

ARTICLE 7 – Standards for Conditional Uses

7.01 Purposes

The purpose of this Article is to establish criteria and procedures for considering the approval or disapproval of a Conditional Use permit for a use designated as a Conditional Use in the District Regulations. In making such a consideration, the Board of Zoning Appeals is hereby authorized to request from the applicant for a Conditional Use permit information concerning the location, design, size, operation, intensity of use, generation of traffic and traffic movement, processes and equipment employed, number of persons to be employed or otherwise present at the location for whatever purpose, amount and kinds of public facilities and services required, and effects on current and future property values; and also to make any other reasonable requests for information as the Board of Zoning Appeals determines to be necessary to satisfy its responsibilities under this Zoning Resolution. The Board of Zoning Appeals shall review and analyze all information provided to it by the applicant for a Conditional Use permit, and any other relevant information concerning the proposed Conditional Use available to the Board, in order to determine whether, by a preponderance of the evidence before the Board, the proposed Conditional Use is consistent with the purpose, intent and planning objectives of the Copley Township Comprehensive Land Use Plan, and with the regulations for the particular District in which it is to be located, as these are set forth in the Copley Township Zoning Resolution implementing the Comprehensive Land Use Plan. Accordingly, Conditional Use permits shall only be issued in accordance with the procedures and requirements of this Zoning Resolution.

7.02 General Criteria for All Conditional Uses

A Conditional Use, and uses accessory to such Conditional Use, shall be permitted in a District only when specifically provided for in that District, and only if the Conditional Use conforms to the following standards in addition to any specific standards, conditions, and regulations for the Conditional Use set forth in this Article and/or in the regulations for the District in which the Conditional Use is to be located. The Board of Zoning Appeals is hereby authorized to review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards in order to determine whether, by a preponderance of the evidence before the Board, each proposed Conditional Use is consistent with the purpose, intent and planning objectives of the Copley Township Comprehensive Land Use Plan, and with the regulations for the particular District in which it is to be located, as these are set forth in the Copley Township Zoning Resolution implementing the

Comprehensive Land Use Plan. Nothing in this Section shall prohibit the Zoning Commission and Township Trustees from prescribing supplementary conditions and regulations in order to achieve the objectives established in Section 7.02.

- A.** The proposed Conditional Use will be harmonious and in accordance with the purpose, intent and planning objectives of the Copley Township Comprehensive Land Use Plan and with the regulations for the particular District in which it is to be located, as these are set forth in the Copley Township Zoning Resolution implementing the Comprehensive Land Use Plan.
- B.** The establishment, maintenance or operation of the proposed Conditional Use will not be detrimental to or endanger the public health, safety or general welfare.
- C.** The proposed Conditional Use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area.
- D.** The proposed Conditional Use will not be hazardous or disturbing to the existing and future use and enjoyment of the property in the immediate vicinity for the uses permitted, nor substantially diminishes or impairs property values within the surrounding neighborhood or the community as a whole.
- E.** The establishment of the proposed Conditional Use in the proposed location will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted as-of-right in the District.
- F.** Adequate utilities, dedicated access roads, sanitary and drainage facilities, and other reasonably necessary facilities have been or are being provided.
- G.** Adequate measures have been or will be taken to: provide ingress and egress designed to minimize traffic congestion on the surrounding public streets; assure that deliveries to the property will not adversely affect traffic circulation on adjacent streets ; assure that access drives are situated appropriately in relation to street intersections relative to the anticipated volume of traffic, and demonstrate compliance with all applicable regulations and requirements of the County of Summit Engineer.

- H. The establishment of the proposed Conditional Use shall not be detrimental to the economic welfare of Copley Township by creating excessive additional requirements at public cost for public facilities or services such as police, fire, schools, and other services provided by the Copley Township Service Department.
- I. There is minimal potential for future hardship to the proposed Conditional Use that could result from its being surrounded by uses permitted as-of-right that may be incompatible.
- J. The design and arrangement of circulation aisles, parking areas, and access drives shall be in compliance with the parking regulations pursuant to Article 9 of this Zoning Resolution and shall provide for interconnecting circulation among adjacent parcels;
- K. Conditional Uses abutting properties in residential Districts, or abutting residential properties in other Districts, shall be properly landscaped so as to be screened from surrounding residential areas and to be harmonious in appearance with such areas.
- L. One-way loudspeakers are prohibited and two-way loud speakers which cause a hazard or annoyance shall not be permitted.
- M. The proposed Conditional Use shall, in all other respects, conform to the applicable regulations of the District in which it is to be located as well as any specific supplemental conditions for the use as may subsequently be set forth in this Article.

7.03 Application

- A. Any owner, agent of the owner, or lessee of a lot for which a Conditional Use is sought shall submit an application to the Board of Zoning Appeals. An application for a Conditional Use shall be submitted in writing on forms provided by the Zoning Department and shall include the following:
 - 1. Name, address, and phone number of the lot owner and of the owner's designated agent.
 - 2. Legal description of the lot.
 - 3. Zoning district of the lot.

4. Description of the existing use of the lot and of the immediately adjoining lots.
5. A statement of the Conditional Use listed in this Zoning Resolution for which the application is submitted.
6. The application shall, when appropriate, also include a description of the activities proposed on the site, including the goods and services, anticipated number of employees, nature and volume of delivery activity, and other information which will enable the Board to understand the nature of the proposed use and its potential impacts.
7. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent lots and with the Copley Township Comprehensive Land Use Plan, including an evaluation of the effects on adjoining lots of such elements as traffic circulation, noise, glare, odor, fumes, vibration, and storm water, and any measures proposed to mitigate such effects.
8. A narrative addressing each of the applicable criteria set forth in the standards and requirements for all Conditional Uses as listed in Section 7.02 above, and, as applicable, any supplementary requirements for the specific Conditional Use that is the subject of the application.
9. Site Plan Requirements: All applications shall include a site plan drawn to a legible scale, which 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 site 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. Location of septic system
 - w. Location of water well (s)
 - x. Location of oil and gas wells
10. Such other information as the Board deems necessary to make a determination of the compliance of the proposed use with the applicable standards and regulations. Such additional information may include, but shall not be limited to:
- a. Traffic impact analysis.
 - b. Storm water impact analysis.
 - c. Utility impact analysis.
- B. The Board may determine that additional studies or expert advice are necessary to evaluate a proposed Conditional Use relative to the requirements of this Zoning Resolution. 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.

7.04 Review by the Board of Zoning Appeals

- A. The Board of Zoning Appeals shall review the application for a Conditional Use permit, as presented on the submitted plans and specifications in terms of the standards established in this Resolution. In addition, the Board of Zoning Appeals may submit the application to the Township Zoning Commission for review and recommendations. When any matter has been submitted to the Township Zoning Commission, it shall transmit its recommendation, in writing, to the Board of Zoning Appeals within a thirty (30) day period.
- B. The Board of Zoning Appeals may, in addition to the requirements provided for in Article 13, Section F. 4., seek expert advice or cause

special studies to be made for input to its review of any plans or proposals submitted. Likewise, the applicant may be requested or may volunteer to provide additional information to restudy all or part of the application, or to have additional studies done.

- C. The Board of Zoning Appeals may submit any or all site plans and proposals to the Zoning Commission, Board of Trustees, and/or any planning advisory or other committee of the Township for review and recommendations prior to acting on any such plan. The Board shall consider all such recommendations, if received within thirty (30) days of referral to said Boards, Commissions or Committees.
- D. In order to promote the orderly and appropriate development of the site for which the Conditional Use permit is sought consistent with the goals and objectives of the Township Comprehensive Land Use Plan and the Zoning Resolution, the Board and the Zoning Department may encourage informal discussions between the applicant and the Zoning Department or other Township staff.

7.05 Issuance and Revocation of Conditional Use Permits

- A. The Board of Zoning Appeals shall approve an application for a Conditional Use permit only after adequate review and study, after conducting a hearing on the application, and based on a finding that, by a preponderance of the evidence, the applicant has demonstrated that the proposed Conditional Use will meet the general standards and the specific standards pertinent to the application.
- B. In approving an application for a Conditional Use permit, the Board may impose such conditions as it deems necessary to protect the public health, safety and welfare, preserve the purpose and intent of this Resolution, to protect the character of the surrounding properties and neighborhood affected by the proposed use, and to mitigate the special impacts of the use. Such conditions may include, but shall not be limited to:
 - 1. Locations, setbacks, and configurations of structures and of uses of interior and exterior space.
 - 2. Screening comprised of landscaping, walls, fencing or other materials or construction.

3. Access points and traffic management provisions, including those impacting vehicular and pedestrian access, and the locations and design of parking facilities.
 4. Noise control measures, including those regulating loudspeakers or irregular vehicular or equipment noise.
 5. Other features of construction, including but not limited to paving and parking, signs, and landscaping.
 6. Maintenance of the site, structures, and landscaping.
 7. Means of controlling glare, vibration, odors, dust, smoke, hazardous materials, refuse matter, waste water, and storm water.
 8. A time limit for operation of the use, if temporary operation is determined to be a typical characteristic of the proposed use or otherwise appropriate given unique circumstances of the proposed use.
- C. The breach of any condition, safeguard or requirement imposed by the Board of Zoning Appeals as a condition for its approval of an application for a Conditional Use permit shall automatically invalidate the permit granted and shall constitute a violation of this Resolution. Such violation shall be punishable as provided for in this Resolution.
- D. All aspects of the development shall conform to the approved site plan. It shall be a violation of this Resolution for any building or premises to be occupied or used prior to conformance with all applicable requirements of this Resolution and completion of all specifications of this Article including required landscaping, drainage, parking area, road and driveway improvements according to the plans approved by the Board. The provision of financial guarantees to the Township Trustees in an amount equal to said required improvements may be authorized by the Board. Said guarantees shall be for a period not to exceed two (2) years and shall provide for the complete construction of the improvements within that period.
- E. Variances from the provisions and specifications of an approved application shall be made only upon the approval by the Board of revised plans and specifications submitted under the provisions of this Article.
- F. Where the Board considers it necessary, in order to assure that a project will be developed consistent with the purposes of this Resolution, the

Board may require or agree that the site plan(s) for a project be submitted indicating development in phases, if such project can logically be divided into phases. The Board shall review the entire project for conformance with all applicable regulations in this Resolution and shall give preliminary approval to the entire project if it so conforms. However, the Board shall have the power to limit final approval and authorization for the Zoning Inspector to issue a Conditional Use permit to one section or phase of the total development at a time. Approval of subsequent phases shall be given subject to the following: (1) upon substantial compliance with the site plan(s) given preliminary approval; (2) upon conformance with all applicable regulations of this Resolution; and (3) upon a finding by the Board that all preceding phases conform to all requirements of this Resolution and conform to approved site plans including complete installation of improvements required in the approval of preceding phases, or, in lieu of complete installation, the submission of a financial guarantee acceptable to the Trustees assuring that the improvements will be installed within one (1) year of the submission of said guarantee.

7.06 Re-Application

No application for a Conditional Use permit which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions, which would be sufficient to justify reconsideration as determined by the Board of Zoning Appeals. Each re-application shall be accompanied by the fee provided for in the Schedule of Fees adopted by the Township Board of Trustees.

7.07 Continuation of Existing Uses Conditionally Permissible

All uses existing at the time of passage of this Resolution and listed as a Conditional Use in their respective districts under this Resolution, shall be allowed to continue as a lawful conditional use under this Resolution, provided that they meet the criteria for the grant of a Conditional Use permit set forth in this Article. If a use existing at the time of passage of this Resolution and listed as a Conditional Use in its respective district under this Resolution, is not able to meet the criteria for the grant of a Conditional Use permit set forth in this Article, it shall be considered a lawful non-conforming Conditional Use until such time as the owner or agent of the property on which the use is located applies for and is granted a Conditional Use permit under this Article. If a use existing as a conditionally permissible use in its respective district at the time of passage of this Resolution, is not listed as a

Conditional Use in its respective district under this Resolution, it shall be considered a lawful non-conforming Conditional Use.

7.08 Termination

A Conditional Use permit shall become void at the expiration of one (1) year after the date of issuance unless the proposed project is started and work is continuing at a reasonable rate. The determination of whether work is continuing at a reasonable rate shall be made by the Zoning Department. The Conditional Use permit shall become void if the property, project, or development changes to a different use.

7.09 List of Conditional Uses and Districts Where Permitted

- | | |
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| A. Bed and Breakfast
R-LD, R-MD, R-O/C
C-GR, C-NR, C-O/R | I. Hospices
R-MD |
| B. Cemeteries
R-LD, R-MD | J. Hotel/motel
C-GR, C-NR, C-HS |
| C. Churches
R-LD, R-MD, R-O/C
C-GR, C-NR, C-O/R, I | K. Landscaping business as
home occupation
R-LD, R-O/C |
| D. Clubs and Lodges
C-GR, C-NR, C-O/R | L. Life care facility
C-GR, C-NR, C-O/R, I |
| E. Day Care Center
C-GR, C-NR, C-O/R, I | M. Live/Work Use
C-NR, C-O/R, MUCD |
| F. Drive-up Window Facilities
C-GR, C-NR, C-O/R,
C-HS | N. Manufacturing, processing,
cleaning, servicing, etc.
I |
| G. Gasoline service station: full
use or multi-use
C-GR, C-NR, C-HS | O. Office use
I |
| H. Home occupation (up to 3
outside employees)
R-LD, R-MD, R-O/C | |

- P.** Privately owned and/or operated recreational facilities, such as picnic areas, playgrounds, golf driving ranges, private clubs, riding academies and other similar recreational uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, pistol ranges or other ranges for the use of firearms
R-O/C
- Q.** Recreational facility
C-GR
- R.** Recycling/salvaging facilities
I
- S.** Sales of landscape and garden materials
R-O/C
- T.** Schools/educational facilities
R-LD, R-MD, C-GR, C-O/R, I
- U.** Solid waste composting
R-O/C
- V.** Theatre and assembly uses
C-GR
- W.** Truck servicing
C-HS, I
- X.** Two-family dwelling
R-MD
- Y.** Wind Turbines
All Districts

7.10 Additional Criteria for Specified Conditional Uses

A. Bed and Breakfast (R-LD, R-MD, R-O/C, C-GR, C-NR, C-O/R)

Bed and Breakfast is considered a residential use for purposes of signage and there shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.

B. Cemeteries (R-LD, R-MD)

1. All structures and burial areas shall be located at least fifty (50) feet from all property lines.
2. Such developments shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
3. A new cemetery shall contain at least twenty (20) acres of land.

4. The area proposed for a cemetery shall be used for cemetery purposes only.
 - a. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
 - b. Minimum area required for a cemetery site is twenty (20) acres.
 - c. A building of brick and/or stone, solid and/or veneered, shall be provided for storage if maintenance equipment and/or materials is to be necessary.
 - d. Pavement width of driveways shall be at least twenty (20) feet; ten (10) feet per moving lane.
 - e. Drives shall be of usable shape, improved with asphalt, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
 - f. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Board of Zoning Appeals.
 - g. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
 - h. Area drainage and/or sanitary facilities are subject to approval by the Summit County Health Department, Ohio EPA, Summit County Soil & Water, and County of Summit Engineer prior to the issuance of a conditional use permit.
 - i. Only signs designating entrances, exits, traffic direction and titles shall be permitted, and must be approved by the Board of Zoning Appeals.
 - j. Adequate screening with shrubs, trees or compact hedge shall be provided parallel to property lines adjacent to or abutting land zoned for residential use; such shrubs, trees, and hedges shall not be less than two (2) feet in height and must be maintained in good condition.
 - k. Provisions shall be made for landscaping throughout the cemetery.

- l. Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
- m. No grave site shall be located within one hundred (100) feet of the right-of-way lines of any public dedicated thoroughfare.
- n. Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Board of Zoning Appeals, the County of Summit Engineer, Summit County Soil & Water, Ohio EPA, the Summit County Health Department, and the Copley Township Fire Department.
- o. A trust fund shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds.
- p. The guarantees and trust fund referred to above must conform to the provisions of O.R.C. Chapter 517 as amended.

C. Churches (R-LD, R-MD, R-O/C, C-GR, C-NR, C-O/R, I)

- 1. All structures and activity areas shall be located at least fifty (50) feet from all property lines.
- 2. Such developments shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 3. Where feasible, such structures shall be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.

D. Clubs and Lodges (C-GR, C-NR, C-O/R)

There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.

E. Day Care Center (C-GR, C-NR, C-O/R, I)

All structures and activity areas shall be located at least fifty (50) feet from all property lines.

F. Drive-Up Window Facility (C-GR, C-NR, C-O/R, C-HS)

1. Loudspeakers shall be located and designed, with volume and hours of operation controlled, in a manner to minimize noise impacts on nearby residential uses.
2. Lanes required for vehicle access to and waiting for use of a drive-up facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one time, to provide escape/abort lanes for vehicles desiring to leave the stacking lanes or to avoid disabled vehicles, and to minimize impacts on the use of other required parking or drives or on the use of abutting streets and hazards to pedestrians. The applicant shall provide a traffic study which documents to the satisfaction of the Board the projected vehicular use of the proposed facilities and evidence of compliance with the provisions of this Zoning Resolution.
3. The applicant shall so design the site plan or otherwise provide assurances as to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential uses.

G. Gasoline service station: Full Service or Multi-Use (C-GR, C-NR, C-HS)

1. Gasoline service stations shall be located on arterial or collector thoroughfares.
2. Gasoline service stations shall be permitted under the following conditions:
 - a. Provided that such facilities be located at the extremity of the commercial districts so as not to interfere with the pedestrian interchange, between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
 - b. All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.

- c. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet each in width at the property line.
- d. If the property fronts on two (2) or more streets, the driveways shall be located as far from the intersection as is practical.
- e. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.

H. Live/Work Use (C-NR, C-O/R, MUCD)

1. A Live/Work Use combines a retail, service or office business allowed in the C-NR or C-O/R District, and in any MUCD district, as applicable, with a residential living space; where:
 - a. The owner of the business is responsible for the commercial activity performed.
 - b. The business conducted takes place subject to a valid business use certificate associated with the premises.
2. The aggregate floor area devoted to the residential living space does not exceed an area equal to fifty percent (50%) of the gross floor area of the structure.
3. Signage, outdoor storage and parking are allowed as provided for permitted business or office uses in the District.
4. There is no limit on the number of persons who are employed in the Live/Work Use.
5. The business use of any portion of the garage or garage(s) is allowed as provided for permitted business or office uses in the District.
6. The street address of the Live/Work Use is permitted in any form of advertising.
7. The following uses are prohibited as a Live/Work Use:
 - a. Adult Entertainment.
 - b. Gun and firearms sales.

- c. Automotive service stations, motor vehicle repair garages, or any other auto-related sales or service facilities.
- d. Sale of alcoholic beverages.

Live/Work Uses and the structures in which they are located must comply with any additional requirements imposed by the County Building Department, Health Department or Ohio EPA; the Township Zoning Inspector, Fire, Police and Service Departments; and any other appropriate governmental agency, intended to protect the public health, safety and welfare.

I. Privately owned and/or operated recreational facilities, such as picnic areas, playgrounds, golf driving ranges, private clubs, riding academies and other similar recreational uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, pistol ranges or other ranges for the use of firearms (R-O/C)

- 1. All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- 2. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- 3. A minimum of ten (10) acres is required for each facility.

J. Home occupation (up to 3 outside employees) (R-LD, R-MD, R-O/C)

- 1. The home occupation is an activity, profession, occupation, service, craft, or revenue-enhancing hobby, but excluding compensated auto repair, which is clearly incidental and subordinate to the use of the premises for dwelling purposes, and is conducted entirely within conforming non-agricultural structures located upon the premises without any adverse effect on the surrounding neighborhood.
- 2. The aggregate floor area devoted to such accessory use does not exceed an area equal to fifty percent (50%) of the gross floor area of the dwelling.
- 3. Signage which denotes the home occupation does not exceed one (1) square foot, and is not illuminated.

4. The home occupation includes no outside storage of any kind related to the use, that no window displays or other display of products be visible from abutting properties or the street.
5. Sales of commodities at the premises be limited to commodities produced at the premises.
6. Not more than three (3) persons, who are not bona-fide residents of the household, be employed at the premises at one time in such home occupation.
7. The home occupation does not occupy any portion of a garage or garage(s) which will be maintained for their primary use of housing up to two vehicles.
8. The home occupation does not provide the street address of the dwelling in which it is located in any direct and or mass mailing, newspaper, radio, television or internet-based advertisement.

K. Hospices (R-MD)

1. The minimum front yard setback shall be that required in the District and all structures and activity areas shall be located at least fifty (50) feet from all property lines.
2. Such development shall be located on arterial or collector thoroughfares.
3. A minimum area of five acres shall be required for a use proposed under these regulations. The density shall not exceed ten (10) beds per acre.
4. A copy of the Certificate of Need issued by the Ohio Department of Health be presented at the time the applicant applies for a conditional zoning certificate.
5. All parking facilities shall be located at least twenty-five (25) feet from the side and rear property lines and at least twenty-five (25) feet from the public right-of-way adjacent to the front property line.
6. Signage shall be limited to one ground identification sign not to exceed fifty (50) square feet.

7. No structure shall exceed thirty-five (35) feet in height.

L. Hotel/Motel (C-GR, C-NR, C-HS)

All structures and activity areas shall be located at least fifty (50) feet from all property lines.

M. Landscape business as home occupation (R-LD, R-O/C)

1. The landscape business is clearly incidental and subordinate to the use of the premises for dwelling purposes, and is conducted entirely within a conforming non-agricultural structure located upon the premises without any adverse effect on the surrounding neighborhood.
2. The aggregate floor area devoted to the landscape business will not exceed the gross floor area of the dwelling.
3. The landscape business does not permit the inclusion of a street address in any direct and or mass mailing, newspaper, radio, television or Internet advertisement.
4. The landscape business does not permit the composting or storing of yard waste of any kind on the premises, including but not limited to, leaves, grass, or tree limbs.
5. Signage identifying the landscape business will not be permitted.
6. No outside storage of any kind related to the use will be permitted i.e. including but not limited to, trucks, trailers, mowers, supplies, dirt, mulch, or other materials and/or equipment.
7. The landscape business will not include retail sales of any kind from the premises.
8. Not more than three (3) persons, not bona-fide residents of the household, will be employed at the premises at any one time.

N. Life care facility (C-GR, C-NR, C-O/R, I)

All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard, and to assure against any disturbance or nuisance to surrounding properties, residents or the community in general.

O. Manufacturing, processing, cleaning, servicing, testing, assembling, storing or repairs of materials, goods, or products (I)

1. Uses involving the manufacturing, processing, cleaning, servicing, testing, assembling, storing or repairs of materials, goods, or products -
- which will not be materially injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particular matter, toxic and noxious materials, odors, fire or explosive hazards or glare or heat -- shall be conducted no closer than one hundred (100) feet from any R-District.
2. Where the Industrial District abuts upon but is separated from an R-District by a street, the width of the street shall not be considered as part of the required setback. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water carried wastes.
3. The safe storage of toxic and/or flammable materials is required, following the recommendation of the Fire Chief for each Conditional use.
4. In the interests of the community and other industries within the Industrial District, the Board of Zoning Appeals may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advise on what condition should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

P. Office Use (I)

Office uses as allowed in the C-OR District.

Q. Recreational Facility (C-GR)

1. All structures and activity areas shall be located at least fifty (50) feet from all property lines.
2. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.

3. A minimum of two (2) acres is required for each facility.

R. Recycling/Salvage Facilities (I)

1. Such uses shall be conducted no closer than one hundred (100) feet from any R-District. Where the Industrial District abuts upon but is separated from an R-District by a street, the width of the street shall not be considered as part of the required setback.
2. In the interests of the community and other industries within the Industrial District, the Board of Zoning Appeals may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what condition should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.

S. Sales of landscape and garden materials (R-O/C)

Not more than one thousand (1,000) square feet of floor space per acre is devoted to the storage or sale of products or materials not produced, grown or maintained on the premises and either fifty percent (50%) of the value of sales is derived from material produced or grown on the premises or not less than two (2) contiguous acres are devoted to the production and maintenance of such landscape or garden material.

T. Schools/educational facilities (R-LD, R-MD, C-GR, C-NR, C-O/R, I)

1. All structures and activity areas shall be located at least fifty (50) feet from all property lines.
2. Elementary school structures should be located on a collector thoroughfare.

U. Solid waste composting (R-O/C)

Solid waste composting facilities are facilities that accept only source-separated yard waste where such materials have been transported to the facility by the facility owner or his authorized representatives and the cured compost is utilized exclusively by the owner of the facility as a part of the normal operation of the business or service. Land application of yard waste for incorporation into soil for purposes including, but not

limited to, use as a soil amendment, agricultural uses such as farming, horticultural, apiculture, floriculture and viticulture applications are not uses that require a Conditional Use permit.

1. The facility may utilize the following source- separated bulking agents: wood chips, straw, shredded newspaper, shredded cardboard, sawdust and/or shredded brush. Such bulking agents may be co-mingled.
2. Materials placement areas are: any areas of the facility where solid wastes or bulking agents are placed, processed, or stored, including, but not limited to:
 - a. Waste handling area.
 - b. Areas used for mixing, windrowing, turning, composting, or otherwise processing solid waste.
 - c. Storage areas for:
 - i. Bulking agents
 - ii. Curing compost
 - iii. Cured compost
3. The operation of every composting facility must follow methods of composting which result in controlled biological decomposition under aerobic conditions.
4. Live domestic and farm animals shall be excluded from all areas of the facility, except for animals utilized for security purposes and/or vector control.
5. All composting facilities shall be operated in such a manner that:
 - a. Noise, dust and odors are strictly controlled, and do not cause a nuisance or a health hazard; and,
 - b. The attraction, breeding and emergence of insects, birds, rodents, and other vectors are not nuisances or a health hazard.

6. Drainage must be controlled to prevent any ponding or leachate run-off from the site; surface water drainage must be diverted away from materials placement areas.
7. Materials shall not be accepted at the composting facility at any time when the storage capacity for solid wastes, as stated in the approved permit would be exceeded by such delivery.
8. Access roads shall be maintained at the facility in such a manner that allows passage of loaded vehicles during inclement weather conditions with minimum erosion and dust generation.
9. All reasonable measures shall be employed to collect, properly contain and dispose of scattered litter, including frequent policing of the area.
10. Solid waste shall not be accepted at the facility until:
 - a. A Conditional Use permit has been approved.
 - b. All site preparations have been completed.
 - c. The facility is adequately prepared for operation.
 - d. Inspection, and final approval granted, by the Copley Township Zoning Inspector.
11. Access to the facility by persons other than employees of the facility and other authorized persons shall be limited (as necessary) to prevent interference with proper procedures.

This paragraph shall not apply to Township officials or representatives, who upon proper identification, may enter the facility at any time to determine compliance with the terms of this Resolution.
12. All equipment necessary to handle, compost or otherwise process or remove solid wastes shall be adequate in size and quantity for facility operation and shall be maintained in a manner which will allow compliance with the terms of this Resolution.
13. A contingency plan shall be established, available on-site, and implemented as necessary to address:
 - a. Discovery of unauthorized wastes; and

- a. The property lines of all land owned or leased for the solid waste composting facility.
 - b. All public roads, railroads and occupied structures.
 - c. Existing topography showing streams, wetlands, lakes, springs, and other surface waters of the State.
 - d. An arrow indicating what direction is North.
 - e. Location of the on-site materials placement areas for the following:
 - i. Composting.
 - ii. Storage of bulking agents, curing compost, and cured compost.
 - iii. All existing domiciles.
 - iv. The limits of the regulatory floodway, if the facility is located within the one hundred year flood plain.
 - v. All existing public water supply wells, developed springs and/or private potable water supply wells.
- 17.** A notarized statement certifying that the information presented in the application and the plan drawing is true and accurate, and that on the date the application is received by Copley Township the limits of materials placement are:
- a. Not located in a floodway;
 - b. At least one hundred (100) feet from any surface waters of the State
 - c. At least two hundred (200) feet from a public water supply well, a developed spring, or a private potable water supply well, unless the water supply well or developed spring is:
 - i. Controlled by the registrant.
 - ii. Constructed to prevent contamination of the ground water.
 - iii. At least two hundred (200) feet from a domicile, unless the domicile is controlled by the registrant.

- 18.** An application for a Conditional Use permit shall contain:
- a.** Three (3) maps drawn to scale, indicating: the location of the proposed facility; number of acres; property lines; location, size and name of all existing structures (such as house, barn, etc.) and all abutting roads.
 - b.** Three (3) maps showing the topography of each five (5) feet graduation or elevation and all drainage ditches, streams, ponds and swamp areas at time of application, stating whether wet or dry.
 - c.** A plot plan reviewed and recommended upon by an appropriate State or Federal department concerned with soil science and land conservation: (1) indicating proposed stages and specific places of operation; (2) providing for progressive rehabilitation of the land as described in the standards and conditions herein during operations so that at the termination of operations, the land will be no more detrimental to persons or property than prior to the start of operations; and (3) providing for adequate safety measures to protect the public.
- 19.** After the Board of Zoning Appeals has approved the application, a Conditional Use permit shall be issued subject to the following specific conditions and any other conditions as may be determined by the Board of Zoning Appeals.
- a.** All structures and activity areas shall be located at least (50) feet from all property lines.
 - b.** No materials placed or stored on the site may exceed a height of sixty (60) feet from natural grade.
 - c.** No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
 - d.** Site locations shall be required that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
 - e.** Such uses shall be properly landscaped to be harmonious with surrounding residential uses.

- f. A distance of no less than two hundred (200) feet must be maintained at all times from the nearest edge of the operating site to any residence existing at the start of operation. The front yard and rear yard shall have a depth of no less than one hundred (100) feet to the nearest edge of operations.
- g. The Conditional Use permit shall pertain to a specific site and acreage as covered by the performance guarantees and shall not be construed as the basis for expansion of an operation into other areas, whether adjacent or removed, not covered by the guarantees. Expansion shall require a new or renewed Conditional Use permit.
- h. A plan showing provisions for control of erosion and sedimentation during and after the development, construction, extraction, or other use of the site shall be prepared. Such plan shall show proposals for restoration, rehabilitation and reclamation where necessary and shall be accompanied by documentation on said plan by the Summit County Soil and Water Conservation District, the Division of Land and Soil of the Department of Natural Resources, or other competent agency or soils scientist.
- i. Any temporary structures shall be indicated as such on site plans submitted to the Board of Zoning Appeals for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be for the duration of the Conditional Use Permit.
- j. Such uses should be located on a major thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
- k. Truck parking areas, maneuvering lanes, and accessways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site and shall be built and paved or treated to prevent the creation of dust and drainage problems.
- l. A minimum area of three (3) acres shall be required for a use proposed under these regulations.

- b. Leachate remaining on the site shall be removed and disposed in accordance with all applicable laws and regulations.

V. Theatre and Other Assembly Uses (C-GR)

All structures and activity areas shall be located at least fifty (50) feet from all property lines.

W. Truck servicing (C-HS, I)

1. Two-way loudspeakers which cause a hazard or annoyance shall not be permitted.
2. Site locations shall be required that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
3. Truck parking areas, maneuvering lanes, and accessways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site and shall be built and paved or treated to prevent the creation of dust and drainage problems.

X. Two-Family Dwellings (R-MD)

1. The dwelling shall be served by central sanitary sewer and water.
2. The driveways and parking areas serving the dwelling shall be hard surfaced.

Y. Wind Turbines (All Districts)

1. Freestanding, single, mono-pole wind turbines are considered to be Conditional Uses in all zoning districts as primary or accessory structures. Single, mono-pole wind turbines are subject to compliance with all requirements established in this Section as well as all county, state & federal agency requirements. As Conditional Uses, freestanding wind turbines shall be reviewed and approved through the Board of Zoning Appeals (BZA) and assessed fees in accordance with the applicable fee schedule.
2. Prior to installation of a freestanding wind turbine, the property owner is responsible for making application for a Conditional Use Permit through the Copley Township Zoning Inspector. The Zoning Inspector

will provide a minimum ten (10) day advance notification to contiguous property owners and property owners within a two-hundred (200) ft radius of the project site via regular US mail with specific information about the proposed project and the BZA meeting, date and time, when the project will be reviewed; and also publish the notification in a newspaper of general publication in the Township with the same advance notice period.

3. Application submittals shall include a site plan, a line drawing identifying the electrical components of the system, detailed specifications for the wind turbine to be installed, a property entry agreement providing access by Township personnel to the site in the event that decommissioning is required, and evidence that the applicant has communicated with Ohio Edison, First Energy, or another electric utility where appropriate, regarding proposed interconnection to the utility grid.
4. Site plans for wind turbine projects shall be drawn to scale and clearly detail the following:
 - a. Information about the proposed site, including all parcels, property lines, dimensions of the site, acreage, parcel number(s), current zoning designation and use.
 - b. Indicate the location and dimensions of existing structures on the site, noting which are habitable; indicate habitable structures on adjoining property not owned by the applicant within one hundred (100) feet of the property lines in all directions.
 - c. Free-standing turbines: Indicate the exact location and height of the proposed wind turbine, setbacks from the wind turbine to all property lines on the site and to all habitable structures within one hundred (100) ft.
 - d. Location of all above-ground utility lines, free-standing antennas, public & private streets, gas & oil storage and pumping facilities within the setback radius.
 - e. Indicate the property owner, mailing address, physical address of the project.
 - f. Wind Turbine: Include the make, model, picture/diagram showing the height to the hub and to the top of the blade when extended to

property lines extend to the center of a road, the setback shall be measured to the road right-of-way or road easement.

- 8.** Freestanding wind turbines must remain in compliance with the following operational standards:
 - a.** An acceptable wind turbine sound pressure level will not exceed twenty (20) decibels above the normal sound level measured at the property line. This level, however, may be exceeded during short-term events, such as times of excessive wind speeds or during power outages. A normal sound pressure level shall be measured at the property line with the wind turbine turned off; a second measurement shall be made with the turbine turned on.
 - b.** Each wind turbine system must be equipped with both manual and automatic controls to limit the rotational speed of the blade to correspond with the design limits of the rotor.
 - c.** Tower-climbing apparatus for freestanding wind turbines shall be located no closer than fifteen (15) feet from the ground; or have a locked anti-climb device installed on the tower; or the tower shall be completely enclosed by a locked, protective six (6) foot tall fence.
 - d.** Wind turbines shall not be artificially lighted, except to the extent that may be required by the Federal Aviation Administration or other applicable authority that regulates air safety.
 - e.** Transmission and power lines shall be placed underground.
 - f.** Wind turbines and components shall be painted or finished with a non-reflective, unobtrusive color that blends into the surrounding landscape to the greatest extent possible.
 - g.** Signage identifying the manufacturer, owner, and emergency contacts shall be posted on the turbine no higher than five (5) feet from ground level. Signage shall not exceed one (1) sq ft; a sign permit is not required.
- 9.** A building-mounted wind turbine may be installed on a primary structure located on any size parcel and is not subject to review and approval of the BZA. The wind turbine must be in compliance with

applicable height restrictions and may not extend more than 10 feet above the peak of the highest roof level.

10. Wind turbines supported by guy wires are not permitted.
11. After obtaining BZA approval, the property owner is responsible for ensuring that all required permits are obtained prior to initiation of construction, including Summit County Building and any other permits deemed necessary.
12. Prior to making any modifications to an existing wind turbine under a Conditional Use Permit that may materially alter the size and/or type of equipment, the applicant is responsible for contacting the Zoning Inspector for alteration review. Like-kind replacements shall not require an additional review or permit.
13. The property owner is responsible for ensuring that the wind turbine operates as designed and in compliance with the guidelines established in this Section. If a wind turbine system ceases to perform as originally intended for more than twelve (12) consecutive months, the property owner is responsible for repairing or totally removing all parts of the system no later than ninety (90) days after the end of the twelve-month period.
 - a. A wind turbine that is out-of-service for a continuous twelve (12) month period will be deemed to have been abandoned. The Zoning Inspector may issue a Notice of Abandonment to the owner of a wind turbine that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. The Zoning Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind turbine has not been abandoned.
 - b. If the wind turbine is determined to be abandoned, the owner of a wind turbine shall remove the tower and all components completely at the owner's sole expense within three (3) months of receipt of Notice of Abandonment. If the owner fails to remove said tower and components from the site, the Zoning Inspector may pursue legal action to have the tower and all components removed at the owner's expense.

- c. The owner is responsible for all costs and expenses incurred in connection with the securing, removal, and disposal of the system. Upon failure to pay invoices for such costs and expenses within thirty (30) days of invoicing by the Township, any unpaid costs will be placed as a lien to be collected as part of real estate taxes. The assessment of such costs shall be effective even if the property would otherwise be exempt from real estate taxation.
14. Energy systems proposed to be connected to the power grid through net metering shall adhere to Ohio Revised Code Section 4298.67.
15. The construction of an anemometer tower for the purpose of collecting data to develop a wind energy system shall require a building permit conforming to the applicable sections of the State of Ohio Building Code and shall be permitted for a period not to exceed eighteen (18) months.