

B-1 — Commercial/Business District

Article VI. **B-1 — Commercial/Business District**Section 6.00 *Purpose*

The purpose of this district is to establish and maintain commercial businesses and concentrations of retail stores that provide services and consumer products to this community and the surrounding areas.

Section 6.01 *Permitted Principal Buildings, Structures, and Uses*

- A. All permitted principal buildings, structures and uses as defined in Article VIII (P-O), Section 8.01.
- B. Offices of an accountant, architect, artist, attorney, business consultant, computer programmer, dentist, engineer, interior decorator, optometrist, photographer, physician, real estate agent, secretary, surveyor, or veterinarian and the like.
- C. Banks and other financial institutions, and loan companies.
- D. Business, trade or vocational schools and classes of instruction involving music, dance, exam preparation, self-defense, self-improvement and weight loss.
- E. Preparation and processing of food and beverages to be retailed on the premises including bakeries, delicatessens, meat markets, confectionery shops, ice cream parlors, and soda fountains.
- F. Food sales including convenience and beverage stores, and frozen food lockers.
- G. Drug stores, retail stores and shops selling the following merchandise:
 - 1. Variety home items and consumables
 - 2. Hardware and paint
 - 3. Floor and wall coverings
 - 4. Pharmaceuticals
 - 5. Surgical, medical, dental and optical instruments and supplies
 - 6. Photographic equipment, supplies and processing
 - 7. Records, tapes and supplies
 - 8. Video sales and lease

9. Clothing, footwear and headwear
10. Linens, drapery and fabrics
11. Luggage
12. Appliances
13. Lamps and lighting fixtures
14. Toys
15. Bicycles, supplies and repairs
16. Auto parts and supplies
17. Flowers, plants and gifts
18. Seed, lawn and garden equipment and supplies
19. Hobbies and crafts
20. Pets, pet supplies and grooming
21. Artwork
22. Antiques
23. Jewelry, silverware and watches
24. Glassware
25. Handbags and leather goods
26. Paper goods

H. Service establishments limited to the following:

1. Tailors, dressmaking or sewing
2. Barbers and beauticians
3. Dry cleaning, laundries and Laundromats
4. Carpet and upholstery cleaning
5. Shoe, leather, watch, clock, lamp, camera, radio, television and appliance repair
6. Photo and art studios
7. Photocopying and printing
8. Travel bureaus

9. Picture framing
10. Interior decorating
11. Custom signs and lettering
12. Locksmiths, alarm and security systems
13. Caterers

Section 6.02 *Permitted Accessory Buildings, Structures, and Uses;*

- A. Wind system devices.
- B. Fences and walls in accordance with the following regulations:
 1. Fences and walls shall be erected outside of the right-of-way of any public or private road.
 2. Fences and walls shall not block or impede clear sight distance of vehicle operators at the intersection of any public or private road.
 3. Fences and walls shall not be constructed in any manner likely to cause physical injury.
 4. Fences and walls shall not be unsafe, unsightly, or be in danger of falling.
- C. Off-street parking spaces in accordance with Article XI.
- D. Private garages designed and used for the storage of motor vehicles owned and/or operated by the occupants of the principal building or structure. Such garages shall not exceed twelve hundred (1200) square feet in floor area.
- E. Radio antenna, television antenna or dish antennas in accordance with sections Section 5.07 and Section 8.02.
- F. Sanitary and drinking water facilities.
- G. Signs in accordance with Article XII.
- H. Ponds and fire protection

For the purpose of protection of public safety, the developers of all structures or buildings having a total floor area of twelve thousand (12000) square feet or greater or, a major subdivision shall construct a pond with a dry fire hydrant in accordance with the following regulations.

1. Regulations for construction of ponds
 - a. All ponds shall be a minimum of 100 feet from septic system lines and leach beds and shall be a minimum of 10 feet from any lot lines or road right away.

- b. All ponds shall conform to the guidelines and recommendations of the Geauga Soil and Water Conservation District.
 - c. The location of a pond shall be subject to review by the Newbury Volunteer Fire Department to determine accessibility by firefighting equipment.
2. Regulations of Dry Fire Hydrant Installation
- a. A Dry fire hydrant for fire protection purposes shall be constructed of materials and installed in accordance with the drawing entitled "Dry Hydrant Assembly" prepared by and maintained by the Newbury Volunteer Fire Department.
 - b. Location: A dry fire hydrant shall be installed so that the hydrant head is within a range of 6 to 8 feet of the public road serving the subdivision for accessibility of firefighting equipment. The Newbury Volunteer Fire Department shall have the perpetual right of access to the dry fire hydrant.
3. Application, Review, and Approval
- a. Application for the installation of a dry fire hydrant shall be made to the zoning inspector, who shall forward a copy to the Newbury Volunteer Fire Department within 10 days of receipt.
 - b. The application shall be made in writing on a form provided by the zoning inspector relating to an application for a Zoning Certificate and shall include the following.
 - i. Owner's name, address, and telephone number. The address(es) of the affected lot (s) if different from the owners mailing address.
 - ii. A drawing showing the dimensions of the dry fire hydrant and its installation in relation to the ground and water surfaces.
 - iii. A site plan showing the dimensions of the pond, the distance of the pond to the lot lines, septic system lines and leach beds, and the distance of the pond to adjacent road(s) or driveway(s).
 - c. The Newbury Volunteer Fire Department shall recommend approving or denying the application within 15 days of receipt.
4. Fire Protection

For the purpose of public safety the real property owner(s) or developer(s) shall install a Knox-Box rapid entry system for emergency access to each building on said property. The Newbury Volunteer Fire Department must approve the type, installation, and location of the Knox-Boxes.

Section 6.03 *Zoning Certificate Requirements*

Zoning Certificates are required for all occupancies by the owner or tenants pursuant with Article XVIII.

Section 6.04 *Conditional Buildings, Structures, and Uses*

Conditional buildings, structures, and uses may be allowed in accordance with Article X and the following conditions:

A. Child day-care centers as licensed by the State of Ohio

Conditions for child day-care centers:

1. A child day-care center shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

B. Schools, Township and other governmental buildings.

Conditions for schools, township and other governmental buildings:

1. Schools, township and other governmental buildings shall conform with all of the regulations for the zoning district in which they are located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

C. Lodges and fraternal organizations

Conditions for lodges and fraternal organizations:

1. Lodges and fraternal organizations shall conform with all of the regulations for the zoning district in which they are located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

D. Museums, art galleries and libraries

Conditions for museums, art galleries and libraries:

1. Museums, art galleries and libraries shall conform with all of the regulations for the zoning district in which they are located.
2. The number of off-street parking spaces shall be in accordance with Article XI.

3. Signs shall be in accordance with Article XII.

E. Funeral homes but not including crematoriums

Conditions for funeral homes:

1. A funeral home shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

F. Hospitals

Conditions for hospitals:

1. A hospital shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.
4. Lot area per bed is not to exceed four thousand three hundred fifty (4350) square feet nor to exceed ten (10) beds per acre.
5. Minimum setback shall be 250 feet from the edge of the right of way.
6. The setback from any residential district shall be two hundred fifty (250) feet.
7. The side yard setback shall be one hundred (100) feet.
8. The rear yard setback shall be one hundred (100) feet.
9. The minimum road frontage shall be five hundred (500) feet.

G. Veterinary hospitals

Conditions for veterinary hospitals:

1. A veterinary hospital shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

H. Hotels, motels, rooming houses, boarding houses, and tourist homes

Conditions for hotels, motels, rooming houses, boarding houses, and tourist homes:

1. Each living unit shall have a minimum floor area of two hundred (200) square feet.
2. A hotel, motel, rooming house, boarding house, or tourist home shall conform with all of the regulations for the zoning district in which it is located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.

I. Nursing homes

Conditions for nursing homes:

1. A nursing home shall conform with all the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.
4. Lot area per bed is not to exceed four thousand three hundred fifty (4350) square feet or to exceed ten (10) beds per acre.
5. Minimum setback shall be 250 feet from the edge of the right of way.
6. The setback from any residential district shall be two hundred fifty (250) feet.
7. The side yard setback shall be one hundred (100) feet.
8. The rear yard setback shall be one hundred (100) feet.
9. The minimum road frontage shall be five hundred (500) feet.

J. Service stations

Conditions for service stations:

1. All fuel storage tanks shall meet EPA storage requirements.
2. Pumps shall be a minimum of one hundred fifty (150) feet from any road right-of-way margin.
3. All repairs or servicing of motor vehicles shall be within completely enclosed buildings or structures.
4. All storage of materials, supplies, equipment, and merchandise shall be within completely enclosed buildings.
5. No vehicles may be parked or stored in front of a building or structure.
6. Signs shall be in accordance with Article XII.

7. A service station shall comply with all of the regulations for the zoning district in which it is located.
8. The number of off-street parking spaces shall be in accordance with Article XI.

K. Vehicle sales, leasing and renting establishments

Conditions for vehicle sales, leasing, and rental establishments:

1. No vehicle shall be parked within any required yard area.
2. No vehicle shall be parked within seventy-five (75) feet of the road right of way.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.
5. Vehicle sales, leasing, and rental establishments shall comply with all the regulations for the zoning district in which it is located.

L. Restaurants

Conditions for restaurants:

1. A restaurant shall conform with all of the regulations for the zoning district in which it is located.
2. The number of off-street parking spaces shall be in accordance with Article XI.
3. Signs shall be in accordance with Article XII.

M. Taverns

Conditions for taverns:

1. No such use shall be located within fifteen hundred (1,500) feet of any school, park, playground, church, library or another tavern.
2. A tavern shall conform with all of the regulations for the zoning district in which it is located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.

N. Vehicle repair Garages

The purpose for vehicle repair garages is to provide an area in the township within the B-1 District for the repair and maintenance of only passenger vehicles and light trucks.

Conditions for vehicle repair garages:

1. A vehicle repair garage shall conform with all the regulations for the zoning district in which it is located.
 2. The number of off-street parking spaces shall be in accordance with Article XI.
 3. Signs shall be in accordance with Article XII.
 4. All storage of supplies and materials shall be within a completely enclosed building.
- O. Conditions for electrical, plumbing, heating painting, roofing, siding, gutters and utility contractors
1. All fuel storage tanks shall meet EPA storage requirements.
 2. All storage of materials, supplies, equipment, and merchandise shall be within completely enclosed buildings.
 3. No service vehicle related to the business(s) on the lot shall be parked or stored in front of a building or structure.
 4. Signs shall be in accordance with Article XII.
 5. All electrical, plumbing, heating, painting, roofing, siding, gutters and utility contractors shall comply with all of the regulations for the zoning district in which it is located.
 6. The number of off-street parking spaces shall be in accordance with Article XI.

P. Conditions for Churches

1. No part of any building or lot shall be used for non-church sponsored activities.
2. A church shall conform with all of the regulations for the zoning district in which it is located.
3. The number of off-street parking spaces shall be in accordance with Article XI.
4. Signs shall be in accordance with Article XII.

Section 6.05 *Minimum Lot Area*

The minimum lot area shall be three (3) acres.

Section 6.06 *Minimum Lot Width*

- A. The minimum lot width for any lot shall be two hundred (200) feet, except for lots located on a permanent cul-de-sac road turnaround.
- B. For any lot located on a permanent cul-de-sac road turnaround the minimum lot width shall be sixty (60) feet at the front lot line and two hundred (200) feet at the building setback line.

Section 6.07 *Minimum Yards*

The minimum yards for all buildings, structures and uses including accessory buildings, structures and uses shall be as follows:

- A. Front yard: one hundred fifty (150) feet from the edge of the road right of way with the first seventy-five (75) feet to have no parking or storage or display.
- B. Each side yard: Twenty-five (25) feet, except a side yard abutting a residential district shall have a minimum yard of one hundred fifty (150) feet.
- C. Rear yard: Fifty (50) feet, except a rear yard abutting a residential district shall have a minimum yard of one hundred fifty (150) feet.
- D. Each corner lot side yard shall be seventy-five (75) feet from the edge of the road right of way with no parking, storage or display permitted.
- E. All yards with frontage on a major thoroughfare shall be one hundred fifty (150) feet from the edge of the road right of way with the first seventy-five (75) feet having no parking, storage, or outside display permitted.
- F. Any building, structure or use that abuts a residential district shall be set back a minimum of one hundred fifty (150) feet from a residential district.
- G. Any building, structure or use that abuts a passive park district or an active park district shall be set back a minimum of seventy-five (75) feet from a passive park district or an active park district.

Existing vegetation within any side yard and rear yard abutting a residential district shall be preserved to the maximum possible extent.

Section 6.08 *Maximum Height*

The maximum height of all buildings, structures, and uses shall be thirty-five (35) feet and as set forth in Section 5.07.

Section 6.09 *Maximum Lot Coverage*

The maximum lot coverage for all buildings, structures, and uses, including parking, storage, or display shall be fifty (50) percent.

Section 6.10 *Minimum Floor Area*

The minimum floor area for any principal building or structure shall be one thousand two hundred (1,200) square feet. Any accessory building or structure used primarily as a mechanical shed, utility shed, well house, or fire protection shed, and which is clearly incidental to and customary in connection with the use of the principal building, other structures, or use of land shall be exempt from required minimum floor area, however the total floor area of such an accessory building shall not exceed three hundred (300) square feet.

Floor area shall be calculated in accordance with Section 2.01.

Section 6.11 *Permitted Buildings, Structures and Uses in Required Yards*

Permitted buildings, structures and uses in required yard areas shall be as set forth Section 5.06

Section 6.12 *Driveways*

Refer to Section 11.07 for driveway regulations.

Section 6.13 *Screening and Landscaping*

All yards shall be entirely landscaped. Where the lot line of a lot abuts a residential district, a strip of land that is not less than ten feet (10) in width and running the length of the side and/or rear yards adjacent to existing residential districts, and densely planted with trees or mounded, must be maintained along such boundary lines so as to form a year - round dense visual screen from the existing residential districts. The screen must have a minimum height of eight (8) feet from existing grade. The screening and landscaping shall be approved by the Zoning Inspector for permitted uses and by the Board of Zoning Appeals for conditional uses or for uses allowed by a variance. All screening and landscaping shall be installed within twelve (12) months from the date of issuance of the Zoning Certificate or the conditional Zoning Certificate, whichever is applicable.

All existing vegetation on a lot within 150 feet and less of a residential district shall be preserved to the maximum possible extent to effectively screen any proposed or future use from existing residential districts.

Section 6.14 *Lighting*

All sources of illumination of the exterior of buildings or grounds shall be shielded so as not to cause direct glare and shall be directed away from any lot lines and toward the principal building and parking area on a lot.

To this end and to minimize light trespass, all lighting fixtures with lamps rated at initial lumens of two thousand five hundred (2,500) or greater shall be the full cutoff type. For purposes of this regulation, a full cutoff light fixture is defined as one which emits no light above a horizontal plane drawn through the lowest part of the fixture.

Exterior lighted signs shall utilize lighting which shines against the sign so that the light emitted directly from the fixture is not shining beyond the boundaries of the sign.

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