



ARTICLE 1 Interpretation and Purpose

1.01 Purpose

The purpose for this Zoning Resolution is to regulate the use and development of real property in Copley Township, Summit County, Ohio, as provided for in Chapter 519 of the Ohio Revised Code, except as otherwise provided by applicable law.

1.02 Title

This Resolution shall be known and may be cited as the "Zoning Resolution of Copley Township, Summit County, Ohio", and it may be referred to herein as such or as "this Resolution."

1.03 Authority

This Resolution establishes the Township's zoning regulatory authority as authorized by Chapter 519 of the Ohio Revised Code. Whenever any provision of this Resolution refers to or cites a section of the Ohio Revised Code (as amended), and that section is subsequently amended or superseded, this Resolution shall be deemed amended to refer to the amended or superseded section or to the section that most nearly corresponds to the superseded section.

1.04 Jurisdiction

The provisions of this Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Copley Township, Summit County, Ohio, except as otherwise provided for by law.

1.05 Interpretation and Conflicts

- A.** In interpreting and applying the provisions of this Resolution, those provisions shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare as allowed by law.
- B.** When the provisions of this Resolution are inconsistent with one another or with the provisions found in another resolution adopted by the Copley Township Trustees, the more restrictive of the provisions shall govern.
- C.** Whenever the provisions of this Resolution require a greater restriction than are required by other provisions of law, or by any other resolution or regulations, the provisions of this Resolution shall control to the degree they comply with the Ohio Revised Code and/or federal law.

1.06 Establishment of Districts

The unincorporated territory of Copley Township, Summit County, Ohio, is hereby divided into the Zoning Districts listed below. Regulations are uniform for each building, structure, or use within each Zoning District.

A. Residential Districts

- R-LD (Low Density) Residential District
- R-MD (Medium Density) Residential District
- R-S/MF (Single/Multi-Family) Residential District
- R-HD (Higher Density) Residential District
- R-O-C (Open Space/Conservation) Residential District
- R-CD (Conservation Development) Residential District

B. Commercial Districts

- C-GR (General Retail) Commercial District
- C-NR (Neighborhood Retail) Commercial District
- C-O/R (Office/Retail) Commercial District
- C-HS (Highway Service) Commercial District
- Copley Circle Mixed-Use Compact Development District
- Mixed-Use Compact Development District

C. Industrial Districts

- I-Industrial District

1.07 Zoning Districts Map

The Copley Township Zoning Districts and their boundary lines are indicated upon a map entitled "Zoning Districts, Copley Township, Summit County, Ohio", [hereafter "Districts Map"] which is made a part of this Resolution. The official copy of this map is on file in the office of the Zoning Inspector. The Districts Map, together with all notation, references, and other matters shown thereon, is hereby declared a part of this Resolution.

1.08 Interpretation of Zoning District Boundaries

The following rules shall apply in any case where uncertainty exists with respect to the boundaries of any of the Zoning Districts listed in 1.06 above as shown on the zoning map.

A. Where Boundaries Approximately Follow Streets, Alleys, or Highways.

Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the center line of right-of-way lines of highways, such lines shall be construed to be such district boundaries.

B. Where Boundaries Parallel Street Right-Of-Way Lines, Alley Lines, or Highway Right-Of-Way Lines.

Where district boundaries are so indicated that they are approximately parallel to the center line or right-of-way lines of streets, the center lines or right-of-way lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Districts Map.

C. Vacation of Public Ways.

Whenever any street or public way is vacated in the manner authorized by law, the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacated street or public way, and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

1.09 Relationship to Private Land-Use Restrictions and Servitudes

A. This Resolution is not intended to interfere with or abrogate any private land-use agreements, restrictions or servitudes, or any legal agreements of any type between or among property owners; however, whenever this Resolution imposes on the use or development of land, the erection, use, location or height of buildings or structures, or upon requirements for open space, greater restrictions than those imposed or required by such private land-use agreements, the provisions of this Resolution shall govern.

B. The Township is not obligated, and shall not be required to become obligated, to enforce the provision of any private land-use agreements, restrictions or servitudes, or any legal agreements of any type between or among property owners unless the Township is a party to said agreement.

1.10 Required Compliance

A. Except as hereafter specified, no land, building, structure or premises shall be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in

conformity with the applicable provisions of this Resolution.

- B.** It shall be unlawful for an owner to use or to permit the use of any building, structure or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or in part, until a zoning certificate is issued by the Copley Township Zoning Inspector in accordance with Article 13 of this Resolution, titled Administration and Enforcement.
- C.** Each zoning certificate shall state that the building, structure or land, or part thereof, and the proposed use thereof, are in conformity with the provisions of this Resolution.
- D.** Uses, lots, buildings, and structures that do not comply with this Resolution are subject to the nonconformity provisions of Article 10 of this Resolution, titled Nonconforming Structures, Lots and Uses.

1.11 Nuisances Prohibited

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution and any additional conditions and requirements lawfully imposed, may be hazardous, noxious or offensive due to the emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matter and water-borne wastes, or which will unreasonably and substantially interfere with adjacent landowners' use and enjoyment of their property. This prohibition of nuisances shall be administered by the Board of Trustees in accordance with the applicable provisions of the Ohio Revised Code.

1.12 Severability

- A.** If any section, subsection, or provision of this Resolution or amendment thereto is held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity and continuing applicability of the remaining provisions of this Resolution or amendments thereto.
- B.** If any court of competent jurisdiction invalidates the application of any provision of this Resolution to a particular property, building, structure or use, then such judgment shall not affect the application of that provision to any other property, building, structure, or use not included in that judgment.
- C.** If any court of competent jurisdiction invalidates any condition attached to the approval of a development review application of any sort, then such invalidation shall not affect any other conditions or requirements attached to the same approval that are not included under the terms of the court's order.

1.13 Transitional Rules

A. Effective Date

1. This Resolution shall become effective on the earliest date allowed by law.
2. Any amendments to this Resolution shall be in full force and effect as provided by Section 519.12 of the Ohio Revised Code.

B. Repealer

All Resolutions, or part thereof, in conflict with this Resolution, or inconsistent with the provisions of this Resolution, are hereby repealed to the extent necessary to give this Resolution full force and effect.

C. Violations Continue

Any violation under previous Zoning Resolutions that applied to the Township prior to the adoption or amendment of this Resolution shall continue to be a violation under this Resolution, and is subject to penalties and enforcement under Article 13 of this Resolution, titled "Administration and Enforcement," unless the use, development, construction or other activity complies with the provisions of this Resolution.

D. Nonconformities Continue

Any legal nonconformity under any previous Zoning Resolutions that applied to the Township prior to the adoption of this Resolution shall continue to be a legal nonconformity under this Resolution, as long as the situation or condition that resulted in the nonconforming status under the previous Zoning Resolution continues to exist, unless the said legal nonconformity becomes conforming because of the adoption or amendment of this Resolution.

E. Approved Projects

1. Any building, structure, or development for which a zoning certificate was issued prior to the effective date of this Resolution may, at the applicant's option, be completed in conformance with the issued certificate and any other applicable permits and conditions, even if such building, structure or development does not fully comply with the provisions of this Resolution. Such building, structure, or development shall be considered a legal nonconforming use upon the issuance of a certificate of occupancy from the Summit County Building Department.

2. If the building, structure, or development is not started within the time allowed under the original zoning certificate or any extension granted thereof, then the building, structure or development may only be constructed, completed or occupied in compliance with the provisions of this Resolution.
3. Any application for a project where the zoning certificate has expired shall meet the standards in effect at the time the application is resubmitted.

F. Vested Rights

The transitional rule provisions of this Section are subject to modification in cases where a court of competent jurisdiction rules that particular development rights had vested under Ohio law prior to the adoption or amendment of this Resolution.

1.14 Zoning of Annexed Lands

Upon the annexation of land from Copley Township into a municipal corporation, the zoning regulations then in effect shall remain in full force and effect and shall be enforced by the Township Zoning Inspector and other appropriate township officials and personnel until such time as the council of the annexing municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such annexed land.

1.15 Restoration of Unsafe Buildings

Except as provided in Article 10 of this Resolution, titled “Nonconforming Structures, Lots, and Uses,” nothing in this Resolution shall prevent the repair or restoration to a safe condition of any building, structure or part thereof, which has been declared unsafe by proper authority.

1.16 Repeal

This Resolution may be repealed in accordance with the provisions of Section 519.25 of the Ohio Revised Code.

1.17 Graphics, Illustrations, Figures and Cross-References

- A. Graphics, illustrations and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text of this Resolution and any graphic, illustration or figure, the text shall control.
- B. Wherever cross-references between articles, sections, and subsections are provided that include the number of the article, section, or subsection along

with the name of the referenced article, section or subsection, the name shall control in the case of any conflict between the cross-reference number and the name.

1.18 Burden of Proof

The burden of demonstrating that an application or development subject to this Resolution complies with applicable review and approval standards is on the applicant. The burden is not on the Township or other parties to show that the standards have been met by the applicant or person responsible for the development.

1.19 Measurements, Computations and Exceptions

- A.** Percentages and Fractions: When a calculation required by this Resolution results in a fractional number or percentage, any fraction of one-half ($1/2$) or less shall be rounded down to the next lower whole number and any fraction of more than one-half ($1/2$) shall be rounded up to the next higher whole number. Any percentage of x.50 percent or less shall be rounded down to the next lower whole number and any percentage of greater than x.50 percent shall be rounded up to the next higher whole number.

- B.** Distance Measurements: Unless otherwise expressly stated, distances specified in this Resolution are to be measured as the length of an imaginary straight line joining the points referenced.