

## SECTION XIII - CONDITIONAL USE PERMIT

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- 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-5, R-6 or R-8 district property lines. (Amended 12/17/1998)

- 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-5, R-6 and R-8. (Amended 12/17/1998)
- 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 a THN, Town Hall Neighborhood District when granted as a Conditional Use subject to the following conditions: (Amended 6/19/2009)
  - 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; and THN, Town Hall Neighborhood District: A parcel of at least three (3) acres in area and having at least two

- hundred (200) feet of frontage on the right-of-way sideline of a dedicated road. (Amended 6/19/2009)
- 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; and THN, Town Hall Neighborhood District: Shall not exceed thirty percent (30%) of the total lot area. (Amended 6/19/2009)
- 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; and THN, Town Hall Neighborhood District: Fifty (50) feet. (6/19/2009)

- 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; and THN, Town Hall Neighborhood District: Thirty (30) feet from an adjoining property line, except when abutting any residential district in which case no building shall be closer than fifty (50) feet to an abutting property line. (Amended 6/19/2009)
- 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:
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; and THN, Town Hall Neighborhood District: No parking area shall be located closer than ten (10) feet to an abutting side property line and twenty five (25) feet from the rear property line, except when abutting any residential district in which case no parking area shall be closer than fifty (50) feet to an abutting property line. (Amended 6/19/2009)
    - d. No parking area in an R-1, R-4, B-1, B-2 or THN District shall be closer than twenty-five (25) feet to any public road right-of-way sideline. (Amended 6/19/2009)
  2. Parking spaces shall be provided in accordance with Section 29.04 & 29.05 of this Resolution.
  3. 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)
  4. Parking areas shall be in accordance with Section XXIX of this Resolution unless specifically addressed in this Section.
- J. 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.
- K. 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.
- 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:

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.
4. Emotionally disturbed, alcohol or chemically dependent individuals/adults are prohibited.

(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, BX, Business Interchange District, B-2, General Business District, M, Manufacturing District, THC, Town Hall Commons District, THN, Town Hall Neighborhood District, and RD-2 Research and Limited Industrial 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)

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) 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: All signs shall conform to the requirements of Sections 30.01, 30.03 and 30.04 of this Zoning Resolution.

D. Parking shall comply with the requirements of XXIX of the Zoning Resolution, as applicable. (4/21/1994; Amended 6/2/2001 and 6/15/2007)

E. 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)

F. The required outdoor activity area shall not be located closer than twenty (20) feet to any

residential property. (6/15/2007)

- G. 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)
- H. 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)
- I. 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 and BX, Business Interchange District subject to compliance with the following conditions: (5/20/2000; Amended 6/15/2007 & 6/19/2009)
- 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 or BX 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)
  - 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. 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 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 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 with a fence at least four (4) feet in height and shall have controlled access.
- I. No college/university shall provide dormitory dwelling of a temporary or permanent nature. (5/20/2000; Amended 7/21/2001)
- J. 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. 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 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 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 a controlled access point.
  - 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 13.12 - 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. 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.
  - 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. Signage for an Adult Group Home shall conform to the requirements of Section 30.02 and 30.03A-1 in the R-1, Residential district and R-4, Residential district; and to the requirements of Section 30.02 and 30.04 in the B-1, Restricted Retail district and the B-2, General Business district.
  - 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. Parking spaces shall be provided in accordance with Section 29.04 & 29.05 of this Resolution.
  - G. Parking areas and access drives shall be paved with an impervious material such as asphaltic concrete or asphalt.
  - H. All refuse areas shall be enclosed.
  - I. Safety/Inspection:
    1. An Adult Group Home shall comply with the requirements of the BOCA, National Fire Prevention 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.
    4. Emotionally disturbed, alcohol or chemically dependent individuals/adults are prohibited.

(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 Districts in accordance with the following: (12/15/2001; Amended 6/15/2007)
- 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. Unless specified elsewhere, a minimum of ten (10) waiting spaces shall be provided. If there is more than one transaction site, then a minimum of five (5) waiting spaces per transaction site shall be provided.
  - D. Automatic car wash facilities shall provide a minimum of ten (10) waiting spaces. (12/15/2001; Amended 6/15/2007)
  - E. Self-serve car wash facilities shall provide a minimum of three (3) waiting spaces per stall. (12/15/2001; Amended 6/15/2007)
  - F. 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)
  - G. 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)
  - H. Any speakers provided for a drive-thru facility should be set at a volume so as not to disturb abutting properties.
  - I. Drive-thru facilities shall be located on a lot so as to minimize interference with an establishment's pedestrian traffic and other parking areas.
  - J. 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)
  - K. 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)
  - L. Such facilities should be located on a major street in an area least disruptive to pedestrian and vehicular traffic. (6/15/2007)
  - M. Stacking areas for drive-through facilities shall not be the sole or primary site egress route. (6/15/2007)
  - N. Stacking areas shall not utilize parking or aisles required for access to parking. (6/15/2007)
- (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, B-2, B-X, M, RD-1, RD-2, or S Districts are excluded from the requirements set forth in Section 13.18.

(All of Section 13.18 - 12/17/2004)

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

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

(All of Section 13.19 – 6/15/2007)

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

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

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

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

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

(All of Section 13.21 – 6/15/2007)

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

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

(All of Section 13.22 – 6/15/2007)

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

A. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking areas.

B. Funeral service facilities shall not provide in-house cremation services.

(All of Section 13.23 – 6/15/2007)

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

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 Districts in compliance with the following:

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 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. Gasoline Stations shall provide a minimum of two (2) parking spaces per accessible side of the pump island. (12/15/2001; Amended 6/15/2007)

K. 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.

(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 Districts in compliance with the following: (6/15/2007)
- 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. Automatic car wash facilities shall provide a minimum of ten (10) waiting spaces. (12/15/2001; Amended 6/15/2007)
  - C. Self-serve car wash facilities shall provide a minimum of three (3) waiting spaces per stall. (12/15/2001; Amended 6/15/2007)

- 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. Instant oil changes or similar drive-through service facilities shall provide a minimum of three waiting spaces per bay.

(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 in compliance with the following:

- 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)

13.32 OUTDOOR STORAGE AND/OR DISPLAY IN ASSOCIATED 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, and B-1, Restricted Retail Districts in compliance with the following:

- 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 not be located in areas intended for traffic circulation or pedestrian access as identified on the site plan.
  - 3. No signs shall be permitted in conjunction with outdoor storage areas except those otherwise in compliance with the sign regulations in Section XXX.

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

(All of Section 13.32 – 6/15/2007)

- 13.33 OUTSIDE DINING: Outside Dining shall be conditionally permitted in the BX Business Interchange, GB Gateway Business, B-1 Restricted Retail, THN Town Hall Neighborhood and THC Town Hall Commons Districts in compliance with the following: (Amended 6/19/2009)
- 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 outside seating capacity shall not exceed twenty-five percent (25%) of the restaurant's seating capacity indoors.
  - F. The outdoor seating area shall not interfere with the public right-of-way.
  - 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)

13.34 RETAIL IN ASSOCIATION WITH A PERMITTED OR CONDITIONAL USE shall be permitted in the RD-2, Research and Limited Industrial 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:

- 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)