

CHAPTER 350
Commercial District Regulations

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SECTION 350.01 PURPOSE.

Commercial Districts (R-O, V-C, C-1, C-2, and C-3) and their regulations are established in order to achieve, among others, the following purposes:

- A. To provide in appropriate and convenient locations, sufficient areas for business activities, the exchange of goods and services;
- B. To protect residential neighborhoods adjacent to business and commercial uses by restricting the types of establishments, particularly at the common boundaries, which 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 provide a Residential Office District (R-O) that encourages development of professional, administrative and executive offices which are compatible with residential uses, and which serve as transitional uses between more intensive land uses such as major thoroughfares and/or commercial districts, and less intensive uses such as single-family residential development. It is recognized and anticipated that some dwelling units within this district may be converted to office uses.
- E. To provide a Village Center District (V-C) that encourages a mix of uses in a compact, yet cohesive, "village" environment. This district is intended to encourage infill development in the Township's historic "center" by ensuring that new structures can be constructed in the same manner as the existing structures, and to encourage reuse of existing residential structures by retail establishments and offices.

- F. To provide Retail Commercial Districts (C-1) for certain retail and personal service establishments in areas adjacent to residential neighborhoods and to ensure that these areas are developed in a manner appropriate for locations abutting residential areas;
- G. To provide General Commercial Districts (C-2) for commercial services and activities in locations that are adequately served by major streets and other facilities. This district is established to encourage the grouping of general commercial establishments and to permit limited outdoor activities in areas that are adequately screened from view.
- H. To provide Highway Interchange Districts (C-3) in locations at the freeway interchange for higher intensity commercial establishments that need the locational advantages of highway interchanges such as accessibility, visibility, and nearness to large volumes of passing traffic.
- I. To promote the most desirable and beneficial use of the land in conformity with the Comprehensive Plan and the Rootstown Township Design Guidelines (2017, as amended). *(Amended 10/10/2017)*

SECTION 350.02 USE REGULATIONS.

- A. A use listed in Schedule 350.03 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;
 - 1. Uses similar to principal permitted uses. Where a use is proposed that is not listed or provided for in this section, the Zoning Inspector may make a determination that the proposed use is substantially similar to a specific principal use listed in this section, in which case the similar use shall be permitted as a principal use in those districts where the specifically listed use is permitted. *(Added 5/14/19)*
- B. A use listed in Schedule 350.03 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 of Chapter 390 have been met according to the procedures set forth in Chapter 630;
 - 1. Uses similar to conditionally permitted uses. Where a use is proposed that is not listed or provided for in this section, the Zoning Inspector may make a determination that the proposed use is substantially similar to a specific conditional use listed in this section, in which case the similar use shall be permitted as a conditional use in those districts where the specifically listed conditional use is permitted. A similar

conditional use shall conform to the general standards for all conditional uses in Section 390.02 and any other numerical or specific standards in chapter 390 for the specifically listed conditional use to which the proposed use is most similar, and shall be approved in accordance with the administrative procedures in chapter 630. *(Added 5/14/19)*

- C. A use listed below shall be permitted as an accessory use in a commercial district. 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, as noted below.
1. Off-street parking and loading areas as regulated by Section 350.08 and Chapter 410.
 2. Signs as regulated by Chapter 420.
 3. Other uses of land or buildings which are clearly incident and subordinate to the principal use.
- D. **Standards for consideration of similar uses.** The following standards shall be considered by the Zoning Inspector when making a determination that the proposed use is substantially similar to a specific use listed in this section, in which case the similar use shall be permitted as a main use in those districts where the specifically listed use is permitted.
1. The compatibility of the proposed use with the general classification of use specified in this Zoning Resolution;
 2. The nature, predominant characteristics, and intensity of the proposed use in relation to the similar principal or conditional use in that district;
 3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses specified in the Zoning Resolution. *(Amended 5/14/19)*

Any use not denoted as either a permitted principal or conditional use in a particular zoning district, shall be prohibited in that zoning district and shall only be permitted upon amendment of this Resolution and/or the Zoning Map as provided in Chapter 660. *(Amended 5/14/19)*

SECTION 350.03 SCHEDULE OF PERMITTED USES. (Revised 2/14/03) (Revised 3/29/07) (Revised 3/11/10) (Revised 8/13/15) (Revised 10/25/16) (Revised 7/24/18) (Revised 2/12/19) (Revised 3/23/21) (Revised 7/27/21) (Revised 5/26/22) (Revised 4/28/23) (Revised 11/22/24)

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
A. Residential Uses					
1. Single-family dwelling in compliance with R-2 district regulations for dwelling units set forth in Chapter 310	P	P		C	
2. Two-family dwelling	C	C			
3. Residential units on second floor of commercial building		C		C	
4. Congregate care facility	C			C	P
B. Offices					
1. Professional, medical, sales, administrative, and executive offices	P	P	P	P	P
C. General Commercial / Retail					
1. Retail in completely enclosed buildings		P	P	P	P
2. Personal services in completely enclosed buildings		P	P	P	P
3. Bank, financial institution, automated teller machine		P	P	P	P
4. Building trades and storage area	C	C	P	P	P
5. Drive-through facilities in association with a principal use		C		C	P
6. Mini / self-storage		C		C	
7. Outdoor display			C	C	P
8. Outdoor storage				P	P
(a) In fenced-in area					
(b) Not fenced				C	C

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
9. Restaurants		P	P	P	P
10. Studios for artist, photography, etc. which may include retail sales	P	P	P	P	P
11. Marijuana dispensary, Medical				C	C
12. Marijuana dispensary, Recreational				C	C
D. Lodging Establishments					
1. Bed-n-breakfast home		P		C	
2. Hotel				C	C
E. Motorized Vehicle / Implement Facilities					
1. Gasoline stations				C	P
2. Motorized vehicle service center				C	P
3. Car wash				C	P
4. Motorized vehicle repair garage				C	P
5. Auto, motor vehicle sales	P	P	P	C	P
6. Implement sales and service				C	P
7. Electric vehicle charging stations				P	P
F. Community Facilities					
1. Adult and child day care center	C	C	C	C	
2. Assembly hall, meeting place, places of worship	C	C	C	C	
3. Banquet facilities		P		P	P
4. Indoor recreation facilities, membership / sports fitness center				C	
5. Indoor theater			C	C	
6. Outdoor recreation facilities				C	
7. Public maintenance and safety facilities		C	P		
G. Telecommunication Towers	See Chapter 460				

H. Wind/Solar Energy Systems	See Chapter 480				
I. Planned Commercial Development ^(a)	P	P	P	P	P
P = Principal use permitted by right C = Conditional use ^(a) Are regulated pursuant to the requirements in Chapter 360					

SECTION 350.04 LOT REQUIREMENTS.

The lot requirements for uses in Commercial Districts are specified in Schedule 350.04 below.

Schedule 350.04

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
A. Minimum Lot Area	1 ac.	30,000 sf.	30,000 sf.	1 ac.	1 ac.
B. Minimum Lot Width	60 ft.	100 ft.	100 ft.	100 ft.	100 ft.
C. Minimum Street Frontage	60 ft.	100 ft.	100 ft.	100 ft.	60 ft.
D. Maximum Building Coverage	20% of the total lot area	none	none	none	none

SECTION 350.05 BUILDING SETBACK REQUIREMENTS.

Every building shall be located on a lot so as to maintain the setbacks set forth in Schedule 350.05 below:

- A. Mandatory Setback Requirements for Lots in V-C District. In the V-C District, all buildings shall be located 25 feet from the street right-of-way except that when at least 40 percent of the lots within 200 feet and on the same side of the street of the lot for which a zoning certificate has been requested are developed, the mandatory setback from the street right-of-way shall be the average setback of such existing structures. However, in no case shall the required setback be less than 15 feet, measured from the street right-of-way line.

- B. Setback from Side and Rear Lot Lines. Separate buildings on separate parcels may be placed side-by-side as part of a joint development when approved by the Zoning Inspector.

Schedule 350.05 Minimum Setback Requirements

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
1. Setback from Street Right-of-Way	40 ft.	(a)	70 ft.	70 ft.	50 ft.
2. Setback from Side and Rear Lot Lines					
a) Adjacent to nonresidential district	10 ft.	10 ft.	10 ft.	20 ft.	20 ft.
b) Adjacent to residential district	35 ft.	30 ft.	35 ft.	35 ft.	35 ft.
Notes to Schedule 350.05: (a) See Section 350.05A above.					

SECTION 350.06 ADDITIONAL USE/BUILDING REGULATIONS.

- A. In R-O, V-C, and C-1 district, the exterior building walls that face a public street or the main parking area shall include architectural features such as windows, piers, columns, defined bays or an undulation of the building so that such exterior building wall is divided by such feature(s) into segments not more than 20 feet in length.
- B. In the V-C District, because of the unique character of the area within the district, buildings should maintain the existing small-scale residential character of the village center by complying with the following building characteristics.
- Buildings should present a vertical emphasis with a minimum height of 22 feet or two stories, to maintain the existing character of the area.
 - To maintain the residential scale, building roofs shall have a minimum pitch of 6 feet rise for each 12 feet of horizontal run.

3. The arrangement, proportion and design details of windows, doors, porches and other architectural details should be consistent with the patterns currently existing in the district.
 4. Mechanical equipment, service areas, trash receptacles and other accessory structures shall be screened from view from adjacent parcels according to Chapter 430.05.
 5. The drive-through function, design, and appearance shall be according to Section 390.06J, 1 & 2. **(Added 10/25/16)**
- C. In the V-C District, deliveries shall occur only between the hours of 6:00 a.m. and 10:00 p.m.

SECTION 350.07 HEIGHT REGULATIONS.

All buildings and structures shall comply with the following height regulations.

- A. **(Amended 2/12/2019)** The height of buildings in R-O, V-C, C-1, C-2 and C-3 Districts shall not exceed 50 feet except that in the C-3 district taller structures may be approved by the Board of Zoning Appeals as a conditional use.
- B. Exceptions to the height regulations are set forth in Section 230.06.

SECTION 350.08 PARKING SETBACK REQUIREMENTS.

Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified in Schedule 350.08 unless otherwise noted. The area within this setback shall be landscaped in accordance with Chapter 430.

Schedule 350.08

	R-O Residential Office	V-C Village Center	C-1 Retail Comm.	C-2 General Comm.	C-3 Highway Interchange
A. Setback from street right-of-way	20 ft	No parking in front of building	20 ft	20 ft.	20 ft.
B. Setback from side and rear lot line					

1. Adjacent to non-residential district	10 ft.	10 ft. ^(a)	10 ft.	10 ft.	10 ft.
2. Adjacent to residential district	20 ft.	20 ft	20 ft	20 ft.	20 ft.
<u>Notes to Schedule 350.08:</u>					
(a) No setback is required when abutting parcels are developed as a joint development.					

SECTION 350.09 ACCESSORY USE REGULATIONS.

Accessory uses permitted in any Commercial District shall conform to the regulations of this Section.

- A. Accessory Buildings. Accessory buildings shall conform to all lot and setback requirements for principal buildings for the district in which the lot is located and shall be subject to development plan review.
- B. Fences and Walls. **(Amended 6/22/21) (Amended 10/24/24)** Fences and walls may be erected in any Commercial District in compliance with the following:
 1. All fences and walls shall be of uniform design and shall be well maintained.
 2. Fences and walls used for buffering and screening shall comply with the regulations set forth in Chapter 430 and shall have a minimum height of six (6) feet.
 3. Fences on Property Lines. Any fence on a property line shall have a written agreement between the owners of each adjoining property and follow all other requirements in Chapter 971 of the Ohio Revised Code.
- C. Restaurant, Outdoor Dining Area. **(Added 5/22/08)** An outdoor customer dining area shall comply with all setback requirements for the principal building of the zoning district and shall be situated on a permanent foundation and enclosed as follows:
 1. Fences/walls shall be of uniform design, be well maintained, and shall be a minimum of 4' in height.
 2. Fences shall be constructed of masonry, wood, wrought iron, brick, stone, or vinyl, excluding rolled fencing of any type, such as, but not limited to barbed-wire, chain-link, and snow fencing.

SECTION 350.10 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 430.

SECTION 350.11 SUPPLEMENTAL REGULATIONS FOR GASOLINE STATIONS.

In addition to the above regulations, all gasoline stations shall comply with the following standards.

- A. Gasoline stations located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
- B. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Section 350.08.
- C. The only services permitted to be performed on a vehicle shall be the dispensing of fuel, oil, air, and windshield wiper fluid.
- D. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

SECTION 350.12 PERFORMANCE STANDARDS. *(Amended 5/22/2003)*

All uses shall comply with the following performance standards.

- A. Fire Hazards. Flammable or explosive materials shall only be permitted in structures having incombustible exterior walls.
- B. Radioactive or Electrical Disturbances. Radioactive emissions or electrical discharges shall be confined to the use and lot from which they originate and shall not occur across any lot line.
- C. Noise. No use shall emit noise which, when measured at the nearest residential district boundary, exceeds the average noise volume generated by vehicular traffic on the nearest residential street. In addition, no use shall emit intermittent or shrill noises that are perceptible at the nearest residential district.
- D. Vibration. Vibrations that are perceptible without the aid of instruments shall not be permitted beyond the lot occupied by the use generating such vibration.
- E. Heat and Glare. No use shall generate heat or glare which is perceptible without the aid of instruments at any point beyond the lot occupied by the use.

- F. Smoke. No use shall emit smoke for longer than eight (8) minutes in any hour which is of a shade darker than Number 3 on the Standard Ringelmann Chart as issued by the U.S. Bureau of Mines.
- G. Odors. No use shall emit malodorous gas or matter that is discernible on any adjoining lot or property.
- H. Air Pollution. No use shall emit fly ash, dust, vapors or other substances that are harmful to health, animals, vegetation or other property or which can cause excessive soiling.
- I. Waste Matter. **(Amended 3/28/2023)** Solid waste, as defined in ORC Section 3734.01, as amended, including empty packing crates and other discarded materials, shall not be allowed to accumulate on a lot and shall be disposed of on a regular basis. Liquid wastes shall only be disposed of in appropriate containers and removed from the site on a regular basis.
- J. Lighting. See Chapter 440 – Lighting Requirements

SECTION 350.13 DEVELOPMENT PLAN REVIEW.

Uses, buildings and structures in commercial districts shall be permitted only after development plans have been reviewed and approved according to the procedures set forth in Chapter 620 and the Rootstown Township Design Guidelines (2017, as amended).