

1. Zoning Commission Meeting Materials



Copley Township Zoning Commission Meeting  
Thursday, February 4, 2021 6:00 PM

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Documents:

[ZONING COMMISSION AGENDA 02 2021.PDF](#)

[ARTICLE 4 - COMMERCIAL DISTRICTS AMENDED 3 12](#)

[2019\\_201904151336128639.PDF](#)

[ARTICLE 7 STANDARDS FOR CONDITIONAL USES \(PDF\).PDF](#)



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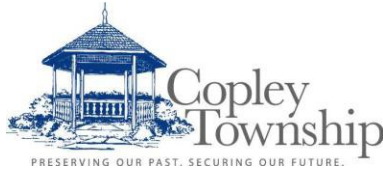
Shawna Gfroerer, MPA  
Zoning Inspector

Jeff Newman  
Code Enforcement  
Officer

- I. OPEN
- II. INTRODUCTION OF MEMBERS
- III. OFFICER ELECTIONS
- IV. REVIEW MINUTES: January 7, 2021
- V. BUSINESS FROM THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
  - a. Request to review various sections of the Zoning Resolution for update
    - Temporary Signs, Commercial-Office/Retail District, Garages, Accessory Dwelling Units
- VI. BUSINESS FROM THE FLOOR
- VII. NEXT MEETING: March 4, 2021
- VIII. ADJOURNMENT

**SPECIAL NEEDS ACCOMMODATIONS**

**We request that participants requiring special needs accommodations contact our office 72 hours in advance of the meeting so that we may adequately prepare.**



## **ARTICLE 4 Commercial Districts**

### **4.01 C-GR General Retail Commercial District**

#### **A. Purpose**

This District, comprising the C-3 District in the previous Zoning Resolution until such time as the township zoning map is amended to designate the location of the C-GR District, is established to provide for a wide range of retail and service uses, including high intensity retail and service uses, such as large-scale retail establishments, that meet the shopping needs of the community and the region. This District is an appropriate location for developments featuring multiple retail and service uses on large sites with parking and drives for multiple tenants and coordinated signage and landscaping.

#### **B. Permitted Uses**

- 1.** Retail goods and personal services establishments that provide goods, products, merchandise and/or services directly to the consumer, including high intensity retail and service uses, such as large-scale retail establishments, that meet the shopping needs of the community and the region.
- 2.** Restaurants and Nightclubs.
- 3.** Accessory uses normally and regularly associated with the principal uses listed above.
- 4.** Signs - As regulated by Article 8 of this Resolution.
- 5.** Offices of governmental agencies at the federal, state, county and local level whose primary purpose is to serve the residents of Copley Township and surrounding communities.

#### **C. Permitted Uses with Additional Restrictions**

The following uses are permitted when conducted no closer than fifty (50) feet from an R-District. Where the C-GR District abuts an R-District, but is

separated from the R-District by a street, the width of the street shall not be considered as part of the fifty (50) foot required setback.

1. Air-conditioning, cabinet making and carpentry, heating and plumbing, painting, roofing, sheet metal, and upholstering.
2. Dry cleaning, cleaning and dyeing, and laundry service.
3. Repair services for machinery and equipment establishments including: body shop, fender shop, motor shop, motor tune-ups, muffler shop, radiator shop, and tire repairing sales and service, including vulcanizing.
4. Uses that are substantially similar to those listed above as regards their land-use impacts on surrounding properties.

**D. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for the uses listed below, subject to Article 7, Standards for Conditional Uses.

1. Bed and Breakfast.
2. Churches.
3. Clubs and Lodges.
4. Day Care Center.
5. Drive-up Window Facility.
6. Gasoline service station – Full Service or Multi-Use.
7. Hotel/motel.
8. Life care facility.
9. Recreational Facility.
10. Schools / educational facilities.
11. Theatre and assembly uses.

## **12. Wind Turbines.**

### **E. Prohibited Uses**

- 1.** Any proposed use that is not listed in the regulations for the C-GR District as a permitted or conditional use, and which in the opinion of the Zoning Inspector, is not in accordance with the Copley Township Comprehensive Land Use Plan or any current or future JEDD agreement, or that will be detrimental to or endanger the public health, safety or general welfare.
- 2.** Any proposed use that is not listed in the regulations for the C-GR District as a permitted or conditional use, and which, in the opinion of the Zoning Inspector, is not substantially similar, as regards its land-use impacts on surrounding properties, to a use currently operating lawfully as a permitted use in the C-GR District. For the purposes of this section, land-use impacts include, but are not limited to: traffic, noise, stormwater control, parking, effect on the value of surrounding properties, and the effect of the proposed use on the normal and orderly development and improvement of the surrounding properties for uses permitted as-of-right in the District.

### **F. Development Standards**

- 1.** Minimum Front Yard Setback From the Street Right-of-Way Line – Twenty-five (25) feet.
- 2.** Minimum Rear Yard Setback – Fifty (50) feet.
- 3.** Minimum Side Yard Setback – Twenty-five (25) feet.
- 4.** Minimum Side Yard Setback If Adjacent to Residential District – Fifty (50) feet.
- 5.** Height Regulations - No building shall exceed thirty-five (35) feet in height, except as provided otherwise in this Resolution.
- 6.** Off-Street Parking - As regulated by Article 9 of this Resolution
- 7.** Sidewalk and/or Shared Use Path – New buildings, structures, and parking areas shall include the installation of a sidewalk and/or shared use path.

The sidewalk and/or shared use path shall connect to similar facilities on adjacent property. In special cases, such as if no adjacent property sidewalk or shared use path exists, the facility type(s) and location shall be approved by Copley Township Community and Economic Development Staff via Site Plan review. See Section 13 of this document.

#### **4.02 C-NR (Neighborhood Retail) Commercial District**

##### **A. Purpose**

This District, comprising the C-1 District in the previous Zoning Resolution until such time as the township zoning map is amended to designate the location of the C-NR District, is established to accommodate individual and smaller groupings of retail and personal service businesses on relatively small lots of two (2) acres or less in proximity to residential districts that will primarily serve the residents of the immediate and nearby neighborhoods. This District does not permit large-scale retail establishments or other similar high intensity retail and service uses on large lots.

##### **B. Permitted Uses**

- 1.** Retail goods and personal services establishments on relatively small lots that provide goods, products, merchandise and/or services directly to the consumer that will primarily serve the residents of the immediate and nearby neighborhoods and where such goods and/or services are typically available for immediate use or enjoyment in the case of personal services, or for immediate purchase and removal from the premises by the purchaser in the case of products and merchandise.
- 2.** Office Use.
- 3.** Accessory uses normally and regularly associated with the principal uses listed above.
- 4.** Signs - As regulated by Article 8 of this Resolution.
- 5.** Offices of governmental agencies at the federal, state, county or local level whose primary purpose is to serve the residents of Copley Township and surrounding communities.

##### **C. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for the uses listed below, subject to Article 7, Standards for Conditional Uses.

1. Bed and Breakfast.
2. Churches.
3. Clubs and Lodges.
4. Day Care Center.
5. Drive-up Window Facility.
6. Gasoline service station – Full Service or Multi-Use.
7. Hotel/motel.
8. Life care facility.
9. Wind Turbines.

**D. Prohibited Uses**

1. Any proposed use that is not listed in the regulations for the C-NR District as a permitted or conditional use, and which in the opinion of the Zoning Inspector, is not in accordance with the Copley Township Comprehensive Land Use Plan or any current or future JEDD agreement, or that will be detrimental to or endanger the public health, safety or general welfare.
2. Any proposed use that is not listed in the regulations for the C-NR District as a permitted or conditional use, and which, in the opinion of the Zoning Inspector, is not substantially similar, as regards its land-use impacts on surrounding properties, to a use currently operating lawfully as a permitted use in the C-NR District. For the purposes of this section, land-use impacts include, but are not limited to: traffic, noise, stormwater control, parking, effect on the value of surrounding properties, and the effect of the proposed use on the normal and orderly development and improvement of the surrounding properties for uses permitted as-of-right in the District.

## **E. Development Standards**

- 1.** Minimum Front Yard Setback From the Street Right-of-Way Line – Twenty-five (25) feet.
- 2.** Minimum Rear Yard Setback – Twenty-five (25) feet.
- 3.** Minimum Side Yard Setback – Ten (10) feet.
- 4.** Minimum Side Yard Setback If Adjacent to Residential District – Fifty (50) feet.
- 5.** Height Regulations - No building shall exceed thirty-five (35) feet in height, except as provided otherwise in this Resolution.
- 6.** Off-street Parking - As regulated by Article 9 of this Resolution.
- 7.** Sidewalk and/or Shared Use Path – New buildings, structures, and parking areas shall include the installation of a sidewalk and/or shared use path. The sidewalk and/or shared use path shall connect to similar facilities on adjacent property. In special cases, such as if no adjacent property sidewalk or shared use path exists, the facility type(s) and location shall be approved by Copley Township Community and Economic Development Staff via Site Plan review. See Section 13 of this document.

### **4.03 C-O/R (Office/Retail) Commercial District**

#### **A. Purpose**

This District, comprising the C-2 District in the previous Zoning Resolution until such time as the township zoning map is amended to designate the location of the C-O/R District, is established to create an environment primarily, but not exclusively, for the development of well located and designed office building sites to accommodate professional offices, sales offices, non-profit organizations and limited commercial activities ancillary to the office uses, including provision for some retail use. This District does not permit large-scale retail establishments or other similar high intensity retail and service uses.

#### **B. Permitted Uses**



1. Office Use.
2. Smaller retail goods and personal services establishments, up to a maximum of 2,500 sq. ft. that are ancillary to office uses, such as convenience stores, restaurants and personal care establishments. Such uses provide goods, products, merchandise and/or services directly to the consumer and such goods and/or services are typically available for immediate use or enjoyment in the case of personal services, or for immediate purchase and removal from the premises by the purchaser in the case of products and merchandise.
3. Accessory uses normally and regularly associated with the principal uses listed above.
4. Signs - As regulated by Article 8 of this Resolution.
5. Offices of governmental agencies at the federal, state, county or local level whose primary purpose is to serve the residents of Copley Township and surrounding communities.

**C. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for the uses listed below, subject to Article 7, Standards for Conditional Uses.

1. Bed and Breakfast.
2. Churches.
3. Clubs and Lodges.
4. Day Care Center.
5. Drive-up Window Facility.
6. Life care facility.
7. Live/Work Use.
8. Schools/educational facilities.

9. Wind Turbines.

**10. Retail as listed in the C-NR Commercial District**

**D. Prohibited Uses**

1. Any proposed use that is not listed in the regulations for the C-O/R District as a permitted or conditional use, and which, in the opinion of the Zoning Inspector, is not in accordance with the Copley Township Comprehensive Land Use Plan or any current or future JEDD agreement, or that will be detrimental to or endanger the public health, safety or general welfare.
2. Any proposed use that is not listed in the regulations for the C-O/R District as a permitted or conditional use, and which in the opinion of the Zoning Inspector, is not substantially similar, as regards its land-use impacts on surrounding properties, to a use currently operating lawfully as a permitted use in the C-O/R District. For the purposes of this section, land-use impacts include, but are not limited to: traffic, noise, stormwater control, parking, effect on the value of surrounding properties, and the effect of the proposed use on the normal and orderly development and improvement of the surrounding properties for uses permitted as-of-right in the District.

**E. Development Standards**

1. Minimum Front Yard Setback From the Street Right-of-Way Line – Twenty-five (25) feet.
2. Minimum Rear Yard Setback – Fifty (50) feet.
3. Minimum Side Yard Setback – Twenty Five (25) feet.
4. Minimum Side Yard Setback If Adjacent to Residential District) – Fifty (50) feet.
5. Height Regulations - No building shall exceed thirty-five (35) feet in height, except as provided otherwise in this Resolution.
6. Off-street Parking - As regulated by Article 9 of this Resolution.
7. Sidewalk and/or Shared Use Path – New buildings, structures, and parking

areas shall include the installation of a sidewalk and/or shared use path. The sidewalk and/or shared use path shall connect to similar facilities on

adjacent property. In special cases, such as if no adjacent property sidewalk or shared use path exists, the facility type(s) and location shall be approved by Copley Township Community and Economic Development Staff via Site Plan review. See Section 13 of this document.

#### **4.04 C-HS Highway Service Commercial District**

##### **A. Purpose**

This District, comprising the C-4 District in the previous Zoning Resolution until such time as the township zoning map is amended to designate the location of the C-HS District, is established primarily to provide for retail and service uses that are typically located near major thoroughfares and that are compatible with, but not exclusively for, highway travel and the accommodation of all night and rest stop services. This District is not intended to accommodate large-scale high intensity retail and service uses.

##### **B. Permitted Uses**

1. Highway-oriented services and retail, including, but not limited to: gasoline service stations (both full service and multi-use), hotels and motels, and restaurants.
2. Smaller retail goods and personal services establishments that provide goods, products, merchandise and/or services directly to the consumer and where such goods and/or services are typically available for immediate use or enjoyment in the case of personal services, or for immediate purchase and removal from the premises by the purchaser in the case of products and merchandise.
3. Accessory uses normally and regularly associated with the principal uses listed above.
4. Signs - As regulated by Article 8 of this Resolution.
5. Offices of governmental agencies at the federal, state, county or local level whose primary purpose is to serve the residents of Copley Township and surrounding communities.

##### **C. Conditionally Permitted Uses**

The Board of Zoning Appeals may issue Conditional Zoning Certificates for the uses listed below, subject to Article 7, Standards for Conditional Uses.

1. Drive-up Window Facility.
2. Truck Servicing, including the provision of fuel, food and sleeping rooms.
3. Wind Turbines.

**D. Prohibited Uses**

1. Any proposed use that is not listed in the regulations for the C-HS District as a permitted or conditional use, and which in the opinion of the Zoning Inspector, is not in accordance with the Copley Township Comprehensive Land Use Plan or any current or future JEDD agreement, or that will be detrimental to or endanger the public health, safety or general welfare.
2. Any proposed use that is not listed in the regulations for the C-HS District as a permitted or conditional use, and which in the opinion of the Zoning Inspector, is not substantially similar, as regards its land-use impacts on surrounding properties, to a use currently operating lawfully as a permitted use in the C-HS District. For the purposes of this section, land-use impacts include, but are not limited to: traffic, noise, stormwater control, parking, effect on the value of surrounding properties, and the effect of the proposed use on the normal and orderly development and improvement of the surrounding properties for uses permitted as-of-right in the District.

**E. Development Standards**

1. Minimum Front Yard Setback From the Street Right-of-Way Line - Fifty (50) feet.
2. Minimum Rear Yard Setback – Fifty (50) feet.
3. Minimum Side Yard Setback – Twenty-five (25) feet.
4. Minimum Side Yard Setback If Adjacent to Residential District) – Fifty (50) feet.

5. Height Regulations - No building shall exceed thirty-five (35) feet in height, except as provided in this Resolution.
6. Off-street Parking - As regulated by Article 9 of this Resolution.

#### **4.05 Copley Circle Mixed-Use Compact Development District**

##### **A. Purpose**

The Copley Circle Mixed Use Compact Development (MUCD) District and its regulations are established in order to alleviate the hardships faced by current property owners, and thereby insure the future vitality of the proposed District, by bringing certain uses of property into conformity with the Zoning Resolution through this provision. More specifically, the Copley Circle MUCD District would permit mixed use development in the Copley Circle area as suggested by the Copley Township Comprehensive Land Use Plan.

##### **B. Boundaries of the Copley Circle MUCD District**

The boundaries of the Copley Circle Mixed Use Compact Development District shall be indicated on the Official Zoning Map with the symbol CCMUCD.

##### **C. Application of the Copley Circle MUCD District**

The Copley Circle Mixed Use Compact Development (MUCD) District shall be established in accordance with O.R.C. §519.021 (C) and shall be in addition to and shall overlay all other underlying zoning districts within the boundaries of the Copley Circle MUCD District. Therefore, any parcel of land lying in the Copley Circle MUCD District shall also lie in one or more of the other underlying zoning districts provided for in this Zoning Resolution. The district designation of Copley Circle MUCD District shall be superimposed over the existing zoning designations on the Zoning Map.

##### **D. Permitted Uses**

1. Permitted Uses. In addition to the uses permitted in the underlying zoning district(s) within the boundaries of the Copley Circle MUCD District, the following uses are also permitted.

- a.** Single-family residential use shall be a permitted use for all existing residential structures and/or uses that are lawful non-conforming residential structures and/or uses on the date this provision is adopted.
  - i.** In the event that such a residential structure, or structure occupied by a residential use, is destroyed after the date this provision is adopted, it may be reconstructed to occupy the same building “footprint” as the destroyed structure and shall not be required to conform to any applicable building setback requirements that would prohibit reconstruction that occupies the same building “footprint” as the destroyed structure.
  - ii.** The building plan for any structure that is eligible for reconstruction under 4.05 D1b must be approved by the Architectural Review Board prior to the commencement of reconstruction.
- b.** “Live/Work Use” shall be a permitted use. Live/Work Use combines a retail, service or office business allowed in the underlying zoning districts in the Copley Circle MUCD District, as applicable, with a residential living space; where:
  - i.** The owner of the business is responsible for the commercial activity performed.
  - ii.** The business conducted takes place subject to a valid business use certificate associated with the premises.
  - iii.** 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.
  - iv.** Signage, outdoor storage and parking are allowed as provided for permitted business or office uses in the underlying zoning district.
  - v.** There is no limit on the number of persons who are employed in the Live/Work Use.

- vi.** The business use of any portion of the garage or garage(s) is allowed as provided for permitted business or office uses in the underlying zoning district.
  - vii.** The street address of the Live/Work Use is permitted in any form of advertising.
  - viii.** The following uses are prohibited as a Live/Work Use:
    - 1.** Adult Entertainment.
    - 2.** Gun and firearms sales.
    - 3.** Automotive service stations and motor vehicle repair garages.
    - 4.** Sale of alcoholic beverages; except when the sale of alcoholic beverages is an incidental use to the operation of a restaurant or dining establishment.
  - ix.** 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.
- 2.** Conditionally Permitted Uses. Uses that are conditionally permitted in the underlying zoning districts shall continue to be conditionally permitted in the Copley Circle MUCD District.
  - 3.** Accessory Uses. Uses that are permitted as an accessory use in the underlying zoning districts shall continue to be permitted as an accessory use in the Copley Circle MUCD District, provided, however, that single-family residential uses permitted under Section 4.05 D 1 shall be limited only to those accessory uses allowed in other single-family residential districts in this Resolution.
  - 4.** Offices of governmental agencies at the federal, state, county or local level whose primary purpose is to serve the residents of Copley Township and surrounding communities.



#### **4.06 Copley Rd./ Jacoby Rd. Mixed-Use Compact Development District**

##### **A. Purpose**

The Copley Road/Jacoby Road Mixed Use Compact Development (MUCD) District and its regulations are established in order to alleviate the hardships faced by current property owners, and thereby insure the future vitality of the proposed District, by bringing certain uses of property into conformity with the Zoning Resolution through this provision. More specifically, the Copley Road/Jacoby Road MUCD District would permit mixed use development within the area as suggested by the Copley Township Comprehensive Land Use Plan.

##### **B. Boundaries of the Copley Road/Jacoby Road MUCD District**

The boundaries of the Copley Road/Jacoby Road Mixed Use Compact Development District shall be indicated on the Official Zoning Map with the symbol C/J MUCD.

##### **C. Application of the Copley Road/Jacoby Road MUCD District**

The Copley Road/Jacoby Road Mixed Use Compact Development (MUCD) District shall be established in accordance with O.R.C. §519.021 (C) and shall be in addition to and shall overlay all other underlying zoning districts within the boundaries of the Copley Road/Jacoby Road MUCD District. Therefore, any parcel of land lying in the Copley Road/Jacoby Road MUCD District shall also lie in one or more of the other underlying zoning districts provided for in this Zoning Resolution. The district designation of Copley Road/Jacoby Road MUCD District shall be superimposed over the existing zoning designations on the Zoning Map.

##### **D. Permitted Uses**

- 1. Permitted Uses.** In addition to the uses permitted in the underlying zoning district(s) within the boundaries of the Copley Road/Jacoby Road MUCD District, the following uses are also permitted.
  - a.** Single-family residential use shall be a permitted use for all existing residential structures and/or uses that are lawful non-conforming

residential structures and/or uses on the date this provision is adopted.

- i.** In the event that such a residential structure, or structure occupied by a residential use, is destroyed after the date this provision is adopted, it may be reconstructed to occupy the same building “footprint” as the destroyed structure and shall not be required to conform to any applicable building setback requirements that would prohibit reconstruction that occupies the same building “footprint” as the destroyed structure. However, if the lot configuration is such that a residential structure can be rebuilt on the lot in a more conforming manner with respect to building setbacks then it should be done.
  - ii.** The building plan for any structure that is eligible for construction/reconstruction under 4.06 D1b must be approved by the Architectural Review Board prior to the commencement of construction.
- b.** “Live/Work Use” shall be a permitted use. Live/Work Use combines a retail, service or office business allowed in the underlying zoning districts in the Copley Road/Jacoby Road MUCD District, as applicable, with a residential living space; where:
- i.** The owner of the business is responsible for the commercial activity performed.
  - ii.** The business conducted takes place subject to a valid business use certificate associated with the premises.
  - iii.** Signage, outdoor storage and parking are allowed as provided for permitted business or office uses in the underlying zoning district.
  - iv.** There is no limit on the number of persons who are employed in the Live/Work Use so long as the applicable fire and building code requirements are not compromised.
  - v.** The business use of any portion of the garage or garage(s) is allowed as provided for permitted business or office uses in the underlying zoning district.

- vi. The street address of the Live/Work Use is permitted in any form of advertising.
  - vii. The following uses are prohibited as a Live/Work Use:
    1. Adult Entertainment.
    2. Gun and firearms sales.
    3. Automotive service stations and motor vehicle repair garages.
    4. Sale of alcoholic beverages; except when the sale of alcoholic beverages is an incidental use to the operation of a restaurant or dining establishment.
  - ix. 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.
2. Conditionally Permitted Uses. Uses that are conditionally permitted in the underlying zoning districts shall continue to be conditionally permitted in the Copley Road/Jacoby Road MUCD District.
  3. Accessory Uses. Uses that are permitted as an accessory use in the underlying zoning districts shall continue to be permitted as an accessory use in the Copley Road/Jacoby Road MUCD District, provided, however, that single-family residential uses permitted under Section 4.06 D 1 shall be limited only to those accessory uses allowed in other single-family residential districts in this Resolution.
  4. Offices of governmental agencies at the federal, state, county or local level whose primary purpose is to serve the residents of Copley Township and surrounding communities.

#### **4.07 Mixed-Use Compact Development District**

##### **A. Purpose**

The Mixed Use Compact Development (MUCD) District and its regulations are established in order to permit compact, mixed use neighborhoods where residential, commercial and civic buildings could be within close proximity to each other. More specifically, the MUCD District would:

1. Permit mixed use development in appropriate areas of the Township as suggested by the Copley Township Comprehensive Land Use Plan.
2. Permit, in these areas, a pedestrian oriented mixture of uses including civic uses, offices, limited retail, and higher density residential in a manner that reinforces existing compact development.
3. Expand and diversify housing opportunities to meet current and future needs.
4. Ensure that new development and/or redevelopment will occur in a manner that provides adequate transition between more intense retail uses and lower density residential.
5. Ensure that new development and/or redevelopment comply with these objectives by requiring a development plan and establishing a review process to ensure that all phases of a development are consistent with these regulations.
6. The Mixed Use Compact Development (MUCD) District and its regulations are intended for development that mixes residential use(s) with at least one other type of use. This district is not intended for solely residential use, nor shall it be used primarily to increase residential density by failing to provide for a substantial amount of non-residential uses in the proposed development. These regulations are established under the Authority of O.R.C. §519.021(C), Planned Unit Development.

**B. Establishment of a MUCD District**

Mixed Use Compact Development (MUCD) Districts may be established under the Authority of O.R.C. § 519.021(C), Planned Unit Development. The boundaries of a Mixed Use Compact Development District shall be indicated on the Official Zoning Map with the symbol MUCD.

**C. Application of the MUCD District**

The Mixed Use Compact Development (MUCD) District shall be in addition to and shall overlay all other zoning districts where the MUCD district is established. Therefore, any parcel of land lying in the MUCD district shall also lie in one or more of the other zoning districts provided for in this Zoning Resolution. The district designation of MUCD shall be superimposed over the existing zoning designations on the Zoning Map.

**D. Project Development Requirements**

In order to accomplish the purposes set forth in Section 4.06 A. The Mixed Use Compact Development (MUCD) District and its regulations are intended for development that mixes residential use(s) with at least one other type of use. This district is not intended for solely residential use, nor shall it be used primarily to increase residential density by failing to provide for a substantial amount of non-residential uses in the proposed development. The uses permitted in a Mixed Use Compact Development (MUCD) District shall be developed in a manner that achieves some or all of the following:

- 1.** Includes a variety of housing types that results in a cohesive development which may have a higher density in some areas provided that the density in that portion of the MUCD District that abuts existing lower density residential development is no greater than the density in that residential development.
- 2.** Provides for convenient pedestrian circulation among the uses to create a more traditional neighborhood development in the community by including wherever possible given the size of the particular MUCD District:
  - a.** A network of interconnecting streets and blocks;
  - b.** Well configured squares, plazas, landscaped streets, and parks woven into the pattern of the neighborhood;
  - c.** Connections to community facilities, offices and retail centers within and adjacent to the MUCD District.
- 3.** Conforms to a set of design guidelines approved at the time of rezoning to ensure that:
  - a.** Buildings, open spaces and other visual features that act as landmarks are included in the MUCD District;

- b. Buildings and other improvements are compatible based on their architecture, massing, orientation and arrangement; and
  - c. A cohesive environment is created.
4. Reduces the impact between the MUCD District and existing and future development adjacent to the MUCD District by providing adequate transitional features such as:
- a. Primary uses in a MUCD District that are similar in intensity to existing and/or expected uses in the abutting districts.
  - b. Placing the lower intensity uses in a MUCD District adjacent to the lower intensity uses and zoning districts that are outside the MUCD District, and
  - c. Including adequate screening and buffering around the perimeter of the MUCD District.
5. Is located adjacent to areas zoned for either Commercial or Industrial use and where central sewer and water services are available or will be made available by the developer as a condition of project approval.

**E. Minimum Project Area and Ownership**

The gross area of a tract of land proposed to be developed as a MUCD District shall be at least twenty (20) acres.

1. The Architectural Review Board (ARB) may waive this requirement when it determines that, because of unique circumstances, this minimum cannot be achieved and the development of the property at a lesser standard will not have any material adverse impact on the adjacent property or the Township provided that in no case shall the area of the MUCD District be less than five (5) acres. Unique circumstances may include but are not limited to:
- a. The proposed MUCD District is adjacent to and thus becomes an extension of an existing or separately proposed MUCD District; or
  - b. Because of existing uses, natural features, or ownership patterns there is no, or little, likelihood that contiguous land area can be acquired and consolidated to achieve the requisite 20 acres.

2. To be eligible for an MUCD District, such tract of land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations provided that an application must be filed by the owner or jointly by owners of all property included in the project area. In the case of multiple ownership, the approved final development plan and related conditions, including the phasing of development, shall be binding on all owners.

**F. Permitted Uses**

It is the intent of these regulations that a Mixed Use Compact Development District may contain a mixture of uses and a variety of building types not otherwise allowed in a given underlying zoning district and that such deviations may be allowed under circumstances where the Architectural Review Board determines it to be sufficiently advantageous and appropriate to grant such permission to depart from the normal requirements of the applicable zoning district. The Mixed Use Compact Development (MUCD) District and its regulations are intended for development that mixes residential use(s) with at least one other type of use. This district is not intended for solely residential use, nor shall it be used primarily to increase residential density by failing to provide for a substantial amount of non-residential uses in the proposed development. As a guide to the Architectural Review Board in making such determinations, a Mixed Use Compact Development District may contain, but is not strictly limited to, one or more of the uses specifically enumerated below in Table A.

(see next page for Table A)

**Table A Permitted Uses**

1. Residential:	
a. Single-family detached dwellings	P
b. Cluster single-family dwelling	P

c. Attached single-family dwelling with not more than 4 units attached	P
d. Townhouse with not more than 6 units attached	P*
e. Multifamily dwellings	P*
f. Assisted living facility	P*
g. Congregate living facility	P*
2. Offices:	
a. Offices including administrative, medical, business and professional	P
b. Sales offices with only samples of products	P
3. Retail/Services:	
a. Retail establishments in completely enclosed buildings	P
b. Banks	P
P = use is permitted; P* = use is permitted subject to 4.06 I.	

1. **Conditionally Permitted Uses.** Uses that are conditionally permitted in the underlying zoning districts and are not listed in Table A above, may be conditionally permitted in any location in the MUCD subject to the criteria established in Section 4.06 I. In addition, a Live/Work Use may be permitted as a conditional use in any MUCD District.
  
2. **Accessory Uses.** The following uses that are accessory to an establishment in a MUCD district shall be permitted when they are clearly incidental to and subordinate to, meet the setbacks of, and are located on the same lot as the principal building or use.
  - a. **Off-street Parking.** Off-street parking as regulated in Section 4.06 H 3 and Article 9.
  
  - b. **Fences and Walls.** Fences and walls may be erected in a MUCD District in compliance with this Resolution.



- c. Accessory Facilities for Residents of Development. Community centers, pools, tennis courts, and other indoor and/or outdoor recreational and/or community gathering places typically associated with single-family detached dwellings, two-family dwellings, single-family attached dwellings and/or multifamily dwellings, for use by residents of the MUCD District.
- d. Signs. Signs as regulated by Article 8.

**G. Density**

The maximum number of dwelling units permitted in any Mixed Use Development shall be determined by the Architectural Review Board to assure compliance with the purpose and intent of these regulations and to adequately protect the public safety and welfare, but shall not exceed the maximum number of dwelling units per acre set forth below. The availability of public sewer shall be a major factor in the Architectural Review Board's determination of the permissible density.

1. Density for Residential Development. The density of each area of a MUCD project devoted to a specific dwelling unit type shall not exceed the maximum number of dwelling units per acre set forth below:
  - a. Single-family Detached Dwellings – Maximum density shall be four (4) dwelling units per acre.
  - b. Two-family Dwellings and Single-family Attached Dwellings - Maximum density shall be eight (8) dwelling units per acre.
  - c. Multifamily Dwellings - Maximum density shall be twelve (12) dwelling units per acre.
2. Maximum Number of Dwelling Units. The maximum number of dwelling units permitted for a particular MUCD project shall be calculated by multiplying the total area devoted to each dwelling unit type, as identified and delineated on the general development plan, by the maximum density per acre permitted above.

**H. Development Standards**

1. **Setbacks and Separations.** Setbacks and separations for new buildings, structures and parking areas shall be as established on the approved final development plan. In establishing said setbacks and separations for particular use areas within a MUCD, the Township shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no case shall the approved setbacks and/or separations be less than, and when specified, not more than, the following:
  - a. **Minimum and Maximum Building Setbacks from Project Boundaries and Streets:** All new buildings and structures shall comply with the minimum and maximum setbacks specified in Table B.

**Table B**

a. Minimum Setback of New Buildings from Project Boundaries	40 feet
b. Minimum Setback of New Buildings from Existing Public Street Rights-of-Way dedicated as of the date the MUCD general development plan application is submitted	40 feet
c. Setback of New Buildings from proposed public street Right-of-Ways within the MUCD	
1) Minimum	10 feet
2) Maximum	20 feet

- b. **Minimum Separation Between New Buildings:** In order to ensure reasonable privacy and separation of buildings, individual buildings located within the MUCD shall be separated by the minimum distances specified below:
      - i. **Single-family detached dwellings:** All new single-family detached dwelling units shall be separated from each other by a minimum of 15 feet, except that when two walls facing each other both contain windows of living areas, or adjacent patios or decks, the minimum separation shall be 40 feet. For the purposes of this Section, living areas shall include: living room, family room or dining room.

- ii. Single-family detached dwellings adjacent to other uses: The minimum separation between new single-family detached dwelling units shall be 40 feet from attached single-family dwellings and 60 feet from all other buildings other than accessory buildings and detached garages associated with each single-family detached dwelling.
- iii. All new attached single-family dwellings, multi-family dwellings, and non-residential buildings: Between two walls facing each other, the distance between two such walls shall be a minimum of 20 feet plus one foot of additional separation for every two feet of building wall overlap greater than 40 feet. The maximum separation required shall not exceed 60 feet when neither of the two walls contains windows and 100 feet when one or both walls contain windows.

**Illustration of Development Standard H. 1. B. iii**

“Between two walls facing each other, the distance between two such walls shall be a minimum of 20 feet plus one foot of additional separation for every two feet of building wall overlap greater than 40 feet.”

In the illustration on the right, the walls overlap by 50 feet and so the required distance between them is increased to 25 feet

- 2. Building Height:** The maximum height of any principal building shall be 35 feet unless a greater height is specifically authorized by the Architectural Review Board and with the approval of the Fire Chief.
- 3. Parking and Roadway Setbacks:** Off-street parking areas and roadways shall be screened according to Articles 9 and 14 and shall comply with the following setback requirements:
  - a.** Off-street parking areas shall be located to the side or rear of buildings and shall not extend into a front yard.
  - b.** All off-street parking areas shall be set back from an existing or proposed right-of-way a distance not less than 20 feet.
  - c.** All off-street parking areas and roadways shall be set back from all other boundaries of the MUCD project a distance not less than 20 feet.
- 4. Sidewalk and/or Shared Use Path –** New buildings, structures, and parking areas shall include the installation of a sidewalk and/or shared use path. The sidewalk and/or shared use path shall connect to similar facilities on adjacent property. In special cases, such as if no adjacent property sidewalk or shared use path exists, the facility type(s) and location shall be approved by Copley Township Community and Economic Development Staff via Site Plan review. See Section 13 of this document.
- 5. Ownership:** Any ownership arrangement, including fee simple lots, condominiums, and zero lot line parcels, is permitted in a residential development proposed as part of a MUCD provided the arrangement of the dwelling units shall comply with the spacing requirements of this section. Within any such subplot, the applicant shall depict the maximum parameters, or building envelope, which indicates where the buildings shall be located and demonstrate that such building locations will be in compliance with the spacing requirements of this section. Alternatively, if such building locations are not depicted on any such sublots, the Architectural Review Board may establish on the development plan the appropriate front, side, and rear yard dimensions for each subplot.

## **I. Supplemental Requirements**

Each proposed MUCD shall comply with the following supplemental requirements:

1. Similar land uses should face across streets, and dissimilar land uses should abut at rear lot lines or across alleys.
2. The vehicular circulation system shall be designed to ensure that the entire MUCD is a cohesive development, and to promote inter-connection among individual projects. All streets shall be public and shall comply with the construction standards set forth in the Summit County Subdivision Regulations.
3. All activities except off-street parking, accessory recreation, and refuse storage shall be conducted in completely enclosed buildings.
4. All proposed developments, in addition to the requirements specified in Article 14 (Landscaping/Buffering), shall provide and maintain the following landscaping, screening, and privacy requirements:
5. Screening through the use of walls, fences, and/or landscaping shall be provided to minimize potential incompatibility between contrasting uses within a MUCD.
6. All open areas, including required yards, shall be landscaped according to an approved landscape plan. All pervious areas of the MUCD shall be permanently protected from soil erosion with grass or other suitable ground cover.
7. Dwelling units shall be grouped or clustered to maximize privacy and preservation of open space.
8. The Architectural Review Board may impose additional conditions on uses to ensure the uses are consistent with the intent of these regulations.

## **J. Modifications**

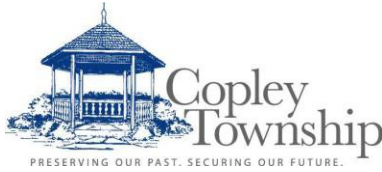
Modifications may be granted by the Township Architectural Review Board only when it determines that certain standards set forth in this Section do not or should not apply specifically to the circumstances of a particular project and when the alternative method proposed to achieve the objectives of the numerical standard is equal to or better than the strict application of the

specified standard. The Township Architectural Review Board may modify such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.

A modification shall only be considered by the Architectural Review Board during the review and approval procedures for a development plan.

**K. Development Plan Review**

- 1.** The establishment of a MUCD district requires that the following steps shall be completed concurrently:
  - a.** Application for zoning map amendment is submitted, pursuant to this Resolution.
  - b.** Application for review of the general development plan, pursuant to this Resolution.
- 2.** Additional development requirements, whether standards or criteria, formulated to achieve the objectives of the MUCD District may be established during the Architectural Review Board's review of the General Development Plan. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed development.
- 3.** After a General Development Plan is approved for a MUCD project, the applicant shall prepare and submit a Final Development Plan for either all or a phase of the development.
- 4.** After approval of the Final Development Plan has been obtained from the Architectural Review Board, a Zoning Certificate may be obtained.



## ***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.** 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 Board of Zoning Appeals and Township Trustees from prescribing supplementary conditions and regulations in order to achieve the objectives.

- B.** 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.
- C.** The establishment, maintenance or operation of the proposed Conditional Use will not be detrimental to or endanger the public health, safety or general welfare.
- D.** 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.
- E.** 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.
- F.** 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.
- G.** Adequate utilities, dedicated access roads, sanitary and drainage facilities, and other reasonably necessary facilities have been or are being provided.
- H.** 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 t h e anticipated volume of traffic, and demonstrate compliance with all applicable regulations and requirements of the County of Summit Engineer.
- I.** 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.



- J** 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.
- K** 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.
- L** 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.
- M** One-way loudspeakers are prohibited and two-way loud speakers which cause a hazard or annoyance shall not be permitted.
- N** 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, landscapingscreening.
  - 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 of 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 well(s).

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 Architectural Review Board for review and recommendations. When any matter has been submitted to the Township Architectural Review Board, 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 Architectural Review Board, 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

- |  |   |
|--|---|
| <b>A.</b> <u>Bed and Breakfast</u><br>R-LD, R-MD, R-O/C C-GR,<br>C-NR, C-O/R             | <b>M.</b> <u>Live/Work Use</u><br>C-NR, C-O/R, MUCD   |
| <b>B.</b> <u>Cemeteries</u><br>R-LD, R-MD  | <b>N.</b> <u>Manufacturing, processing,<br/>cleaning, servicing, etc.</u><br>I  |
| <b>C.</b> <u>Churches</u><br>R-LD, R-MD, R-O/C<br>C-GR, C-NR, C-O/R, I                   | <b>O.</b> <u>Retail as a Permitted<br/>Use in the C-NR<br/>Commercial District<br/>C-O/R</u>  |
| <b>D.</b> <u>Clubs and Lodges</u> C-GR, C-NR,<br>C-O/R                                   | <b>P.</b> <u>Privately owned and/or<br/>operated recreational facilities,<br/>such as picnic areas, playgrounds,<br/>golf driving ranges, private clubs,<br/>riding academies and other similar<br/>recreational uses, but excluding<br/>such commercial recreational uses<br/>as drive-in theaters, miniature golf<br/>courses, pistol ranges or other<br/>ranges for the use of firearms</u><br>R-O/C |
| <b>E.</b> <u>Day Care Center</u><br>C-GR, C-NR, C-O/R, I                                 | <b>Q.</b> <u>Recreational facility</u><br>C-GR  |
| <b>F.</b> <u>Drive-up Window Facilities</u><br>C-GR, C-NR, C-O/R, C-HS                   | <b>R.</b> <u>Recycling/salvaging facilities</u><br>I  |
| <b>G.</b> <u>Gasoline service station: full use<br/>or multi-use</u><br>C-GR, C-NR, C-HS | <b>S.</b> <u>Sales of landscape and garden<br/>materials</u><br>R-O/C   |
| <b>H.</b> <u>Home occupation</u> (up to 3<br>outside employees)<br>R-LD, R-MD, R-O/C     | <b>T.</b> <u>Schools/educational facilities</u><br>R-LD, R-MD, C-GR, C-O/R, I   |
| <b>I.</b> <u>Hospices</u><br>R-MD  | <b>U.</b> <u>Solid waste composting</u><br>R-O/C  |
| <b>J.</b> <u>Hotel/motel</u><br>C-GR, C-NR, C-HS   | <b>V.</b> <u>Theatre and assembly uses</u>  |
| <b>K.</b> <u>Landscaping business as home<br/>occupation</u><br>R-LD, R-O/C              |   |
| <b>L.</b> <u>Life care facility</u><br>C-GR, C-NR, C-O/R, I                              |   |



C-GR

- W.** Truck servicing  
C-HS, I
  
- X.** Two-family dwelling  
R-MD
  
- Y.** Wind Turbines  
All Districts
  
- Z.** Governmental Facilities  
R-LD, R-MD, R-HD, O-C
  
- AA.** Event Centers  
R-LD, R-MD, O-C

## **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. 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.

#### **I. 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.

#### **J. 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.

#### **K. 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.

#### **L. 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.



**M. 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.

**N. 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 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.

**O. Retail as a Permitted Use in the C-NR District (C-O/R)**

1. Provides for the construction of a retail building for the purpose of Permitted Uses as as identified in the C-NR District in advance of uses identified in the C-O/R District.
2. Retail use may be established prior to the office use where the approved Site Plan includes future build opportunity for office use which is greater than 50% of the square footage dedicated to the retail use.
3. The maximum square footage for a single tenant retail building is 7,000 square feet. The maximum square footage for a multi-tenant retail building is 12,000 square feet.
4. All structures and activity areas must be located 100' from all property lines when located adjacent to a Residential District

**P. Privately owned and/or operated recreational facilities, such as picnic areas, playgrounds, golf driving ranges, private clubs, riding academies and othersimilar**

**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.

**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-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-0/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
- b.** Fire, explosion and spills; and
- c.** Equipment failure.

**14.** For purposes, including but not limited to, removing litter and other solid wastes incorrectly or illegally deposited by persons using the facility, and to monitor compost internal pile temperatures, leachate formation, and ponding of water on the site, the facility may be inspected by the Township Zoning Inspector a minimum of:

- a.** Once per day when wastes are received at the facility; and
- b.** Once per week during the time period when wastes are not received and waste and/or compost remains on the site.
- c.** If other solid wastes are found at the site, they shall be removed and properly disposed as soon as practicable and no later than seven days.

**15.** An annual report shall be submitted to the Township that identifies the calendar period which the report covers and provides a summary of the facility's operations by month and annual totals including:

- a.** Quantity, in tons or cubic yards, of:
  - i.** Wastes received;
  - ii.** Materials salvaged from solid wastes or compost;
  - iii.** Materials salvaged and removed from the facility;
  - iv.** Compost produced;
  - v.** Compost removed from the facility;
  - vi.** Non-compostables removed from the facility.

- b.** General origin of the wastes received and the solid waste disposal facilities to which solid wastes, including compost and non-compostables, were taken for disposal.

**16.** A plot plan view drawing, using a scale of one inch equals no greater than one hundred (100) feet showing the following information inside the facility boundaries and within five hundred (500) feet beyond the facility's boundaries:

- 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.
- m.** All activities 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.

**20.** The final closure of a Solid Waste Composting facility shall be mandatory if:

- a.** The permittee or registrant declares that the facility will no longer accept waste; or,
- b.** A solid waste facility conditional use permit held by the composting facility expires, and no further conditional use permit has been applied for; or
- c.** A solid waste facility conditional use permit held by the composting facility has expired, a further conditional use permit has been applied for and denied, and all remedies for such denial have either been exhausted or waived by failure to pursue such remedies in a timely manner.

**21.** All solid wastes, including curing compost and cured compost, and bulking agents shall be removed from the composting facility within one hundred eighty (180) days after the date when the facility ceased to accept solid wastes, unless an alternate time period is deemed acceptable to the Township. In addition, not later than thirty (30) days after solid wastes have been removed from a composting facility, all waste handling facilities, equipment and areas on the premises shall be thoroughly cleaned, in accordance with the following requirements:

- a.** All containers, equipment, machines, floors and composting facility surfaces that were in contact with solid wastes or compost at any time during the operation of the composting facility and that are not to be removed during the final cleaning, shall be washed or otherwise subjected to procedures that substantially reduce or eliminate any remaining constituents or contaminants derived from contact with solid wastes and/or compost. This paragraph does not apply to composting or curing surfaces composed of soil, gravel, slag or other permeable material; and
- 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 andwater.
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 the highest point, a cutaway view illustrating the foundation, manufacturer's specifications, and decibel level.
  - g.** Photographs of the turbine location, taken from the property line and/or setback locations.

- 5.** A freestanding wind turbine may be located in the side or rear yard on lots that exceed one (1) acre in area, subject to all setback restrictions. The turbine may be located in a front yard in specific applications, where the home is situated further from the street than current code permits, double tower height setbacks can be met in all directions, and the BZA approves the location based upon a finding that locating the turbine in the front yard will result in no greater negative effects on neighboring properties than would occur if the turbine were located in the side or rear yard. During the location design phase, prior to installation, the property owner shall anticipate possible shadow flicker on neighboring properties, and make reasonable efforts to reduce or remove the impact to occupied structures.
- 6.** A freestanding wind turbine shall not be installed on an artificially established mound or base, with the effect of siting the system higher than natural grade settings.

  - a.** In all Residential zoning districts, freestanding wind turbines shall not exceed 55 feet in height, or as approved by the BZA, and subject to required setbacks.
  - b.** In C-O/R Commercial and Industrial Districts, freestanding wind turbines shall not exceed one hundred twenty (120) feet in height, or as approved by the BZA, and subject to required setbacks.
  - c.** All moving parts, components, and blades of freestanding wind turbines shall be at least 15 feet above the ground and at least fifteen (15) feet above any open-air building features intended for human occupancy, such as balconies or roof gardens that are located directly below the wind turbine.
- 7.** A freestanding wind turbine shall be subject to a setback requirement to create a fall zone. The required minimum setback is equal to the height of the freestanding wind turbine plus ten (10) feet, measured from the base of the tower to property lines and habitable buildings contiguous to the site. The entire fall zone must be free of overhead transmission lines, public or private streets, above-ground gas or oil storage or pumping facilities, habitable buildings. For lots where 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.

**Z. Governmental Facilities (R-LD, R-MD, R-HD, O-C)**

- 1.** All structures and activity areas shall be located at least fifty (50) feet from all property lines.
- 2.** 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.

**AA. Event Centers (R-LD, R-MD, O-C)**

- 1.** An event center shall be located on a property consisting of a minimum ten (10) acres and a current CAUV (Current Agricultural Use Value) designation is required for the duration of the event centers use.
- 2.** All event centers must obtain Architectural Review Board (ARB) approval as well as meet the satisfaction of the Board of Zoning Appeals, Copley Fire Department and all applicable regulatory agencies.
- 3.** An event center must obtain health approval from the Health Department, Department of Sanitary Services or the Ohio EPA for waste water treatment.

**4. Parking**

An event center shall provide parking at a ratio of one parking space for each two and one-half guests allowed on-site and one parking space for each

permanent employee. No off-site parking is permitted unless approved in the conditional use permit and through the Board of Zoning Appeals. To encourage the reduction of storm water, Event Centers may utilize permeable parking surfaces with Township approval.

#### **5. Access Standards**

An event center shall have an access road(s) which comply with county, state and/or local fire standards which provide adequate ingress and egress and ensure public safety.

- a. Direct access to a publicly-maintained roadway is required.
- b. A driveway permit from the responsible public agency is required to address ingress, egress and sight-distance requirements for the driveway connection to a public roadway.
- c. Additional traffic impact studies for an event center may be required.

#### **3. Minimum Acreage and Event Size**

- a. An event center shall be located on a property consisting of a minimum ten (10) acres and a current CAUV (Current Agricultural Use Value) designation is required for the duration of the event centers use.
- b. A small event center shall have a minimum parcel size of ten (10) acres. Small event centers shall be allowed less than one-hundred (100) guests.
- c. An intermediate event center shall have a minimum parcel size of twenty (20) acres. Intermediate event centers shall be allowed less than two-hundred (200) guests.
- d. A large event center shall have a minimum parcel size of forty (40) acres. Large event centers shall be allowed less than three-hundred (300) guests.

#### **4. Setbacks.**

An event center shall be located (with the exception of parking) a minimum of two hundred (200) feet from the exterior property lines. Parking shall not be allowed within fifty (50) feet from the exterior property lines.

**5. Number of Events.**

An event center may hold events on a maximum of forty (40) days per year, which may be further limited by the conditional use permit. For purposes of this provision, an “event” is a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner.

**6. Hours of Operation.**

An event center shall be allowed to operate from 10:00 a.m. to 11:00 p.m. on Friday and Saturday. Sunday through Thursday 10 a.m. until 8 p.m.

**7. Noise Regulations.**

An event center shall be subject to applicable noise control ordinance of Summit County, Ohio and shall be required to stop all noise generating activities, such as music, at 10:00 p.m. or move such activities into an enclosed structure. After 10:00 p.m., all noise levels must be reduced to fifty (50) decibels or less at the event center’s exterior property lines.

**8. Neighbor Notification.** An event center shall post and maintain a schedule of future events on their website or other conspicuous locations. An annual/seasonal schedule of future events shall be mailed to all owners of real property located within 500 feet of the subject property at least two weeks prior to the beginning of the event year or season. The schedule shall show days planned for events, hours of operation, and include a phone number for inquiries.