

## ***Standards for Conditional Uses in the Planned Development District***

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### **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.

### **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 the 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 as per the Standards found in the Uniform Design Criteria Section 2.0 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.

### **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 below and, as applicable, any supplementary requirements for the specific Conditional Use that is the subject of the application.
1. **Site Plan Requirements:** All applications shall include a site plan drawn to a legible scale, which shall be dimensioned and shall show:
  - a. Property boundaries and existing and proposed topography with contours no greater than two (2) feet.
  - b. Ownership and applicant contact information.
  - c. Zoning of existing and abutting properties and County parcel numbers.
  - d. Structures and conditions on the site including existing buildings, driveways, parking areas, and landscape features.
  - e. Structures and existing conditions on the portion of all adjacent parcels within one hundred fifty (150) feet of the site including buildings, parking areas, driveways, other existing facilities, landscaping and screening.
  - f. Location of 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).

2. 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.

### **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.

### **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.



### **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.

### **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.

### **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.

## **List of Conditionally Permitted Uses in the Planned Development District**

### **BUSINESS OFFICE**

#### **A. School/Educational Facilities**

1. All points of entrance or exit shall be located no closer than two-hundred (200) feet from the intersection of two (2) major thorough fares; or no closer than one-hundred (100) feet from the intersection of a major thorough fare and a local or collector thorough fare or two (2) local or collector thorough fares.
2. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
3. Elementary school structures should be located on a collector thorough fare.
4. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.

#### **B. Institutions for Higher Education**

1. All structures and activity areas shall be located at least one-hundred (100) feet from all property lines.
2. All points of entrance or exit shall be located no closer than two-hundred (200) feet from the intersection of two (2) major thorough fares; or no closer than one-hundred (100) feet from the intersection of a major thorough fare and a local or collector thorough fare or two (2) local or collector thorough fares.
3. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
4. 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.
5. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.

#### **C. Churches and Other Buildings for the Purpose of Religious Worship**

1. All structures and activity areas shall be located at least one-hundred (100) feet from all property lines.
2. All points of entrance or exit shall be located no closer than two-hundred (200) feet from the intersection of two (2) major thorough fares; or no closer than one-hundred

(100) feet from the intersection of a major thorough fare and a local or collector thorough fare or two (2) local or collector thorough fares.

3. 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.
4. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.

**D. Clubs, Lodges, Fraternal, Charitable and Social Agencies**

1. All points of entrance or exit shall be located no closer than two-hundred (200) feet from the intersection of two (2) major thorough fares; or no closer than one-hundred (100) feet from the intersection of a major thorough fare and a local or collector thorough fare or two (2) local or collector thorough fares.
2. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
3. 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.
4. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.

**E. Public Utility Right-of-Ways and Pertinent Structures**

1. All structures and activity areas shall be located at least one-hundred (100) feet from all property lines.

**F. Governmentally Owned and/or Operated Buildings and Facilities**

1. Such developments shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.

**G. Restaurants**

1. All points of entrance or exit shall be located no closer than two-hundred (200) feet from the intersection of two (2) major thorough fares; or no closer than one-hundred (100) feet from the intersection of a major thorough fare and a local or collector thorough fare or two (2) local or

- collector thorough fares.
2. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
  3. 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.

#### **H. Drive-in Banking Facilities**

1. All points of entrance or exit shall be located no closer than two-hundred (200) feet from the intersection of two (2) major thorough fares; or no closer than one-hundred (100) feet from the intersection of a major thorough fare and a local or collector thorough fare or two (2) local or collector thorough fares.

### **CONVIENIENCE RETAIL & PERSONAL SERVICES**

#### **A. Churches and Other Buildings for the Purpose of Religious Worship**

1. All structures and activity areas shall be located at least one-hundred (100) feet from all property lines.
2. All points of entrance or exit shall be located no closer than two-hundred (200) feet from the intersection of two (2) major thorough fares; or no closer than one-hundred (100) feet from the intersection of a major thorough fare and a local or collector thorough fare or two (2) local or collector thorough fares.
3. 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.
4. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.

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## **COMMUNITY & REGIONAL RETAIL**

### **A. School/Educational Facilities**

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2. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
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3. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
4. 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.
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3. 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.
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