

## **ARTICLE 13 Administration and Enforcement**

### **13.01 Administration**

#### **A. Zoning Inspector**

For the purpose of enforcing this Resolution, the Township Trustees shall establish and fill the position of Township Zoning Inspector, and shall provide such assistants as the Trustees deem necessary. Such assistants shall have the authority assigned them by a Resolution of the Trustees. The terms of employment, rate of compensation, and other such conditions of employment shall be established by the Resolution of the Township Trustees.

#### **B. Board of Zoning Appeals**

The Board of Zoning Appeals shall have the power to administer Article 11 of this Resolution, and shall have the power to authorize the Township Zoning Inspector to issue Conditional Zoning Certificates as regulated in this Resolution.

#### **C. Zoning Certificate and Certificate of Occupancy Required**

1. A Zoning Certificate shall be obtained by any person prior to locating, erecting, constructing, reconstructing, enlarging, or structurally altering any building or structure. Zoning Certificates shall not be required for repair and maintenance. The owner and/or operator shall obtain a certificate of occupancy issued by the Summit County Department of Building Standards prior to occupancy.
2. **Exemptions.** Any person seeking a change in use or construction, alteration, erecting, reconstructing, enlarging, or structurally altering any building or structure to a use or structure incidental to a use which is exempt from regulation by operation of the Ohio Revised Code shall file an application for exemption with the Zoning Inspector on forms provided by the Zoning Inspector. The application for exemption shall detail the use or purpose of the construction, alteration, erecting, reconstruction, enlarging, or structurally altering any building or structure which qualifies for exemption under the statutes. Within thirty (30) days of the receipt of the application for exemption, the Zoning Inspector shall approve or deny the exemption. The denial of an exemption may be appealed to the Board of Zoning Appeals.

#### **D. Application for Zoning Certificate**

All applications for zoning certificates shall be submitted to the Zoning Inspector who shall certify them as complete only upon receipt of all submittals required by this Resolution, by other Resolutions of the Board of Trustees, or by the applicable application form. The Zoning Inspector shall issue zoning certificates when all applicable provisions of this Resolution have been satisfied.

Before constructing or altering any buildings, and before changing the use of any existing or altered building and/or lands, including accessory buildings, application shall be made to the Zoning Inspector for a zoning certificate. The application for a zoning certificate shall include a plot plan.

A plot plan shall be drawn to scale and include the following information.

1. Exact dimensions and area of the lot to be built upon.
2. Title, scale and north point (north shall be at the top).
3. The location, dimensions, height, of structures to be erected.
4. The proposed use of all structures.
5. Indicate areas within the 100 year floodplain
6. Indicate the location of Riparian Setbacks
7. Illustrate important natural features including streams, wetlands, ponds, steep slopes, etc. and proposed changes to existing natural features.
8. Indicate location of oil and gas wells
9. Show location of septic system
10. Indicate location of water well (s)
11. Any other pertinent data as may be necessary to determine and to provide for the enforcement of this Resolution

#### **E. Issuance of Zoning Certificates and Applicable Fees**

1. Within thirty (30) days after the submission of a completed application, including the receipt of any fee(s) required by this Resolution, the Zoning Inspector shall issue a Zoning Certificate or Zoning Use Certificate if the application complies with the requirements of this Resolution, or reject it in writing if it does not. A zoning certificate shall be effective for a period of six (6) months from the date of issuance by the Zoning Inspector. In the event no substantial construction is initiated during this six (6) month period, the certificate shall lapse and a new certificate must be applied for and issued. A Zoning Use Certificate shall be effective for the duration of

the use subject to the terms of this Resolution, except for certificates for home occupations which shall inure to the benefit of the applicant alone, and which shall not run with the land nor be assigned or transferred by any instrument.

2. The Zoning Inspector shall assess such fees as the Board of Trustees shall establish by Resolution. Fees may be established for Zoning Certificates, Zoning Use Certificates, Conditional Zoning Certificates, Hearings, Meetings and Inspections. In addition to the foregoing fees established by the Board of Trustees by Resolution, when the Board of Zoning Appeals, Zoning Commission, or Board of Township Trustees deem it necessary to maintain a transcript of proceedings or to require special expert studies to be made, the applicant may be assessed an additional charge for each separate proceeding in an amount established by Resolution of the Township Trustees.

#### **F. Site Plan Review For Certain Zoning Certificates**

1. An application for a Zoning Certificate for Non-Residential uses, Multi-family and Transient Residential Uses, and Uses Accessory thereto shall be issued only after site plans as specified herein, have been submitted for review and approval by the Zoning Department and applicable agencies (with the exception of subsection 5. Modified Site Plan Review for Certain Zoning Use Certificates which may be approved by the Zoning Inspector). Likewise, all conditionally permitted uses proposed to be developed, expanded, modified or otherwise established in any existing zoning district shall be permitted only after site plans, as specified herein, have been submitted for review and approval by the Board.

#### **Site Plan Requirements**

All submitted site plans shall include the following information:

1. The site plan shall be drawn to a legible scale, shall be dimensioned and shall show:
  - a. Property boundaries and existing and proposed topography with contours no greater than two (2) feet.
  - b. Ownership and applicant contact information.
  - c. Zoning of existing and abutting properties and County parcel numbers.

- d.** Structures and conditions on the site including existing buildings, driveways, parking areas, and landscape features.
- e.** Structures and existing conditions on the portion of all adjacent parcels within one hundred fifty (150) feet of the site including buildings, parking areas, driveways, other existing facilities, landscaping screening.
- f.** Location of both front, side yard and rear yard setbacks.
- g.** Proposed principal and accessory buildings and uses including building plans, front, side and rear elevations and architectural and engineering construction information for the buildings and site development.
- h.** Vehicular circulation, access and parking plan including surface material, striping and signs related to parking and traffic control. Provide information on how the number of parking spaces was calculated.
- i.** Location, size of all loading and unloading areas
- j.** Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
- k.** Stormwater drainage plans for the property when developed.
- l.** Stormwater Pollution Prevention Plan
- m.** Landscaping plan, including plant types, number and sizes at planting
- n.** Location and type of existing trees on the side with a diameter of ten inches (10”) or more at breast height (DBH). Included with the location of the tree (s) should be the associated “drip line.” Also indicate other existing wooded areas.
- o.** Identify any Riparian Corridors on the parcel (s) and label the required setback accordingly.
- p.** Location and elevations of existing watercourses and water bodies, including drainage ways, flood plains and wetlands.
- q.** Location of utility lines on the site and all easements.
- r.** Location and layout of all proposed outdoor storage areas including storage of waste materials and location of trash receptacles.
- s.** Proposed signs.

- t. Proposed screening fences and walls.
  - u. Exterior lighting locations with area of illumination and foot candle readings illustrated, as well as the type of fixtures and shielding to be used.
  - v. Number of employees.
  - w. Location of septic system
  - x. Location of water well (s)
  - y. Location of oil and gas wells
  - z. Statement and supporting evidence that the proposed use will be harmonious with, and in accordance with, the objectives of the Zoning Resolution and will not be detrimental to existing or future uses in the immediate vicinity or the community as a whole.
  - aa. Any other pertinent data as may be necessary to determine and to provide for the enforcement of this Resolution.
2. The Board of Zoning Appeals may determine that additional studies or expert advice are necessary to evaluate an application for a Zoning Certificate. The Board shall advise the applicant if such studies or advice are required. The Board shall determine whether to accept the required studies as prepared by qualified professionals engaged by the applicant or to require the applicant to deposit funds with the Copley Township Board of Trustees as required to pay for such studies.
  3. Any assistance provided by the Board of Zoning Appeals to the Zoning Inspector as provided for above shall occur at a regularly scheduled meeting of the Board of Zoning Appeals and be addressed as Business from the Zoning Inspector.
  4. Additional Requirements for Site Plans: In addition to the other requirements of this Resolution, all applications shall be determined by the Zoning Inspector to meet the following criteria:
    - a. After review and recommendation of the Summit County Department of Planning and Economic Development and/or the Township's consultant that the plans adequately provide for the following:
      - i. The relationship between thoroughfares, service roads, driveways and parking areas shall encourage pedestrian and vehicular safety on both public and private lands.
      - ii. All of the development features including the principal building, open spaces, service roads, driveways and parking

areas shall be located to minimize adverse effects upon adjacent development.

- iii.** Buildings and structures shall be sited to minimize the removal of trees and alteration of topography and to protect and maintain significant natural features including water courses.
  - iv.** Maximum visual and auditory privacy for surrounding properties and occupants through the design of the relationships among buildings, fences and walls, landscaping, topography, and open spaces.
  - v.** The fencing, screening or landscaping of refuse storage and pick-up areas shall be designed to prevent the blowing or scattering of refuse and to visually screen the refuse from view from adjacent properties.
  - vi.** All mechanical equipment, transformers, and similar equipment, whether on the ground or on a roof, shall be screened from view from adjacent properties.
  - vii.** In parking areas of thirty (30) or more spaces, traffic channelization shall be provided through the use of tree-planted and landscaped dividers, and/or bio-retention swales and cells, islands and walkways.
  - viii.** Parking and loading provisions shall meet the requirements of Article VI. (or new Article number for Parking Chapter).
- b.** After review by the Copley Township Fire Department and finding that the site plan, building plans and working drawings adequately provide for the following:
- i.** The ability of the department to provide life safety and fire fighting services by providing for the proper access and flow of equipment, location of hydrants, access to the structures.
  - ii.** The proper location of refuse collection and storage areas and other exterior storage facilities, which may constitute a potential fire hazard.
  - iii.** The location and maintenance of areas of rescue assistance for building occupants.
  - iv.** Fire lanes (posted).
  - v.** Fire Department connection (Siamese).
  - vi.** Lockbox. (Knox Box)

- vii.** Ohio Building Code - Use Group.
- viii.** Ohio Building Code - Occupancy Load.
- ix.** Exit and Emergency Light Locations.
- x.** Fire Extinguisher Placement.
- xi.** Sprinklers as required by the Ohio Building Code.

**c.** After review and recommendation by the Summit County Engineer and finding that the grading plan, drainage plans, traffic circulation patterns and provisions for maintenance of the public drainage facilities adequately provide for the following:

- i.** The maintenance of the surface waters in their natural courses where the water enters and leaves the subject premises.
- ii.** Acceptance of upstream drainage.
- iii.** Future development of upstream properties.
- iv.** Storm water management facilities, water quality practices and drainage easements which minimize the impact of storm water on abutting or downstream properties and minimize increased storm water flows from the site to the greatest extent possible.
- v.** Grading and surface drainage designed to minimize any adverse effects on abutting properties and public streets.
- vi.** On-site traffic circulation shall be designed to make possible adequate fire and police protection and to minimize interference with the traffic carrying capacity of adjacent streets.
- vii.** Curb cuts, internal drives, parking areas and pedestrian walkways, and bicycle lanes shall be arranged to promote safe and efficient movement within the site, between adjacent sites, and between the site and the adjacent thoroughfare system.
- viii.** The number and location of openings from the site to adjacent thoroughfares shall be designed to maintain the traffic movement function of arterial and collector streets.
- ix.** All utilities on site shall be located underground.



- d. No alteration is proposed to the parking lot, lighting, screening, open space, service roads, driveways, topography, landscaping, and/or fire lanes.
- e. If applicable, Ohio EPA has granted approval of the sanitary wastewater disposal system based upon the applicant's proposed use.
- f. Summit County Department of Building Standards has issued a Certificate of Occupancy for the proposed use as that use is defined by the Ohio Building Code.

## **13.02 Violations and Penalties**

### **A. Violations**

In any instance where a building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or where any land is, or is proposed to be, used in violation of any provisions of this Zoning Resolution or any Amendments thereto, the Board of Township Trustees, the Summit County Prosecuting Attorney, the Township Zoning Inspector, the Assistant Township Zoning inspector, or any adjacent or neighboring property owners who would be especially damaged by such violations, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

### **B. Penalties**

Any person violating any provision of this Zoning Resolution or supplements or amendments thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred (\$500.00) dollars. Each day of continuation of a violation of this Resolution shall be deemed a separate offense.

### **C. Enforcement**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is, or is proposed to be used in violation of any provisions of this Zoning Resolution or supplements thereto and/or in violation of §§ 519.01 et seq. of the Ohio Revised Code, the Board of Township Trustees, the

Prosecuting Attorney of the County, the Township Zoning Inspector, the Assistant Township Zoning Inspector, or any adjacent or neighboring property owners who would be especially damaged by such violation(s), in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. The Board of Township Trustees may employ special counsel or utilize its Law Director to represent it, the Township Zoning Inspector and/or the Assistant Township Zoning Inspector in any proceeding or to prosecute any actions brought under this section.