

ARTICLE 11: COMMUNITY BUSINESS DISTRICT (CB)

Section 1101: Intent and Purpose

The intent of the Community Business District is to create a non-residential Zoning District that provides areas for business and service establishments which are pleasant, safe, and convenient to the neighborhood while still protecting public health, safety, and general welfare. The District is to be applied to areas currently served by central sewer wastewater treatment plants operated by the Delaware County Sanitary Engineer and by central water and other Essential Services.

- 1101.01 The provisions of this Article shall apply to all lands zoned Community Business District (CB).
- 1101.02 Any Lot depicted on the Zoning Map as being wholly or partially within the Hoover Reservoir Watershed shall also be subject to the additional provisions established within Article 7 of this Zoning Resolution, the Hoover Watershed Overlay District (HOD). Should these two articles conflict with one another, the requirements of Article 7 shall apply unless otherwise expressly stated within this Resolution.

Section 1102: Permitted Principal Uses

- 1102.01 Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, architects, engineers, law offices, offices of physicians, surgeons, dentists, chiropractors, or podiatrists or other allied medical, dental or optical fields.
- 1102.02 Offices of credit agencies, banks, savings and loan associations, personal credit institutions or loan offices. These businesses may have Drive-Through Facilities provided any speakers are located at least one hundred (100) feet from any residential District boundary.
- 1102.03 Offices of veterinarians provided that the practice of said veterinarians is limited to small domestic animals, that no animals are boarded on the premises except for the confinement of small animals under emergency treatment in facilities within the office, and that no outside runs or exercise areas are provided.
- 1102.04 Bake goods shop, retail only.
- 1102.05 Barber and beauty shop.
- 1102.06 Candy and ice cream stores.
- 1102.07 Drug stores.
- 1102.08 Pick-up stations for dry cleaning and laundry.
- 1102.09 Self-serve dry cleaning and laundromats.
- 1102.10 Grocery and delicatessen stores.
- 1102.11 Shoe repair.
- 1102.12 Florists.
- 1102.13 Hardware.
- 1102.14 Health studios.
- 1102.15 Photo studios.
- 1102.16 Radio and television sales and service.
- 1102.17 Sporting goods.
- 1102.18 Retail and/or variety stores.
- 1102.19 Watch, clock, and jewelry sales and service.
- 1102.20 Eating establishments without Drive-Through Facilities or live entertainment.

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- 1102.21 Indoor recreational, athletic, and/or fitness facilities.
- 1102.22 Small business activities which are not listed as a prohibited or Conditional Use herein and which fulfill all the requirements of this Section.
- 1102.23 Clubs.
- 1102.24 Religious Establishments as regulated by Section 1706.
- 1102.25 Agriculture as regulated by Section 1714.
- 1102.26 Agritourism as regulated by Section 1715.
- 1102.27 Farm Markets as regulated by Section 1716.
- 1102.28 Public and private utilities as regulated by Section 102.06 and Article 22.
- 1102.29 Governmental Facilities as regulated by Section 102.07.
- 1102.30 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.

Section 1103: Permitted Accessory Uses

- 1103.01 Accessory Buildings and/or Structures as regulated by Section 1609.
- 1102.02 Portable Storage Units as regulated by Section 1707.
- 1103.03 Off-Street parking and loading spaces as regulated by Article 19.
- 1103.04 Offices, Retail operations, and or Service Businesses incidental and ancillary to the principal Use.
- 1103.05 Fences, Accessory Walls, and Retaining Walls as regulated by Article 20.
- 1103.06 Aerial Antennas and Satellite Dish Antennas as regulated by Section 2203.
- 1103.07 Public and private utilities as regulated by Section 102.06 and Article 22.
- 1103.08 Temporary Uses and Special Events as regulated by Section 1702.
- 1103.09 Agriculture as regulated by Section 1714.
- 1103.10 Agritourism as regulated by Section 1715.
- 1103.11 Farm Markets as regulated by Section 1716.
- 1103.12 Public and private utilities, including telecommunication towers, as regulated by Section 102.06 and Article 22.
- 1103.13 Governmental Facilities as regulated by Section 102.07.
- 1103.14 Outdoor advertising and Signs as regulated by Section 102.09 and Article 18.
- 1103.15 Manufacturing, processing, packaging, repair, or treatment of goods so long as said activity is incidental or accessory to the performance of services or the sale of goods to the public on the premises.

Section 1104: Conditional Uses

The following Uses shall be permitted only in accordance with this Section, the requirements of Article 3, the supplemental regulations specified in Article 17, and the regulations specified in Article 18.

- 1104.01 Veterinary or animal hospitals provided that any Building, outside enclosed area, or outside run is a minimum of five hundred (500) feet from any existing Dwelling, Residential District or Planned Residential District.
- 1104.02 Equipment rental and lease (but not including automobiles, trucks, and trailers).
- 1104.03 Small engine service and repair.

1104.04 Eating establishments with Drive-Through Facilities but without live entertainment. Speakers shall be located at least two hundred (200) feet from any Residential or Planned Residential District boundary. This distance may be reduced to one hundred (100) feet if the speaker is located on the side of the Building opposite the residential boundary.

1104.05 Day Care Centers as regulated by Section 1703.

Section 1105: Operational Standards

No Certificate of Zoning Compliance shall be issued for any Use in a Community Business District until the applicant shall have certified to the Zoning Inspector that:

1105.01 Activities, excluding parking, shall primarily be conducted within a completely enclosed Building or other appropriate structural element(s) unless otherwise permitted herein.

1105.02 Reserved.

1105.03 Reserved.

1105.04 All premises shall be furnished with all weathered hard surface walks of a material such as bituminous or Portland cement, concrete, wood, tile, terrazzo, or similar material, and, except for parking areas, the grounds shall be planted and landscaped.

1105.05 Where the property lines separate a business District from a Residential or Planned Residential District, a visual and mechanical barrier, a minimum of five and one-half (5 ½) feet in height, shall be provided along the common Lot Line, as regulated by Article 20.

1105.06 No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.

1105.07 The emission of smoke or other air pollutants and dust borne by wind shall be kept to a minimum by appropriate Landscaping, paving, or other acceptable means.

1105.08 There will be no emission of odors or odor causing substances that can be detected without the use of instruments at or beyond the Lot Lines.

1105.09 There will be no vibrations that can be detected without the use of instruments at or beyond the Lot Lines.

Section 1106: Prohibited Uses

1106.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited.

1106.02 The Outdoor Storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicle, if stored on the premises, shall be enclosed within a Building so as not to be visible from any adjoining property or public road.

1106.03 No trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the Front Building Line of any Lot within this District. If a Structure is located on the property or Lot, the Building Line shall be considered to be the front wall of the Structure, even if said Structure is located behind the minimum Building Line established by this code or the restrictions on the plat or deed.

1106.04 Except as may be specifically permitted by Section 1702, no Mobile Home or mobile home office Structure shall be placed or occupied in this District.

1106.05 Sexually Oriented Businesses.

1106.06 Residential Care Facilities regardless of the number of residents.

1106.07 Eating establishments with live entertainment.

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Section 1107: Dimensional Requirements

In addition to any other provisions of this Resolution, all lands and Uses within a Community Business District shall be developed in strict compliance with the standards hereinafter established:

- 1107.01 Minimum Lot area: Twenty thousand (20,000) square feet. Any portion of a Lot within a Common Access Driveway easement(s) shall not count towards this requirement.
- 1107.02 Minimum Lot Frontage: One hundred (100) feet, unless otherwise specified below.
 - A) Corner Lots: One hundred (100) feet on one (1) Street.
 - B) Flag Lots: Eighty-five (85) feet. Stacking Flag Lots in a manner that would result in the “pole” sections of two (2) or more Flag Lots being Contiguous to one another shall not be permitted.
 - C) Landlocked Lots: One hundred (100) feet.
- 1107.03 Landlocked Lots shall be accessed by a Common Access Drive (CAD) as regulated by Section 1604. This provision shall not be interpreted as a prohibition of Flag Lots or any other Lot design otherwise permitted in Section 1107.02.
- 1107.04 Lot Width:
 - A) All Lots shall be at least eighty-five (85) feet wide between its required Frontage and the required Front Yard Setback.
 - B) All Lots shall be one hundred (100) feet wide at the required Front Yard Setback.
- 1107.05 Minimum Front Yard Setback depth: Unless otherwise specified, One hundred thirty (130) feet from an Arterial or Collector Street. One hundred (100) feet from all other Streets.
 - A) The Front Yard Setback depth of a Flag Lot shall be fifty (50) feet, measured from the point in which said Lot reaches one hundred (100) feet in width.
- 1107.06 Minimum Side Yard Setback width, each side: Twenty (20) feet.
- 1107.07 Minimum Rear Yard Setback depth: Thirty-five (35) feet.
- 1107.08 No Building shall be located closer than one hundred (100) feet from a Residential or Planned Residential District boundary line;
- 1107.09 Building Height limits: Unless otherwise permitted by this Resolution, no Building in this District shall exceed thirty-five (35) feet in height. No Aerial Antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest Lot Line less ten (10) feet of said Tract.
- 1107.10 Lot Coverage: On no Lot in this Zoning District shall Structures be constructed which cover more than thirty five percent (35%) of the Lot area.

Section 1108: Design Standards

- 1108.01 The maximum square feet of Floor Area for individual retail and service establishments shall be determined by the ratio of: Building area in square feet = lot size in acres x 10,000.
- 1108.02 Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the applicant showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. Parking areas shall be adequately lighted and setback from Side and Rear Property Lot Lines a minimum of six (6) feet unless Contiguous to property zoned for single-family residences, in which case the Setback shall be twenty (20) feet.
- 1108.03 Storm Water Management – all developments shall have a storm water management plan approved by the Delaware County Engineer’s Office, if required.
- 1108.04 Trash, Junk, and litter shall be controlled and stored in containers. Dumpsters, and other similar types of large waste containers which are typically not moved by Manual means, and which are

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not considered to be a Portable Storage Unit, shall not be permitted in a required Front Yard and shall be enclosed and screened in accordance with Section 2003.

- 1108.05 All service and delivery shall be at the rear of the Structures; provided, however, that under hardship conditions provisions may be made for service and delivery at the side of the Structures.
- 1108.06 Outdoor Storage and display of merchandise on pedestrian areas is prohibited unless a five (5) foot wide strip is left for pedestrian traffic.
- 1108.07 Parking areas shall be no closer to main Structures than ten (10) feet.
- 1108.08 Pavement areas adjacent to a Residential or Planned Residential District shall be screened. Such screening shall have a minimum height of five and one-half (5½) feet and a maximum height of eight (8) feet.
- 1108.09 The following regulations shall be adhered to when vending machines and display racks are used:
 - A) All vending machines, except ice machines, newspaper vending machines, and telephone booths shall be located inside the Building.
 - B) Ice machines may be located on an exterior wall, provided less than one-half (1/2) of the machine extends beyond the surface of the wall.
 - C) All other uses of outside display racks and of outside vending machines, and the display of merchandise outside are prohibited.

Section 1109: Administration and Enforcement

- 1109.01 Applications for Rezoning to the Community Business District shall be administered in accordance with Article 26.
- 1109.02 Applications for Zoning Permits and Certificates of Compliance shall be administered in accordance with Section 115 as well as all other applicable provisions of this Resolution.
- 1109.03 Applications for Variances, Conditional Uses, and Administrative Appeals shall be administered in accordance with Article 3.
- 1109.04 A Zoning Permit shall be required for any subdivision of property within the Community Business District which requires the signature of the Genoa Township Zoning Inspector.
- 1109.05 Enforcement shall be conducted pursuant to Section 116 as well as all other applicable provisions of this Resolution.

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