, Restricted Retail, B-2, General Business, M, Manufacturing, and C, Capital Districts in compliance with the following: ~~_____~~ (Amended 2/15/2013; 2/6/2015)

- A. The outdoor storage of goods, supplies, equipment and vehicles used in the operation of the principal use shall comply with the following:
 - 1. Areas devoted to outdoor storage 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 storage area shall be located adjacent to a side or rear wall of the main building that does not front on a public right-of-way.
 - ~~1-3.~~ The outdoor storage area shall be enclosed on all sides not bounded by a building wall. The enclosure shall be a masonry material that matches the design and materials of the main building or a solid vinyl fence or other appropriate solid material that is maintenance free and compatible with the existing building, at a minimum height of eight (8) ft. or as otherwise approved by the Zoning Commission.
 - ~~2-4.~~ _____ The outdoor storage area shall not be located in areas intended for traffic circulation or pedestrian access as identified on the site plan.
 - ~~3-5.~~ _____ No signs shall be permitted in conjunction with outdoor storage areas except those

otherwise in compliance with the sign regulations in Section XXX.

6. Outdoor storage areas shall be maintained in a neat and orderly fashion.

4.7. The outdoor storage area shall be secured by a gate.

5.8. Any outdoor storage shall be directly related to the principal business conducted at that location.

6.9. The outdoor storage of fleet vehicles associated with the operation of the principal use shall be located in a side or rear yard in compliance with the parking setbacks set forth in Section XXIX for the district in which it the lot is located.

13.33 OUTDOOR DISPLAY IN ASSOCIATION WITH A PERMITTED OR CONDITIONAL USE shall be conditionally permitted in the BX, Business Interchange, GB, Gateway Business, GH, Gateway Health, B-1, Restricted Retail, B-2, General Business, and C, Capital Districts .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)

13.34 OUTSIDE DINING: Outside Dining shall be conditionally permitted in the BX Business Interchange, GB Gateway Business, B-1 Restricted Retail, 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)

13.3~~5~~4 RETAIL IN ASSOCIATION WITH A PERMITTED OR CONDITIONAL USE shall be permitted in the RD-2, Research and Limited Industrial District and GH, Gateway Health District, provided the applicant establishes the retail to be an integral part of and accessory to the main use of the property and is in compliance with the following: (Amended 2/15/2013)

- A. Such retail area shall be conducted and entered only from within the principal building.
- B. The floor area attributable to the retail area shall not exceed 25% of the total floor area of the principal building.
- C. Sufficient parking shall be provided to accommodate the retail space, in addition to the required parking for the principal use, in accordance with the space requirements outlined in Section XXIX of this Resolution.
- D. Signage proposed for the retail space shall conform to the applicable requirements set forth in Section XXX of this Resolution.
- E. Any other conditions that the Board of Zoning Appeals deems reasonable and necessary to carry out the purpose and intent of the RD-2 District.

(All of Section 13.34 - 1/6/2012, except as noted)

13.3~~6~~5 MICROBREWERY, MICRODISTILLERY, or MICROWINERY shall be conditionally permitted in the C, Capital, B-1, Restricted Retail, GB, Gateway Business, or BX, Business Interchange District in compliance with the following:

- A. Each microbrewery, microdistillery, or microwinery shall include a restaurant, bar, and/or tasting room associated with the microbrewery, microdistillery or microwinery, and shall be located in the same building. The restaurant, bar, or tasting room shall constitute not less than twenty percent (20%) of the total floor area of the business.
- B. The application for a microbrewery, microdistillery, or microwinery shall include information addressing potential impacts at maximum production capacity of the use and impacts upon other uses in the area. Impacts to be addressed include, but are not limited to, truck traffic, odors, water demand, waste disposal, special events parking, and hours of all operations.
- C. Each microbrewery, microdistillery or microwinery shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and the

Bureau of Alcohol, Tobacco and Firearms (ATF), and shall maintain current licenses as required by each agency. (7/16/2021)

- D. Each facility shall maintain copies of all reports filed with the Bureau of Alcohol, Tobacco and Firearms and shall be able to demonstrate, upon request of the Township, that they have not exceeded the annual beverage production limit in any twelve month (12) period. (7/16/2021)
- E. No brewing equipment or storage of materials shall be permitted on the exterior of the building. (7/16/2021)
- F. The emission of odorous matter or smells in such quantities as to produce a public nuisance or hazard is not permitted. (7/16/2021)

(All of Section 13.35 – 2/6/2015; Amended 3/9/2018, 7/16/2021)

13.376 INNOVATIVE SITE/PD shall be conditionally permitted in the C, Capital District in compliance with the following:

- A. Purpose. The Innovative Site/PD shall provide opportunities for owners of properties located within the Capital District to request site approval as planned developments. This shall be accomplished through design and review of creatively planned site developments which contribute to the objectives of the Capital District, to the value of the district and surrounding properties, and which include unique site features or values consistent with the standards below.
- B. Procedure. Any owner of property located within the Capital District may apply to the Board of Zoning Appeals for Innovative Site/PD as a conditional use. The applicant(s) shall submit the following information:
 - 1. A conditional use permit application as required at Section 13.04.
 - 2. A site plan as required in Section XXXVI.
 - 3. Other documents and exhibits as necessary to describe the features of the proposed sites, use(s), or development and the manner in which they comply with the standards set below.
- C. Guidelines and Standards. In addition to the Capital District Standards set forth in Section 22.10, the following guidelines and standards shall be applied in designing an Innovative Site/PD and shall be used in the review of the site plan application in addition to the site plan requirements set forth in Section XXXVI. An Innovative Site/PD:
 - 1. Shall contain a minimum of four (4) acres. Land shall be in one ownership, or if in several ownerships, the parcels shall be contiguous. The application shall be filed jointly by all owners of the contiguous parcels included in the proposed Innovative Site/PD.
 - 2. May include a mix of retail, service, office, and entertainment businesses together with complementary residential, cultural and civic uses as listed in the following table. The precise use or type of use of the land shall be specified on the plan. Any conditionally permitted use proposed within the Innovative Site/PD at the time of application or after final site plan approval shall be reviewed by the Board of Zoning Appeals through the conditional use process set forth in section XIII.

USE TABLE (Amended 7/5/2019)	Innovative Site/PD
Offices & Professional Services	
Urgent care/ medical clinic	P
Medical & dental office	P
Administrative, business & professional offices	P
Retail & Personal Services	
Restaurant (table service)	P
Restaurant (counter service)	C
Retail establishments within an enclosed building	P
Personal services including but not limited to hair care, dry cleaning, shoe repair, photography studios, etc.	P
Bank, financial institutions	P
Bed and breakfast	C
Hotels/Motels	P
Business services including mailing and copy centers	P
Child or adult day care center	C
Microbrewery	C
Microdistillery	C
Entertainment/Recreation	
Membership sports/fitness club	P
Studios for instruction	P
Indoor commercial recreation	P
Theater	P
Meeting/banquet facilities, clubs	P
Community Facilities	
Library, museum	P
Community Center	P
Outdoor recreation	C
Church/place of worship	C
Government and Public Uses	P

<u>Community Park</u>	<u>P</u>	
<u>Neighborhood Park</u>	<u>P</u>	
Dwellings		
Row or Townhouse Dwelling	C	
Dwelling units located above the first floor of commercial	C	
Accessory Uses		
Outside dining	C	
<u>Outdoor display retail sales</u>	<u>C</u>	
Drive thru facility in association with a permitted or conditional use	C	
Child or adult day care	C	
Restaurant/cafeteria or pharmacy in association with a permitted or conditional use when conducted and entered only from within the principal building	A	
Meeting <u>and</u> /banquet facilities (accessory)	A	
Swimming pools <u>and</u> , tennis courts (private)	A	
Accessory Buildings	A	
Off-street parking and loading areas	A	
Fences, walls, <u>and</u> decks, landscape features	A	
Trash receptacles	A	
Signs	A	
<u>Gazebos</u>	<u>A</u>	
<u>Feature elements, such as tower, fountain or similar use</u>	<u>A</u>	
Other permitted accessory uses as specified in Section 22.07.E.	A	
<u>Notes to Table:</u>		
P=Permitted Uses	C=Conditional Use	A=Accessory Use

3. May promote a development which is unique in character as a result of a more compact, dense, and intensive form of development than is typical in Concord Township without harming the historic, existing community character;
4. Shall present a high quality of professionally-designed and coordinated buildings and/or

- public areas, pedestrian amenities, landscaping and other features.
5. May include one or more public spaces such as parks, plazas, and other community gathering areas developed with attractive amenities such as landscaping, water features, walking and seating amenities, and the like;
 6. May create a location which is easily accessible by automobile but provides an environment attractive to, friendly for, and dominated by pedestrian activity;
 7. Shall maximize the benefits of public investment in infrastructure, notably the extension of Capital Parkway and interconnection from Auburn Road to Crile Road through a new interchange at SR 44;
 8. Shall contribute to increasing the Township's non-residential tax base by creating a new, intensive and healthy business environment which attracts economic development through new investment or redevelopment;
 9. May create the potential for unique housing opportunities located in the District, benefitting from and contributing to its diversity, viability and value.
 10. Shall contribute to implementing the Town Center strategies set forth in the 2006 Auburn-Crile Business Corridor Study and the 2015 Comprehensive Plan Update. (Amended 7/5/2019)
 11. Shall have no greater negative impacts on adjacent properties or public rights-of-way than a conventional development, shall not impede fire and police protection, and shall not compromise any other public interest, taking into account mitigating features or commitments included in the proposed development which may address such impacts.
 12. May include flexible standards for building setbacks, or other features generally required in the District as outlined below:
 - a. Side and rear yard setbacks shall not be less than ten (10) feet.
 - b. Buildings on the same lot may be constructed with zero (0) foot separation where suitable provisions for access, safety, maintenance, and other functional considerations have been addressed.
 - c. Front setbacks may be reduced to five (5) feet where retail storefronts, restaurants, personal or business service uses, dwelling entries, and related uses abut public walkways in a comprehensively designed pedestrian-oriented environment.
 - d. All other lot, yard, and building requirements not noted in this Section shall comply with the standards for the C District set forth in Table 22.04
 13. Shall be consistent with the provisions of the Ohio Revised Code at 519.021 which states that, "the planned unit development shall further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development."
- D. Standards for Dwellings within an Innovative Site/PD in the C District:

1. Housing may be proposed within an Innovative Site/PD when in conjunction with commercial uses allowed in Section 13.36(C)(2).
 - a. No more than thirty percent (30%) of the gross acreage of the Innovative Site/PD shall be used for dwellings.
 - b. When dwellings are proposed, the commercial structures shall be built first or concurrently with said dwellings.
 - c. Density shall not exceed six (6) dwelling units per acre on the allowed 30%, except when dwelling units are proposed to be located above commercial structures, in which case density may increase to eight (8) dwelling units per acre on the allowed thirty percent (30%). Said additional dwelling units shall be located above commercial structures.
 - d. Row or Townhouse Type Dwellings shall be attached in groups of three (3) to eight (8) dwelling units per building, with no other dwelling units located above or below, but may be located above one or two floors of commercial use. (Amended 7/5/2019)
2. Housing shall be encouraged on sites which:
 - a. abut existing residential districts;
 - b. provide appropriate transitions between existing and proposed residential uses;
 - c. are located in functional proximity to amenities and surrounds which are supportive of the site as a residential location;
 - d. contribute to the viability of a redevelopment, that establishes a new use on a site together with a significant reinvestment in the site and its improvements;
 - e. do not dominate road frontages or major commercial facades; and
 - f. are located in the rear of deep lots which are less attractive for business use.
3. The minimum floor area for a dwelling unit is 1,200 square feet. (7/5/2019)
4. Every dwelling unit shall have a minimum of two (2) enclosed parking spaces. (7/5/2019)
5. Where proposed housing abuts an existing residential district:
 - a. the proposed development shall provide and maintain buffering features (large setbacks, landscaping, barriers, etc.) as required in Section 38.09; and
 - b. the proposed development shall have direct access for the majority of its traffic to a major road and shall not impose significant traffic impacts on the abutting residential district.
6. Housing shall be developed and maintained with significant professionally designed open space for use by the residents which is a visually prominent feature of the development, accessible to all residents, high quality in design and construction, and includes facilities for outdoor seating and walking.

(All of Section 13.36 – 2/6/2015)