

Section 17

Commercial and Industrial District Regulations

(Effective 7/11/2012)

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17.01 PURPOSE:

The General Business (B-1), Special Interchange (B-2), Community Business (B-3), Neighborhood Business (B-4) and Industrial and Manufacturing (I) districts and their regulations are established in order to achieve, among others, the following purposes:

- 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 comprise the character of LeRoy 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 General Business (B-1) District to accommodate the sale of convenience retail goods and personal services that primarily serves the residents of LeRoy Township.
- E. To provide a Special Interchange (B-2) District that offers a variety and balance of general commercial, service, 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.
- F. To provide a Community Business (B-3) District that will preserve and enhance the historic commercial center of the Township at the Five-Points crossroads area through a mixture of community facilities, business, and recreational uses that serves as a gathering place for the community.
- G. To provide a Neighborhood Business (B-4) District that will allow continued commercial activity at the S.R. 86 and Girdled Road intersection that is complimentary to the surrounding residential uses.

H. To provide an Industrial and Manufacturing (I) District that accommodates the development of light manufacturing enterprises which shall operate in a clean and quiet manner.

I. 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.

17.02 USE REGULATIONS.

A. A use listed in Section 17.03 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 30, Site Development Plan Review, and other applicable requirements of this Zoning Resolution and other township resolutions have been met.

B. A use listed in Section 17.03 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 14, Conditional Use Permits, and Section 30, Site Development Plan Review, of the Zoning Resolution have been met.

C. A use listed in Section 17.03 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.

E. Any use that is not specifically listed in a district as either a permitted use or conditional use or that does not meet the requirements for an accessory use shall be a prohibited in that district.

Table 17.03 Recommended Permitted Uses <i>Generalized format</i>	B-1	B-2	B-3	B-4	I
	General Business District	Special Interchange District	Community Business District	Neighborhood Business District	Industrial & Manufacturing District
Office and Professional Services					
Urgent care/ medical clinic		P			
Medical & dental office	P	P	P	P	
Administrative, business & professional offices	P	P	P	P	
Research and development labs		P			P
Retail and Personal Services					
Restaurant (sit-down/table service)	P	P	P	P	
Restaurant (counter service)	P	P	P	P	
Retail establishments 10,000 SF +		P		P	
Retail establishments 10,000 SF -	P	P	P	P	
Personal services including but not limited to hair care, dry cleaning, shoe repair, photography studios.	P	P	P	P	
Garden or nursery retail sales (non-wholesale)	P	P			
Bank, financial institutions	P	P	P		
Veterinary services	C	C		C	
Funeral services	C	C			
Bed and breakfast			C	C	
Hotels/Motels		P			
Business services including mailing and copy centers	P	P	P		
Rental services including electronic/furniture and party supplies		P			
Child day care ctr.	P	P		C	
Automotive & Transportation					
Gas stations		P			
Car wash		P			
Motor vehicle, recreational vehicle, and motor cycle dealers (new w/pre-owned)		C			
Automotive rental	P	P			
Automotive parts & supply		P			P

Table 17.03 Recommended Permitted Uses <i>Generalized format</i>	B-1	B-2	B-3	B-4	I
	General Business District	Special Interchange District	Community Business District	Neighborhood Business District	Industrial & Manufacturing District
Automotive services (including instant oil change)	P	P			P
Automotive repair					P
Manufacturing and Limited Industrial					
Light manufacturing					P
Distribution and Wholesale					
Wholesale business					P
Warehouse facilities					P
Trade Business Services					
Publishing/printing/commercial copying					P
Landscaping services		C			P
Lumber and building material dealers	C	P			
General building contractors	C	C			P
Construction and equipment sales	C	C			C
Construction and equipment rental (including misc. yard care equipment)	P	P			P
Entertainment/Recreation					
Membership/sports/fitness club	P	P	P		P
Studios for instruction	P	P	P	P	
Indoor commercial recreation	P	P			P
Theater	P	P	C	C	
Assembly Hall, meeting place, party center	P	P	C	C	
Community Facilities					
Libraries			P	P	
Schools	P				
Civic, social, and religious organizations	P	P	C	C	
Museums, community centers	P		P		
U.S. Postal Service	P	P	P	P	P
Hospital	P	P			
Residential care facility, nursing home, and home for the aging	C	C	C		
Hospice care facility (used for hospice patients only)	C	C			
Government facilities	C	C			p
Other					

Table 17.03 Recommended Permitted Uses <i>Generalized format</i>	B-1	B-2	B-3	B-4	I
	General Business District	Special Interchange District	Community Business District	Neighborhood Business District	Industrial & Manufacturing District
Utility and communication services	C	C	C		
Surface extraction of sand, gravel or other earth materials	C	C			C
Sexually oriented business	P				
Accessory Uses					
Outdoor storage & display in a association with a permitted use	C	C	C		C
Warehousing	C	C	C	C	C
Police, fire services	C	C	C	C	C
Drive –thru service	C	C			
Outside dining	C	C	C	C	C

17.04 LOT, YARD AND BUILDING REQUIREMENTS.

The minimum lot and building requirements for uses in the commercial and industrial districts set forth in Section 17 are specified in Table 17.05.

A. Minimum Lot Area. The area of the lot shall not be less than the dimensions set forth in Table 17.05.

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 17.05.

C. Minimum Lot Width for Corner Lots. Corner lots shall have an additional fifty (50') feet of frontage.

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 17.05, measured from the appropriate lot line. For corner lots, the minimum front building setback shall be required for both street frontages.

E. 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 17.05, and shall further comply with the applicable requirements set forth in the Ohio Building and Fire Codes.

F. 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 17.05.

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 storm water 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.

G. Building Height. The height of principal and accessory buildings shall not exceed the maximum heights established in Table 17.05. 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.

1. 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.

Table 17.05 Recommended Area Requirements	B-1	B-2	B-3	B-4	I
	General Business District	Special Interchange District	Community Business District	Neighborhood Business District	Industrial & Manufacturing District
Lot Requirements					
Minimum Lot Area	2 acres	2 acres	1.5 acres	1.5 acres	2 acres
Minimum Lot Frontage/Lot Width	200 ft. per use	200ft. per use	150 ft.	150 ft.	200 ft. per use
Minimum Front Building Setback					
Lots Fronting Vrooman Road	100 ft.	50 ft.	50 ft.	N/A	100 ft.
Lots Fronting Carter Road	100 ft.	N/A	N/A	N/A	N/A
Lots Fronting S.R. 86	N/A	N/A	50 ft.	50 ft.	N/A
Lots Fronting Mildon Drive	N/A	N/A	50 ft.	N/A	N/A
Lots Fronting Girdled Road	N/A	N/A	N/A	50 ft.	N/A
Lots Fronting LeRoy Center Road	N/A	N/A	50 ft.	N/A	N/A
Lots Fronting Huntoon Road	N/A	N/A	50 ft.	N/A	N/A
Minimum Side Yard Clearance (each side)					
Abutting Residential District	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
Abutting Non-Residential District	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Rear Yard Clearance					
Abutting Residential District	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
Abutting Non-Residential District	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.

Table 17.05 Recommended Area Requirements	B-1	B-2	B-3	B-4	I
	General Business District	Special Interchange District	Community Business District	Neighborhood Business District	Industrial & Manufacturing District
Building Specifications					
Minimum Building Separation	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Maximum Impervious Surface	70%	70%	70%	70%	70%
Height: Principal Building	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Height: Accessory Building	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Minimum Parking Setback					
Front Yard	50 ft.	20 ft.	20 ft.	10 ft.	50 ft.
Side Yard					
Abutting Residential District	40 ft.	40 ft.	40 ft.	20 ft.	40 ft.
Abutting Non-Residential District	10 ft.	10 ft.	5 ft.	10 ft.	10 ft.
Rear Yard					
Abutting Residential District	40 ft.	40 ft.	40 ft.	20 ft.	40 ft.
Abutting Non-Residential District	10 ft.	10 ft.	5 ft.	10 ft.	10 ft.

17.06 PERFORMANCE STANDARDS

All uses in LeRoy Township shall conform to the performance standards in Section 7.12.

17.07 OFF-STREET PARKING REGULATIONS.

Off-street parking areas shall conform to the off-street parking requirements specified in Section 25 of the Zoning Resolution.

17.08 DESIGN STANDARDS FOR THE B-1, B-2, B-3, B-4 AND I DISTRICTS.

Design standards are established for the General Business (B-1), Special Interchange (B-2), Community Business (B-3), Neighborhood Business (B-4) and Industrial and Manufacturing (I) Districts to ensure that new development or redevelopment complies with the purposes of this Section. All uses proposed in the B-1, B-2, B-3, B-4 and I Districts regulated in this Section shall comply with the design requirements set forth in Section 32 of the Zoning Resolution.

17.09 ACCESSORY USE REQUIREMENTS.

Accessory uses, buildings and structures permitted in commercial and industrial districts set forth in Section 17 shall comply with the following regulations:

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. No accessory building or structure, permanent or temporary, shall be located within the front yard setback area.

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 7:00 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 7:00 a.m. The actual operation of trash compactors shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m., including delivery and loading operations.

C. Fences and Walls. Fences and walls may be erected in compliance with the requirements set forth in Section 21 of the Zoning Resolution.

D. Signs. Signs shall conform to the regulations specified in Section 23 of the Zoning Resolution.

E. Other Permitted Accessory Uses. In addition to the accessory uses set forth in Section 17.03, the following items shall be considered permitted accessory structures within the commercial and industrial districts set forth in Section 17. 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, or within any public or private right-of-way.

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

17.10 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 17 in accordance with the landscaping requirements set forth in Section 26 of the Zoning Resolution.

17.11 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. 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 7:00 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 7:00 a.m. with motor and/or refrigerators/generators running.

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 outside yard of the building, adjacent to any residential area.

C. Lighting:

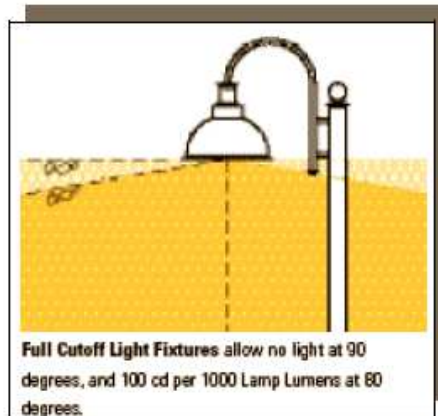
1. Exterior lighting of buildings and/or parking areas shall be positioned so as not to emit light onto neighboring properties or road right-of-ways, but shall shine directly onto buildings, or be directed downward onto parking areas, access drives and pedestrian walkways.

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:

Height of Building	Height of Fixture
< - 35'	fixture 14ft.

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.

Figure 1.



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

5. 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.

17.12 SITE DEVELOPMENT PLAN REVIEW.

Prior to the construction, alteration, expansion or modification of a use in the commercial and industrial districts set forth in Section 17, a site plan for such activity shall be reviewed and approved according to the site plan development review procedures set forth in Section 30 of the Zoning Resolution.

17.13 NATURAL RESOURCE PROTECTION.

Prior to the construction, alteration, expansion or modification of a use in the commercial and industrial districts set forth in Section 17, a site plan for such activity shall be reviewed and approved in accordance to the Natural Resource Protection procedures set forth in Section 31 of the Zoning Resolution.