

**CHAPTER 430
Commercial District Regulations**

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Sec. 430.1 PURPOSE.

- A. To provide in appropriate and convenient locations, sufficient areas for business activities, including the exchange of goods and services;
- B. To protect residential neighborhoods adjacent to business uses by regulating the types of establishments, particularly at the common boundaries, that would create congestion, noise or other objectionable influences;
- C. To protect and stabilize both residential and nonresidential developments from congestion by requiring off-street parking facilities;
- D. To ensure that proposed developments protect the unique natural features that define the rural character of Montville Township and are appropriate and compatible with their surroundings, in accordance with the intent, objectives and development criteria of the Districts;
- E. To provide an Office District (O) that encourages business and professional office buildings and uses where buildings are clustered and attractively landscaped with open spaces in a “campus like” development. Planned commercial developments are permitted in this district in order to create such a flexible design arrangement. (Revised December 13, 2007)
- F. To provide a Community Business District (C-B) that encourages concentrated development areas within the Township offering personal services, community facilities, office and retail facilities. This district is to be applied in areas where residential uses are concentrated, such as near the city of Medina. In order to limit the impact on adjacent residential development, these areas are designated for predominantly store-type uses in a shopping center environment. When feasible, planned commercial developments are also

encouraged to improve the traffic circulation between developments through internal access roads, which then minimize the number of curb cuts along the street.

- G. To provide a Highway Commercial District (H-C) that offers motorist oriented business uses and general retail services, including, but not limited to, automotive, food and lodging services, concentrated around major freeway interchanges within the Township.
- H. To provide a Rural Commercial District (R-C) that encourages a broader range of general commercial activities and community facilities, including personal service facilities, general retail, automotive and agricultural uses that are not necessarily dependent on the availability of sanitary sewers. Such areas may include outdoor storage and display activities, provided the outdoor activities do not adversely impact adjacent residential uses.
- I. To provide for planned commercial developments (PCDs) in designated districts that will offer a more flexible design arrangement of commercial uses in a unified site development through the grouping of businesses and a limited number of access points, providing safe and efficient traffic circulation. The use of PCDs will also encourage economic efficiency through shared infrastructure and other central services.
- J. To establish design standards that will integrate proposed developments into the surrounding environment and avoid large blank walls typical of big box buildings.

Sec. 430.2 USE REGULATIONS.

- A. A use listed in Schedule 430.3 shall be permitted by right as a principal use in a district when denoted by the letter "P" provided that all requirements of other township resolutions and this Zoning Resolution have been met;
- B. A use listed in Schedule 430.3 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 of Chapter 450 have been met according to the procedures set forth in Chapter 730;
- C. A use listed in Schedule 430.3 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 permitted in a particular commercial district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this

Resolution applicable to the specific use and parcel in question. Any use that is not specifically listed as either a permitted principal or conditional use or that does not meet the requirements for an accessory use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Resolution and/or the Zoning Map, as provided in ORC 519.12, or upon the granting of a variance.

**Sec. 430.3 SCHEDULE OF PERMITTED USES.
REFER TO SEC. 450.6 FOR SUPPLEMENTAL REGULATIONS.**

	O Office District	C-B Community Business District	H-C Highway Commercial District	R-C Rural Commercial District
A. Planned Commercial Development in compliance with Sec. 430.9	P	P	--	P
B. Offices and Medical Services				
1. Administrative, business and professional offices, including public administrative office	P	P	P	P
2. Automated teller machine	C	C	C	C
3. Financial establishment	P	P	P	P
4. Hospital, medical clinic, urgent care facility, ambulance/ emergency medical services, and accessory uses. (Revised December 13, 2007)	P	P	P	P
5. Medical or dental office	P	P	P	P
6. Research/testing laboratory	C	--	--	--
C. Retail, Services, Entertainment				
1. Retail in completely enclosed buildings ^(a)	P*	P	P	P
2. Personal service facilities offering services directly to the public, including, but not limited to, hair care, dry cleaner, shoe repair, and photography studios	P*	P	P	P
3. Drive-thru facility associated with a permitted use	--	C	C	C
<p>Notes to Schedule 430.3: *Effective June 22, 2006 P = Principal use permitted by right C = Conditional Use A = Accessory Use -- = Not Permitted ^(a) In determining a use to be a retail use, the Zoning Commission or BZA may consider the proportion of the display area vs. storage area and the proportion of the building façade devoted to display windows.</p>				

	O Office District	C-B Community Business District	H-C Highway Commercial District	R-C Rural Commercial District
4. Restaurant	C	P	P	P
5. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; protective services; equipment rental and leasing	--	P	P	P
6. Copying services open to the general public on a retail basis	C	P	P	P
7. Funeral home	--	P	--	P
8. Instructional studios	--	P	--	P
9. Other services including carpet cleaning, small appliance and electronic repair	--	P	--	P
10. Indoor recreation	--	C	C	C
11. Sports/fitness center	--	C	C	C
12. Golf course, miniature (Effective 1/13/11)	--	P	P	P
13. Theater, indoor	--	C	C	C
14. Veterinary clinic (no outside kennel)	--	C	--	C
15. Self-storage facilities	--	--	--	C
D. Automotive/Transportation				
1. Agricultural equipment, construction equipment, implements sales, service and rental, provided such uses comply with Sec. 330.1	--	--	--	P
2. Automotive service station	--	C	C	C
3. Car wash (CB Effective 9/27/07)	--	C	C	--
4. Gasoline station with more than 5 islands or 10 pumps	--	--	C	--
5. Gasoline station with not more than 5 islands or 10 pumps in association with a retail store not exceeding 5,000 square feet	--	C	C	C
Notes to Schedule 430.3:				
P = Principal use permitted by right C = Conditional Use A = Accessory Use -- = Not Permitted				

	O Office District	C-B Community Business District	H-C Highway Commercial District	R-C Rural Commercial District
6. Automobile Dealership (Effective 10/12/06)	--	--	C	C
E. Lodging				
1. Hotel, motel	--	C	P	--
F. General Commercial				
1. Trade/contractor's facility including carpenter, cabinetry, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting and other similar facilities	--	--	--	C
2. Vehicle, equipment, and/or machinery repair garage	--	--	--	C
G. Outdoor Activities				
1. Park/playground	C	C	C	C
2. Outdoor recreation	--	--	--	C
H. Community Facilities				
1. Assembly hall, meeting place for fraternal, charitable, social or other organization	--	C	--	P
2. Business school, college or university	C	C	C	C
3. Church or other place of worship	C	P	C	P
4. Congregate care facility ^{SR1} (Effective 4/12/12)	P	P	P	P
5. Day care center, child and/or adult	C	C	--	C
6. Library, museum	C	C	--	C
7. Post office	C	C	--	P
8. Public safety facility	P	P	P	P
9. Public service facility	--	--	--	P
10. School, public or private	--	C	--	P
<p>Notes to Schedule 430.3: P = Principal use permitted by right C = Conditional Use A = Accessory Use -- = Not Permitted SR1: Evidence of compliance with applicable Federal, State and local laws and regulations, including facility licensure, shall be furnished to the Township.</p>				

	O Office District	C-B Community Business District	H-C Highway Commercial District	R-C Rural Commercial District
I. Other Uses				
1. Wireless telecommunication tower and/or facility not classified as a public utility (Revised 10/28/10)	P	P	P	P
2. Sexually oriented business in compliance with Sec. 330.6	--	--	P	--
3. Temporary retail sales and special events	See Sec. 330.4			
J. Accessory Uses				
1. Accessory buildings	A	A	A	A
2. Accessory retail establishments in office buildings in compliance with Sec. 430.10C.	A	--	--	--
3. Fences and walls	A	A	A	A
4. Off-street parking and loading areas	A	A	A	A
5. Signs	A	A	A	A
6. Waste receptacles	A	A	A	A
7. Wind Energy Conversion Systems (WECS) (Effective 10/28/10)	A	A	A	A
8. Outdoor Wood-Fired Hydronic Heaters (Effective 10/28/10)	A	A	A	A
Notes to Schedule 430.3: P = Principal use permitted by right C = Conditional Use A = Accessory Use -- = Not Permitted				

Sec. 430.4 LOT REQUIREMENTS.

The minimum lot requirements for uses in Commercial Districts are specified in Schedule 430.4 and are based on the type of street on which the lot fronts.

- A. Minimum Lot Area and Width. The area and width of the lot shall not be less than the dimensions set forth in Schedule 430.4.
- B. Minimum Lot Frontage. The minimum lot frontage shall be the same as the minimum lot width set forth in Schedule 430.4.
- C. Minimum Lot Width for Corner Lots. Corner lots shall have the same minimum lot width required for both street frontages.

D. Maximum Impervious Surface.

1. The impervious surface on a lot shall comply with the maximum percentage of the total lot area set forth in Schedule 430.4.
2. The percentage shall be calculated by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

E. Schedule 430.4:

	O	C-B	H-C	R-C
1. Minimum Lot Area:				
a. Lots fronting Rt. 3, Rt. 18, Rt. 57, Rt. 162, or Windfall Rd	2 acres	2 acres	2 acres	2 acres
b. Lots fronting all other streets	1 acre	1 acre	1 acre	1 acre
2. Minimum Lot Width at Building Line				
a. Lots fronting Rt. 3, Rt. 18, Rt. 57, Rt. 162, or Windfall Rd	200 ft.	200 ft.	200 ft.	200 ft.
b. Lots fronting all other streets	150 ft.	150 ft.	150 ft.	150 ft.
3. Maximum Impervious Surface	60 %	60 %	75 %	60 %

Sec. 430.5 YARD AND SPACING REQUIREMENTS.

- A. Building Setbacks. All structures and other permitted uses of land shall be located on a lot so as not to obstruct or otherwise encroach upon the minimum front, side and rear yard requirements established in Schedule 430.5, measured from the appropriate lot line, except as otherwise specifically permitted in this Zoning Resolution. For corner lots, the minimum front yard depth shall be required for both street frontages.
- B. Building Spacing. When more than one building is located on a zoning lot, the spacing between buildings shall not be less than the minimum distance set forth in Schedule 430.5.

C. Schedule 430.5.

	O	C-B	H-C	R-C
1. Front Yard:				
a. Rt. 18	65 ft.	65 ft.	65 ft.	65 ft.
b. Lots fronting Rt. 3, Rt. 57, Rt. 162 or Windfall Rd	100 ft. ^(a)	75 ft. ^(a)	100 ft. ^(a)	100 ft. ^(a)
c. Lots fronting all other streets	40 ft.	40 ft.	40 ft.	40 ft.
2. Side and rear yards:				
a. When adjacent to a nonresidential district	25 ft.	25 ft.	25 ft.	25 ft.
b. When adjacent to a residential district	50 ft.	50 ft.	50 ft.	50 ft.
3. Spacing between buildings	30 ft.	30 ft.	30 ft.	30 ft.
Notes to Schedule 430.5: ^(a) The minimum front yard setback shall be reduced to 50 feet when parking is not located in the front yard.				

Sec. 430.6 HEIGHT REGULATIONS.

All buildings in an O, C-B, H-C or R-C District shall comply with the following height regulations:

- A. For lots fronting on SR 18, the height of principal buildings shall not exceed 50 feet. For all other lots, the height of principal buildings shall not exceed 35 feet.
- B. The height of accessory buildings and structures shall not exceed 20 feet, unless otherwise specified in this Zoning Resolution.

Sec. 430.7 OFF-STREET PARKING REGULATIONS.

Off-street parking areas shall conform to the regulations of Chapter 520 and to the off-street parking requirements specified in Schedule 430.7 below.

- A. Landscaping and Screening. Off-street parking areas shall be effectively screened and landscaped according to the requirements set forth in Chapter 530.

- B. Schedule 430.7. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below.

	O	C-B	H-C	R-C
1. Setback from the street right-of-way line:				
a. Rt. 18	45 ft.	45 ft.	45 ft.	45 ft.
b. Lots fronting Rt. 3, Rt. 57, Rt. 162 or Windfall Rd	30 ft. ^(a)	30 ft. ^(b)	30 ft. ^(a)	30 ft. ^(a)
c. Lots fronting all other streets	20 ft.	20 ft.	20 ft.	20 ft.
2. Setback from side or rear lot line when adjoining a nonresidential district	10 ft.	10 ft.	10 ft.	10 ft.
3. Setback from side or rear lot line when adjoining a residential district	25 ft.	25 ft.	25 ft.	25 ft.
<u>Notes to Schedule 430.7:</u>				
<p>(a) Except that when a building is located less than 100 feet from the street right-of-way, as permitted in footnote (a) of Schedule 430.5, off-street parking shall be located only in the side or rear yard.</p> <p>(b) Except that when a building is located less than 75 feet from the street right-of-way, as permitted in footnote (a) of Schedule 430.5, off-street parking shall be located only in the side or rear yard.</p>				

Sec. 430.8 SUPPLEMENTAL DESIGN STANDARDS.

The following required design elements are established to ensure that new development or redevelopment complies with the purpose of this Chapter, as set forth in Sec. 430.1. All uses proposed in districts regulated in this Chapter shall comply with the following design requirements, unless specifically stated otherwise.

A. General Criteria Applicable to all Proposals Requiring Review.

1. The proposal shall minimize changes to the natural grade, and the removal and destruction of trees, landscaping and other natural features.
2. Buildings and structures shall be designed and located on the site with features that are appropriate and compatible with those existing buildings and structures that meet the objectives of the district. Such features include:
 - a) Building proportions, including height and width.

- b) Architectural features, including patterns of windows and doors, roof pitch, cornice lines, balconies, porches, shutters, dormers, eaves and other decorative detail.
 - c) General site characteristics including, well landscaped parking areas and safe, comfortable and convenient pedestrian movement among adjacent and nearby buildings.
3. Large development projects (containing more than one use) shall contain elements such as a variation of the height of particular units, pitched roofs, gables, pediments, dormers, or other similar features that will create diversity within an otherwise overall cohesive and unified development.
- B. Required Building Wall Components. In order to ensure that new construction maintains a harmonious and attractive built landscape within the commercial district areas, walls of buildings shall comply with the following:
- 1. Walls shall have no more than 20 feet of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that an appropriate scale, rhythm, and visual interest is created.
 - 2. Walls that meet the following criteria shall be exempt from the requirements of subsection B1 above:
 - a) Two walls face one another, are separated by not more than 30 feet and the space between the two walls is used for servicing the buildings, or
 - b) The wall faces an area that is devoted solely to loading and delivery and the wall is screened from view from all public rights-of-way, parking areas and abutting residential areas.
 - 3. Exterior walls of buildings shall include offsets in the façade according to the following:
 - a) In O, and C-B Districts there shall be a minimum five (5)-foot change in plane at intervals not to exceed 120 feet.
 - b) In H-C and R-C Districts there shall be a minimum five (5)-foot change in plane at intervals not to exceed 200 feet.
 - 4. The roof framing shall reflect the required offset described in subsection 3, above, for the exterior wall.

- C. Supplemental Regulations for the C-B District. In the C-B District, the wall of a building that faces a public right-of-way or parking area, or is within 45 degrees of facing a public right-of-way, shall have a minimum of 50 percent of such wall area, measured between two and one-half (2.5) feet and eight (8) feet above the average grade of the building façade, constructed with display-type windows on the ground floor. The bottom edge of such window shall not be higher than three feet above grade. A maximum of 20 percent of such windows may be opaque.

Sec. 430.9 SUPPLEMENTAL REGULATIONS FOR PLANNED COMMERCIAL DEVELOPMENTS.

The following provisions are established in order to encourage and accommodate unified commercial developments. An applicant may choose to develop property according to the following planned commercial development (PCD) regulations. Uses permitted in the District shall also be permitted in the PCD in the same manner in which set forth in Schedule 430.3. The specific development standards set forth in this Section are intended to provide flexibility in the design and layout of a PCD. A PCD shall conform to the regulations of the district in which it is located and to other substantive requirements of this Zoning Resolution, as well as satisfy the conditions, standards and requirements of this Section. Whenever there is a difference between the provisions of the district regulations and this Section, the provisions of this Section shall prevail.

- A. A planned commercial development shall have a minimum project size of 10 acres. The PCD project area shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PCD boundaries.
- B. The percentage of the individual lots that shall be devoted to impervious surfaces shall not exceed 75% of the total lot area.
- C. Buildings and parking areas within a PCD shall comply with the following:
 - 1. Along the perimeter of the PCD, buildings shall comply with the building setbacks set forth in Schedule 430.5 and parking areas shall comply with the parking setbacks set forth in Schedule 430.7.
 - 2. The minimum building setback shall be 20 feet from an interior street within the PCD.
 - 3. Side and rear yard setbacks from lot lines on the interior of the PCD shall be the minimum necessary to ensure adequate fire protection around the buildings as determined by the Medina City fire department.

4. There shall be no minimum parking setback from side and rear lot lines on the interior of the PCD. However, all parking areas shall comply with the landscaping requirements set forth in Chapter 530.

Sec. 430.10 ACCESSORY USE REQUIREMENTS.

Accessory uses, buildings and structures permitted in Commercial Districts shall comply with the following regulations:

- A. Accessory Buildings. Accessory buildings not greater than 200 square feet may be located in the side or rear yard and shall comply with the minimum parking setbacks established in Schedule 430.7. Accessory buildings with a floor area greater than 200 square feet shall conform to all lot and yard regulations and development plan review and approval requirements of the zoning district in which the parcel or lot is located.
- B. Waste 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 be located in a side or rear yard in compliance with the minimum parking setbacks established in Schedule 430.7.
- C. Retail Establishments in Office Buildings. Retail establishments, such as a pharmacy or cafeteria, may be located in an office building in the O District provided such accessory use complies with the following:
 1. The sum of the areas of such retail uses shall occupy no more than 25% of the first floor area of the office building.
 2. No goods, merchandise or other items shall be displayed so as to be visible from an exterior show window.
 3. No external sign indicating such use shall be permitted.
 4. No outdoor storage of goods or materials shall be permitted.
- D. Fences and Walls. Fences and walls may be erected in any Commercial District provided they comply with the requirements set forth in Chapter 530.
- E. Signs. Signs shall conform to the regulations specified in the following:
 1. Signs in the O, C-B, H-C and R-C districts shall conform to the regulations specified in Chapter 510.
- F. Wind Energy Conversion Systems (WECS). WECS shall be considered an accessory use and shall comply with the requirements set forth in Schedule 430.3, as well as Section 410.8 L. (Effective 10/28/10)

- G. Outdoor Wood-Fired Hydronic Heaters. OWHH shall be considered an accessory use and shall comply with the accessory building setback and height requirements in the district it is proposed to be erected and with the other requirements as set forth in Schedule 430.3, as well as Section 410.8 M. (Effective 10/28/10)

Sec. 430.11 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in Commercial Districts in accordance with the provisions set forth in Chapter 530.

Sec. 430.12 PERFORMANCE STANDARDS.

All commercial uses shall comply with the following performance standards:

- A. Noise. No noise in excess of 60 decibels shall emanate from a commercial use when it is adjacent to a residential use. Noise levels shall be measured at the property line between uses.
- B. Lighting. All exterior lighting shall be shielded to prevent its shining onto adjacent properties or the public right-of-way. Roof lighting shall be prohibited.
- C. Enclosures. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.

Sec. 430.13 DEVELOPMENT PLAN REVIEW.

Prior to the construction, alteration, expansion or modification of a use in a Commercial District, a development plan for such activity shall be reviewed and approved according to the procedures set forth in Chapter 720.

Sec. 430.14 CERTIFICATE OF OCCUPANCY.

A certificate of occupancy shall be applied for and issued as follows:

- A. Certificate Required. A certificate of occupancy shall be required for the following.
 - 1. Occupancy of Newly Constructed Building. Whenever a zoning certificate is issued for a building in a commercial district and the use(s) is not identified on the zoning permit, a certificate of occupancy shall be required for each use prior to occupying the building in order to ensure compliance with the use and parking regulations.

2. Change in Occupancy. Whenever there is a change in the occupant of any building or premise in a commercial district, the new occupant shall be required to obtain a certificate of occupancy prior to occupying the building or premise.
- B. Certification. A certificate of occupancy shall only be issued after the proposed use is found to be in conformity with the provisions of this Zoning Resolution.