



**Summit County Planning Commission (SCPC)**  
Thursday, January 18, 2024 - 3:00 p.m.  
County of Summit, County Council Chambers  
175 South Main Street, 7<sup>th</sup> Floor, Akron, Ohio  
**Meeting Agenda**

- |    |   |                       |
|----|---|-----------------------|
| A. | Call to Order                                   | <b>Chair Mavrides</b> |
| B. | Roll Call                                       | <b>Tubbs</b>          |
| C. | Approval of the November 16, 2023, SCPC Minutes | <b>Chair Mavrides</b> |
| D. | Business Items                                  | <b>Knittel</b>        |

**New Business**

1. **Kingdom Preserve Preliminary Plan – Springfield Township** – Proposing 36 units on a proposed public cul-de-sac off of Killian Road.
2. **Heartridge Final Plat Ph. 2 – Sagamore Hills Township** – Proposing 24 sublots and the creation of Timberidge Circle (public) and Kennaridge Circle (public) off of Heartridge Drive (public).
3. **395 Springside Rezoning- Bath Township** – Applicant is requesting a rezoning of 395 Springside Drive from B-3 to B-2, to change the allowed uses from an office building to a retail store.
4. **Signs Text Amendments – Springfield Township** – Township is looking to revise Section 13.05 Prohibited Signs, 13.07 Permitted Signs and 13.10 Nonconforming Sign Regulations to clarify the sections and restructure the items for ease of understanding.
5. **R-CD Text Amendment – Copley Township** – Copley Homeowners Association is requesting that the removal of 3.06 R-CD (Conservation Development) entirely as the applicants claim the regulations of the district do not achieve its stated goals.
6. **Stockpiles and Breezeways Text Amendment - Richfield Township**  
The applicant has proposed that the Richfield Township Zoning Resolution be revised to amend definitions and language regulating stockpiles and breezeways..

**Old Business**

None

- |    |                                  |                       |
|----|----------------------------------|-----------------------|
| E. | Report from Assistant Director   | <b>Tubbs</b>          |
| F. | Comments from Public             | <b>Chair Mavrides</b> |
| G. | Comments from Commission Members | <b>Chair Mavrides</b> |

- H. Other
  - 1. Legal Update

**Evans**

- I. Adjournment

**Chair Mavrides**



**Summit County Planning Commission (SCPC)**  
Thursday, November 16, 2023 - 3:00 p.m.  
County of Summit, County Council Chambers  
175 South Main Street, 7<sup>th</sup> Floor, Akron, Ohio  
**Pre-Meeting Minutes**

A. Call to Order **Chair Allen Mavrides**  
*Chair Allen Mavrides* called to order the Thursday, November 16, 2023 - SCPC monthly meeting at \_3:00\_ p.m.

B. Roll Call **Dennis Tubbs**

SCPC Member	Present
Beckham, George	
Dickinson, Erin	X
Wiedie-Higham, Christine	
Jones-Capers, Halle	X
Kline, David	
Mavrides, Allen	X
Reville, Rich	X
Segedy, Jason	X
Snell, Jeff	X
Stoiber, Dennis	X
Terry, Robert	

Reported by *Dennis Tubbs*, we have a quorum for SCPC meeting Thursday, November– SCPC monthly meeting at \_3:01\_ p.m.

## C. Approval of the October 26, 2023, SCPC Minutes

Chair Allen Mavrides

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George					
Dickinson, Erin			X		
Wiedie- Higham, Christine					
Jones-Capers, Halle			X		
Kline, David					
Mavrides, Allen			X		
Reville, Rich		X	X		
Segedy, Jason			X		
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert					

**Motion**

*Dennis Stoiber* made a motion to *approve Thursday, October 26, 2023, SCPC meeting minutes*, and it was seconded by *Rich Reville*, ***all in favor, aye, Thursday, October 26, SCPC meeting minutes***, the motion was *approved* with   0   abstentions.

*Chair Allen Mavrides* introduced and welcomed Springfield Township's new Zoning Administrator, Debra Grow and Jeremy Caudill, Trustee elect Springfield Township.

**New Business**

**Item #1 - Text Amendment – Northfield Center Township** – Accessory Structures – Proposal to replace current letter D. Accessory Structures with new updated 310.08 D Accessory Structures & Section 4 Swimming Pools/Hot Tubs.

*Reported by Stephen Knittel:*

The applicant is requesting to amend their current language in Section 310.08 D (1) & (2) – Accessory Structures.

Staff comments we looked at Section 310 of the zoning regulations not too long ago and had some of the same comments from the planning commission about in Section 310.08 D (1) & (2). Staff was a little confused about staff comments in clarifying the section, however the township revised the section due to staff comments received. For the section referencing pools and hot tubs, Stephen stated that he



referenced and included what the City of Tallmadge has in reference to pools, covers, fencing, etc., as an additional resource.

*Staff recommendation is approval*

Current language:

D. Accessory Buildings.

1. An accessory building that is attached to the dwelling shall be made structurally a part thereof and shall comply with the setback requirements for principal buildings set forth in Schedule 310.05.

New Language:

1. The total area of all detached accessory structures that are regulated by this Zoning Resolution and which are located in the rear yard shall not exceed 30% pf the rear yard area.

Current language:

2. An accessory building that is detached from the principal building shall comply with the setback requirements of Schedule 310.08 and shall be located a minimum of 15 feet from the principal building.

New Language:

2. An accessory building that is attached to the dwelling shall be made structurally a part thereof and shall comply with the setback requirements for principal building set for the in Scheduled 310.05.

*Representation for the Township:*

Daniel Schade, Zoning Commission  
8484 Olde Eight Road, Ohio 44067

Daniel Schade reported that in regard to Section 4 the “additional” to “hot tubs and spas” this was reworded so that that it was easier to understand.

*Questions from the members:*

*Allen Mavrides asked*, if the text amendments are from the township not staffs? Correct? He was under the impression that the members wrote them.

*Daniel Schade answered*, they are theirs.

*Allen Mavrides asked* if the comments that were made are they a re-write.

*Stephen answered* that the re-write began about three (3) pages in.

*Dennis Stoiber asked*, do you have a definition in your code about the word “making something structurally connected to or between buildings” that could connect this change as this is part of the wording? As he stated that they ran into this issue in Silver Lake, where the owner made a pergola that would connect the two (2).

Does your zoning code envision this will happen in the future to deal with a situation like this?

*Daniel Schave replied*, not at this time.

*Dennis Stoiber explained that they had a definition where connected meant that you had to go through an enclosed space which included at least one (1) door to make them connected. You may want to consider something like this.*

*Suggested to the township to define “structurally connected”*

*County Engineer’s Office:*

*Joe Paradise County Engineer*

*2-3 months ago, the county engineer’s office had an similar item before them in reference to swimming pools ladders; having to be locked or pulled up, the township may want to look into this as well.*

*Summit Soil and Water: No one from Summit Soil and Water was present*

*Questions from the Public: No comment from the public*

*Discussion from the members: No further discussion from the members*

<b>SCPC Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>
Beckham, George					
Dickinson, Erin			X		
Wiedie- Higham, Christine					
Jones-Capers, Halle			X		
Kline, David					
Mavrides, Allen			X		
Reville, Rich					X
Segedy, Jason		X	X		
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert					

**Motion:**

*Dennis Stoiber made a motion to approve **Item #1 - Text Amendment – Northfield Center Township – Accessory Structures, with due consideration to staff and Summit County Engineer comments** and it was seconded by **Jason Segedy, all in favor, aye, Item #1 - Text Amendment – Northfield Center Township – Accessory Structures**, the motion was approved with   1   abstentions (*Rich Reville*).*

**Item # 2 - Text Amendment – Northfield Center Township – Laser Lights – Proposal to amend Chapter 130 Definitions to add a definition for “Laser Lights”**

*Reported by Stephen Knittel:*

The applicant is requesting to amend their current zoning regulations language in Section 130 – Definitions adding LASER LIGHTS to their definitions.

*The proposed language is:*

Laser Lights: A laser beam in the visible spectrum (between 400 and 700 nm wavelength). Often the term is used to describe a project on system emitting laser beams in the visible laser spectrum. Laser (“Light Amplification by Stimulated Emission of Radiation”) creates and amplifies electromagnetic radiation of a specific frequency through the process of stimulated emission.

During the review staff found definitions of lasers on a federal standard not zoning standard in reference to a safety standpoint.

*Staff recommendation is approval*

*Representation for the Township:*

Daniel Schade, Zoning Commission  
8484 Olde Eight Road, Ohio 44067

The township proposed to add laser lights to definitions, this came about a resolution that was being passed by the township trustees, for drones, they amended it to add laser lights under drones as prohibited uses and it was passed.

*Questions from the members: No comments from the members*

*County Engineer’s Office: No comment made from the County Engineer’s office*

*Summit Soil and Water: No one from Summit Soil and Water was present*

*Questions from the Public: No comment from the public*

*Discussion from the members: No further discussion from the members*

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George					
Dickinson, Erin			X		
Wiedie- Higham, Christine					
Jones-Capers, Halle			X		
Kline, David					
Mavrides, Allen			X		

Reville, Rich					X
Segedy, Jason			X		
Snell, Jeff	X		X		
Stoiber, Dennis		X	X		
Terry, Robert					

### **Motion:**

*Jeff Snell* made a motion to *approve* **Item # 2 - Text Amendment – Northfield Center Township – Laser Lights** and it was seconded by *Dennis Stoiber*, ***all in favor, aye, Item # 2 - Text Amendment – Northfield Center Township – Laser Lights***, the motion was *approved* with 1 abstentions (*Rich Reville*).

### **Old Business**

None

- |    |  |                                  |
|----|--|----------------------------------|
| E. | Report from Assistant Director<br><b>Deputy Directors report</b>   | <b>Assistant Director, Tubbs</b> |
|    | <ul style="list-style-type: none"> <li>1) Bond report maintenance for Model Reserve has been released</li> <li>2) Congratulations to Erin Dickinson, Jeffrey Snell and Robert Terry being reappointed to the Summit County Planning Commission seats, new expiration date is 2026.</li> <li>3) Subdivision Regulations will be presented on Monday, November 20, 2023, at 4:30pm; we will be looking to do a deep dive of the regulations at the end of 2024. What we are sending to council on Monday are minor revisions.</li> </ul> |                                  |
| F. | Comments from Public<br>No comment from the public   | <b>Chair Allen Mavrides</b>      |
| G. | Comments from Commission Members<br>No further discussion from the Commission Members  | <b>Chair Allen Mavrides</b>      |
| H. | Other<br>1. Legal Update   | <b>Atty. Marvin Evans</b>        |

### **Delfino case**

Atty. Marvin Evans reported the Delfino case in Richfield, it is still in the 9<sup>th</sup> District Court of appeals; we were supposed to have a mediation call on Wednesday, November 14, 2023, but it was delayed. The property owner submitted some plans to the health district for review of the septic system plans and the health district told to property owner that they did not submit enough information in reference to the septic, they need to provide more information. The house configuration is different as well, but the health district doesn't know if the septic plans are viable to the property, so they are waiting for updates. There is still a fair encroachment to the riparian area to the revised plans.

The intent is if the health district finally sees a plan that they can approve, we will come back to the planning commission for any further review of the plans. Since there is the encroachment on the riparian the commission would either have to approve or deny it and if you would deny it we will have to go back to litigations as is.

I. Adjournment

Chair Allen Mavrides

SCPC Member	Motion	Second	Yea	Nay	Abstain
Beckham, George					
Dickinson, Erin			X		
Wiedie- Higham, Christine					
Jones-Capers, Halle			X		
Kline, David					
Mavrides, Allen			X		
Reville, Rich			X		
Segedy, Jason		X	X		
Snell, Jeff			X		
Stoiber, Dennis	X		X		
Terry, Robert					

**Motion:**

*Dennis Stoiber* made a motion to *adjourn*, **Thursday, November 16, 2023, SCPC meeting adjournment** and it was seconded by *Jason Segedy*, ***all in favor, aye, Thursday, November 16, 2023, SCPC meeting adjournment***, the meeting was *\_adjourned\_* with *\_0\_* abstentions at 3:28 p.m.

*These minutes were recorded, prepared, and represent the writer's best recollection of the items discussed by:*

*Tazena Long, Executive Assistant*

*Department of Community and Economic Development*

*Friday, November 17, 2023, at 12:48p.m.*



Planning Commission  
Preliminary Plan  
**Kingdom Preserve**  
Springfield Township

## EXECUTIVE SUMMARY

Located in Springfield Township off of Killian Road, east of the intersection with Pickle Rd. Applicant proposes 36 Units and a permanent cul-de-sac.

Staff recommends the SCPC **TABLE** this Preliminary Plan so that the Applicant can address comments from the Township and the Summit County Engineer's Office.

<b>Item No.:</b>	1	<b>Lots:</b>	36 Units
<b>Meeting:</b>	January 18, 2024	<b>Streets:</b>	50' R/W
<b>Developer:</b>	Rick Kiphen	<b>Utilities:</b>	DSSS & Akron Water
<b>Parcel No.:</b>	5110230	<b>Council District:</b>	District 8
<b>Zoning:</b>	O-C & R-2		
<b>Area:</b>	21.2632 Acres	<b>Processor:</b>	Stephen Knittel

### Plan History:

- There was a Concept Plan Meeting held on June 2, 2023.
- There was a site visit on November 16, 2023.

**Site Conditions:** County GIS shows Riparian and wetlands along the southern portion of the parcel.

<b>Zoning:</b> The Zoning of the site is O-C (Open Space Conservation) and R-2 (Residential)			
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>	<b>Municipality</b>
North	O-R	Residential	Springfield Township
East	R-2	Residential	Springfield Township
South	O-C & R-2	Residential	Springfield Township
West	O-c & R-2	Church	Springfield Township

**Proposal:** Applicant proposes 36 Units and a permanent cul-de-sac.

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**Agency Comments:** *Italicized text indicates quotations from submitted agency comments.*

**SCE:** Andy Dunchuck, 12/18/2023: *Our office has reviewed the above referenced and attached Preliminary Plan and has the following comments. If you have any questions regarding this matter, please contact our office.*

1. *All Stormwater Management for the site must follow the SCE Stormwater Drainage Manual, Current Edition (Revised 1/1/20). All SWM Facilities must be located outside of the Wetland and Riparian Setbacks and the 100-Year Flood Plain. In addition, the outlet pipe for the proposed SWM Basin must have an adequate outlet.*
2. *A 100-Year Overland Flow Path across the site to the SWM Facility is required. When the flow path is located outside of the Access and Utility Easement/R/W, it must be centered in a minimum 30' wide SWM Easement.*
3. *Review Fees to comply with Summit County Ordinance 943 must be submitted. The non-refundable application fee is \$250 and ½ the estimated review fee is \$2,801.40, for a total amount of \$3,051.40. The check should be made payable to: Summit County Engineer, 538 East South Street, Akron, Ohio 44311.*
4. *The Intersection Sight Distance for proposed access onto Killian Road must be verified for a Design Speed equal to 45-mph.*
5. *A Traffic Impact Questionnaire for the project must be completed to determine if additional Studies are warranted.*
6. *Since the proposed road will be servicing 36 Units, the road is classified as a Residential Medium Traffic Road which requires a minimum 26' Wide Pavement (Curb and Gutter) or 24' (Open Ditch). In addition, the plan indicates a 50' Access and Utility Easement in lieu of R/W. Is this being proposed as a Private Subdivision?*
7. *A minimum tangent of at least 100' is required between reverse curves.*
8. *Kingdom Way must intersect Killian Road at an angle not less than 70-Degrees. In addition, the intersecting road must have a minimum tangent distance of at least 100'.*
9. *All Catch/Inlet Basins, Storm Manholes, Headwalls, Monument Boxes, Curb and Gutter, etc... utilized on this project must follow Current ODOT Standard Construction Drawings.*
10. *An additional 10' of R/W or permanent Highway Easement along the frontage of the South side of Killian Road shall be dedicated to Summit County for future road improvement purposes.*
11. *Provide a Wetland Delineation for the Project.*
12. *Part of Unit 22 and all of Units 23 and 24 are located within the 100-Year Flood Plain.*

- 
13. *The Proposed Utilities must be located outside of the pavement.*
  14. *A Road Opening Permit will be required for the proposed work within the R/W of Killian Road*

**Springfield Township:** Debra Grow, 12/12/2023:

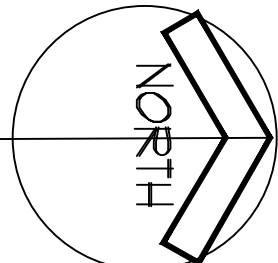
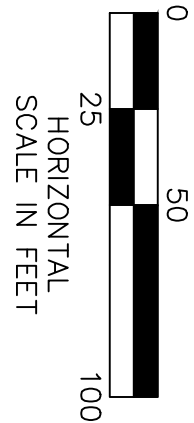
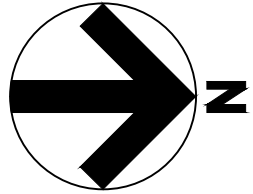
*I have reviewed the preliminary plans for Kingdom Preserve. I was not part of the original review procedure on any of this so I am coming in a little blind on this development but here is what has surfaced for me.*

1. *It does not appear that our Riparian setback standards have been taken into account. All of our setback standards have greater adjustments than Summit County's as of July 2023. I have attached the entire Riparian Setback Standards document. I have also attached parts of this document where I have highlighted sections that show greater adjustments that would apply. From what I can tell, it looks like condo 21, 22, 23, 24, 29, 30, 35, 36 may all be affected.*
2. *As for rear setbacks, condo 1, 18, 19, 20, 33, 35 may not be set back at least 40'.*
3. *Is there 10' between all condos at their closest points?*
4. *Does the common drive allow a 10' easement next to it? What is the width of it and there is no turn-around.*
5. *Is the distance between the rear of condo 34 to the front of condo 35 at least 60' and condo 25 to 24?*
6. *Is this a private road or a public road?*

**Recommendation:** It is Staff's recommendation that the SCPC **Table** this Preliminary Plan so the applicant can address Township and SCE concerns and to submit applications for any variances required.



PRD. REQUIREMENTS		
REQUIREMENT PER PLAN	ACTUAL	
OPEN SPACE	13.3514 AC	13.3514 AC
TOTAL UNITS	36 UNITS	36 UNITS



SITE PLAN

SCALE: 1" = 50'-0"

LEGEND

- PROPOSED WALKING TRAIL
- PROPOSED LIMITED COMMON AREA
- BUILDING SETBACK LINE
- COMPOSITE SETBACK LINE
- 100 YEAR FLOOD PLAIN LIMITS
- 75' RIPARIAN SETBACK
- EXISTING WATER LIMITS
- PROPOSED CURB
- PROPOSED 50' ACCESS & UTILITY EASEMENT
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED WATER LINE
- EXISTING SANITARY SEWER
- EXISTING WATER LINE
- EXISTING GAS LINE
- EXISTING PROPERTY LINE
- PHASE 4 BOUNDARY LINE
- OBSERVED WETLANDS AREA
- DELINEATED WETLANDS AREA
- OPEN SPACE AREA

NEW DEVELOPMENT PLANS FOR:

KINGDOM PRESERVE

KINGDOM WAY / SPRINGFIELD TOWNSHIP, OHIO

INTEGRITY  
CONTRACTING AND  
DEVELOPMENT L.L.C.

Site Plan

Project number: 01-12-2023  
Date: 01-12-2023  
Revisions:

Drawn by: C101  
Checked by: See Plan  
Scale:



NO	DATE	DESCRIPTION	BY

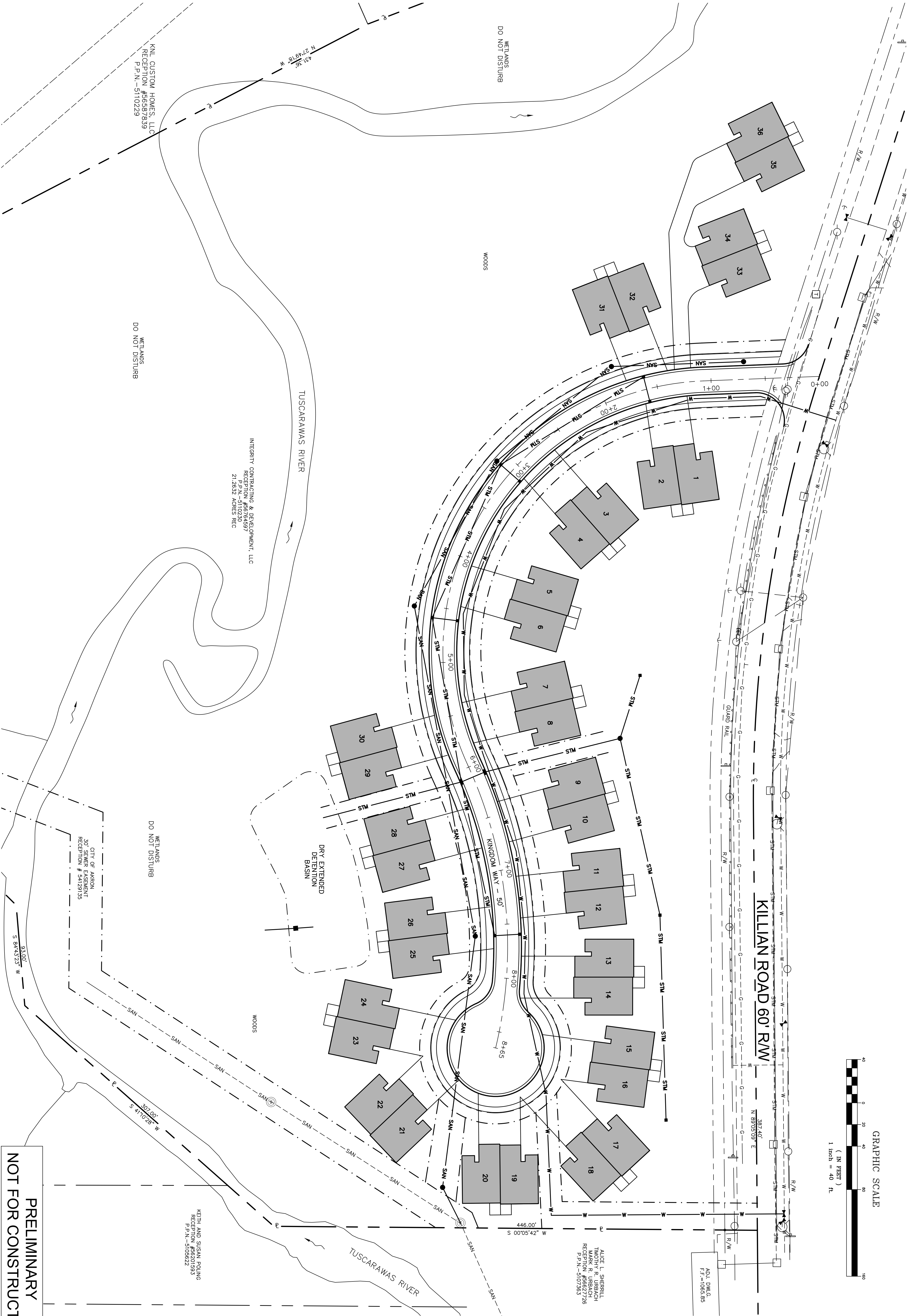
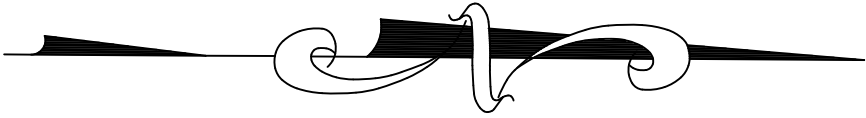
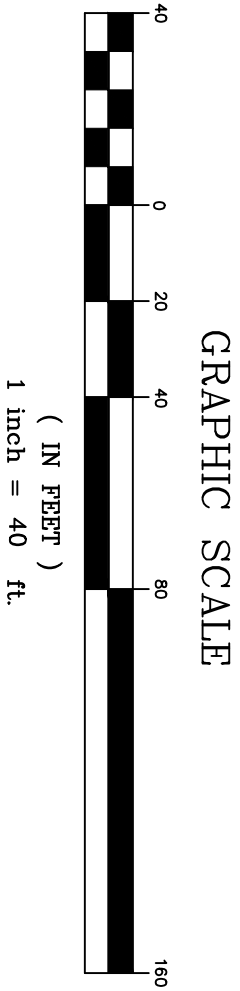
OVERALL UTILITY PLAN



HETTLER · LARGENT  
Civil & Construction Consultants

1225 North Main Street | Suite A | North Canton, OH 44720  
PH: (330) 966-1776 | MOBILE: (330) 388-2521  
rlargent@hettlerlargenteng.com | www.hettlerlargenteng.com

KINGDOM PRESERVE  
SPRINGFIELD TOWNSHIP  
SUMMIT COUNTY, OHIO



PRELIMINARY  
NOT FOR CONSTRUCTION

DATE: NOVEMBER 2023



NO	DATE	DESCRIPTION	BY

OVERALL GRADING PLAN



HETTLER · LARGENT  
Civil & Construction Consultants

1225 North Main Street | Suite A | North Canton, OH 44720  
PH: (330) 966-1776 | MOBILE: (330) 388-2521  
rlargent@hettlerlargenteng.com | www.hettlerlargenteng.com

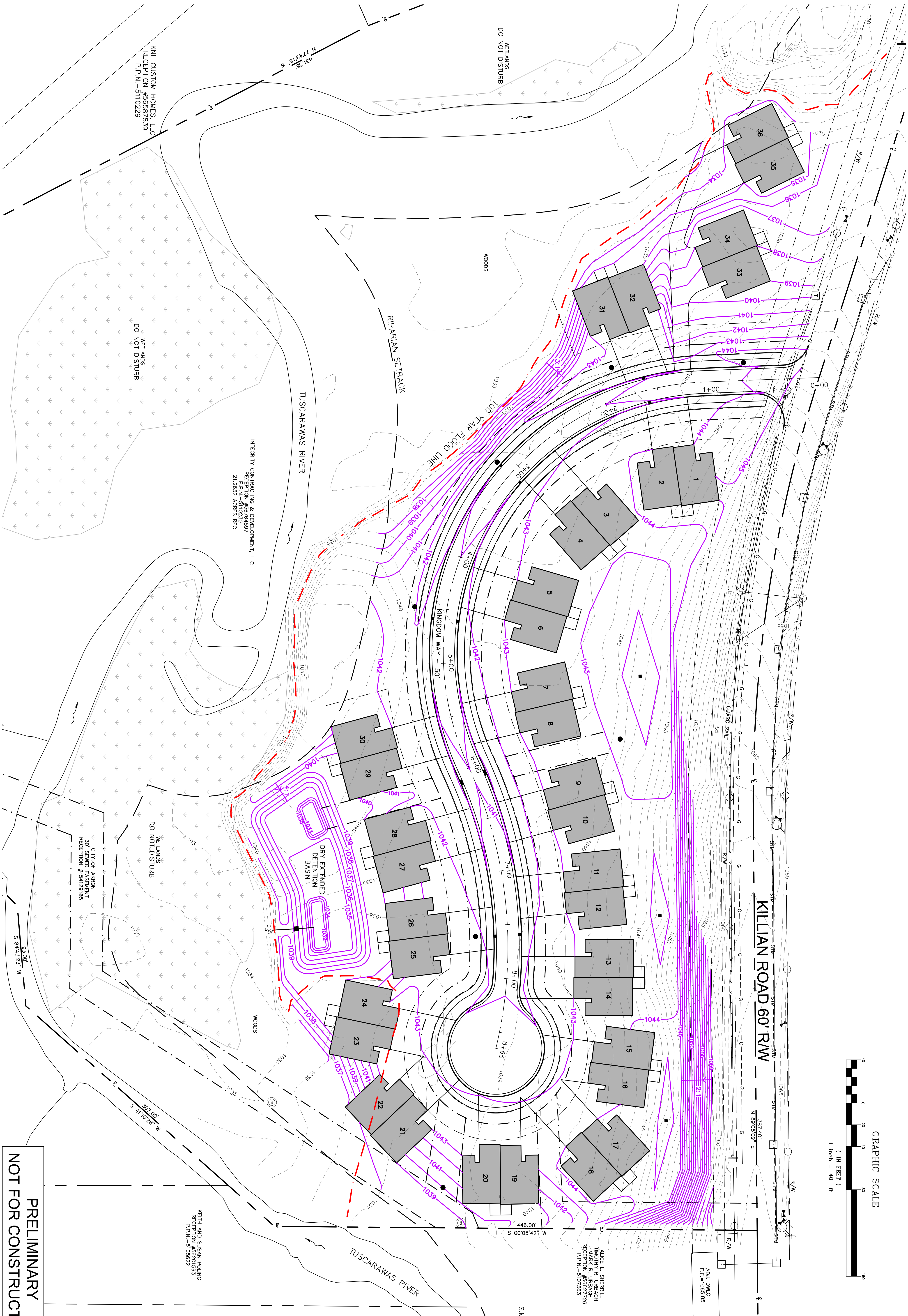
KINGDOM PRESERVE  
SPRINGFIELD TOWNSHIP  
SUMMIT COUNTY, OHIO

PRELIMINARY  
NOT FOR CONSTRUCTION

DATE: NOVEMBER 2023

(OVERALL GRADING)

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(OVERALL GRADING)



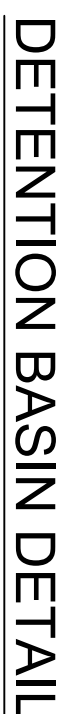
**HETTLER · LARGENT**  
Civil & Construction Consultants

KINGDOM PRESERVE  
SPRINGFIELD TOWNSHIP  
SUMMIT COUNTY, OHIO



FOREBAY VOLUME TABLE			
REQUIRED VOLUME FOR FOREBAY AND MICRO-POOL $0.10 \times \text{WQV} (9.716 \times 0.10) = 972 \text{ CF}$			
FOREBAY	AREA (SF)	CUMULATIVE VOLUME (CF)	
1033.0	335	0	
1034.0	502	419	
1035.0	693	1,016	

MICRO-POOL VOLUME TABLE			
REQUIRED VOLUME FOR FOREBAY AND MICRO-POOL 0.10 x WOV (9.716 x 0.10) = 972 CF			
MICRO-POOL			
ELEVATION	AREA (S <sup>2</sup> )	CUMULATIVE VOLUME (CF)	
1032.0	442	0	
1033.0	661	552	
1034.0	905	1,335	



PRELIMINARY  
NOT FOR CONSTRUCTION

DATE: NOVEMBER 2023



Planning Commission  
Final Plat, Phase 2  
**Heartridge**  
Sagamore Hills Township

## EXECUTIVE SUMMARY

Located in Sagamore Hills Township off of Dunham Road, south of the terminus of Hawthorne Drive. Applicant proposes 24 Sublots and the extension of Heartridge Drive and the creations of Kennaridge Circle and Timberidge Circle.

Staff recommends **APPROVAL**.

<b>Item No.:</b>	2	<b>Lots:</b>	24 sublots
<b>Meeting:</b>	January 18, 2024	<b>Streets:</b>	50' R/W Public
<b>Developer:</b>	Paul Karnow	<b>Utilities:</b>	DSSS & Cleveland Water
<b>Engineer:</b>	Weber Engineering Services		
<b>Parcel No.:</b>	4505468, 4503628, 4501371	<b>Council District:</b>	District 1
<b>Zoning:</b>	Residential		
<b>Area:</b>	87.26023 Acres	<b>Processor:</b>	Stephen Knittel

### Plan History:

- There was a Concept Plan Meeting held on September 7, 2018.
- There was a site visit on November 8, 2018
- Preliminary Plan was approved November 15, 2018.
- Final Plat for Phase 1 was approved in 2021.

**Site Conditions:** County GIS shows some wetlands present on the site near the terminus of West Hill Drive.

<b>Zoning:</b> The Zoning of the site is R (Residential)			
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>	<b>Municipality</b>
North	R	Residential	Walton Hills, Cuyahoga County
East	R	Residential	Sagamore Hills Township
South	R	Residential	Sagamore Hills Township
West	R	Residential	Sagamore Hills Township

**Proposal:** The applicant proposes 24 Sublots and the extension of Heartridge Drive and the creations of Kennaridge Circle and Timberidge Circle.

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**Agency Comments:** *Italicized text indicates quotations from submitted agency comments.*

**SCE:** Andy Dunchuck, 12/18/2023: *Our office has reviewed the above referenced and attached Final Plat that is scheduled for the December 21, 2023 SCPC meeting and the Plat is acceptable as submitted.*

**SCPHD:** Sasha Mikheidze, 11/30/2023:

*The Summit Soil and Water Conservation District reviewed a preliminary plan for a proposed development located in Copley Township.*

**Soils:** *The Summit County Soil Survey identifies 3 different soil types on the portion of land being proposed for development. They are as follows (in descending order), WaA, RsB and WaB. Both WaA and WaB are considered to soils with hydric inclusions. These soil types can be indicators to wetlands being present. In this instance, that is not a concern as this area has already been cleared, grubbed and stabilized.*

**Riparian and wetlands setbacks:** *Phase 2 contains no wetlands or riparian setbacks as that entire area has been previously cleared, grubbed and stabilized.*

**Storm Water Pollution Prevention Plan and Post Construction Requirements:** *A Storm Water Pollution Prevention Plan (SWPPP) must be developed for this site and submitted to the Summit SWCD office along with the improvement drawings for our approval. Please refer to the SWPPP checklist (Summit SWCD Web Page) for SWPPP requirements. There shall be no clearing, grubbing or earth moving activities without an approved SWPPP and pre-construction meeting with the SWCD staff & City.*

**Note:** *The Ohio Environmental Protection Agency requires the Owner/Operator of any site where more than one acre will be disturbed to file a Notice of Intent and obtain an NPDES Permit.*

*This site will require the use of post construction storm water quality improvement features. All stormwater flow exiting this site must be treated by a structural post-construction water quality practice. A SWPPP for this site has been developed and approved by this office on 9-29- 2020. A maintenance agreement has also been*

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*created and approved by the appropriate agencies.*

**Recommendation:** It is Staff's recommendation that the SCPC **APPROVE** this Final Plat.



TAX MAP DEPARTMENT

ACCEPTANCE, DEDICATION AND GRANT OF EASEMENTS

I, PAUL KARNOW, MEMBER OF SAGAMORE LAND PROPERTIES, LLC, AN OHIO LIMITED LIABILITY COMPANY, OWNER OF THE LAND EMBRACED WITHIN THIS PLAT, DO HEREBY ACCEPT THIS PLAT TO BE THE FREE ACT AND DEED OF SAID SAGAMORE LAND PROPERTIES, LLC, AND DO HEREBY DEDICATE TO PUBLIC USE FOREVER THAT PORTION OF LAND OWNED BY IT INCLUDED IN HEARTRIDGE DRIVE, KENNAIRIDGE CIRCLE, TIMBERIDGE CIRCLE AND THE EASEMENTS AS SHOWN HEREON. I HEREBY ALSO GRANT UNTO THE SUMMIT COUNTY DEPARTMENT OF SANITARY SEWER SERVICES THE SANITARY SEWER EASEMENTS (INCLUDING THE RIGHT TO ACCESS AND INGRESS AND EGRESS TO AND FROM THE SAME) OF THE WIDTHS AND LOCATIONS SHOWN, UNDER AND THROUGH THE SUBLOTS AND ALL ITS LAND SHOWN HEREON FOR THE MAINTENANCE, REPAIR AND OPERATION OF THE SANITARY SEWERS AND RELATED FACILITIES LOCATED THEREON.

I DO ALSO HEREBY GRANT UNTO THE COUNTY OF SUMMIT THE STORM SEWER EASEMENTS AND STORMWATER MANAGEMENT EASEMENT AS SHOWN HEREON AND SO LABELED ON THE PLAT WITHIN THIS SUBDIVISION ALONG WITH RIGHTS AND RESPONSIBILITIES TO ACCESS, LAY, MAINTAIN, AUGMENT, REPLACE, OR REMOVE, PIPE, MANHOLES, DITCHES, SWALES, AND/OR APPURTENANCES. SAID EASEMENT RIGHTS SHALL INCLUDE THE RIGHT WITHOUT LIABILITY THEREFORE TO REMOVE TREES AND LANDSCAPING, INCLUDING LAWNS, WITHIN SAID EASEMENT PREMISES WHICH MAY INTERFERE WITH THE INSTALLATION, MAINTENANCE, REPAIR OR OPERATION OF SAID PIPE, MANHOLES, DITCHES, SWALES, AND/OR APPURTENANCES.

I DO ALSO HEREBY GRANT UNTO THE "HEARTRIDGE SUBDIVISION OWNERS' ASSOCIATION", AS REFERENCED IN THE DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS HEARTRIDGE SUBDIVISION, SAGAMORE TOWNSHIP, SUMMIT COUNTY, OHIO, THE RIGHTS AND RESPONSIBILITIES TO MAINTAIN THE LAND AND FACILITIES WITHIN THE STORM SEWER EASEMENT AND STORMWATER MANAGEMENT EASEMENT IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED IN SUMMIT COUNTY DOCUMENT NO. \_\_\_\_\_.

PAUL KARNOW, MEMBER	_____
STATE OF _____	_____ }
COUNTY OF _____	_____ }
SS:	_____
BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED SAGAMORE LAND PROPERTIES, LLC, AN OHIO LIMITED LIABILITY COMPANY BY PAUL KARNOW, ITS MEMBER, WHO ACKNOWLEDGED THAT HE DID SIGN THE FOREGOING INSTRUMENT, AND THAT THE SAME WAS HIS FREE ACT AND DEED INDIVIDUALLY AND IN SUCH CAPACITY, AND THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.	
IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICAL SEAL AT _____ THIS _____ DAY OF _____, 20____.	
MY COMMISSION EXPIRES _____	NOTARY PUBLIC _____
_____	PRINT NAME: _____

DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS FOR HEARTRIDGE SUBDIVISION

"COMMON ELEMENTS", ALL REAL AND PERSONAL PROPERTY NOW OR HEREAFTER OWNED BY THE ASSOCIATION OR OTHERWISE HELD FOR THE COMMON USE AND ENJOYMENT OF THE OWNERS OR OCCUPANTS. COMMON ELEMENTS SHALL INCLUDE (A) THE LANDSCAPED ENTRWAY TO THE PROPERTY OF HAWTHORNE DRIVE, IF ANY, (B) ANY LANDSCAPED ISLANDS WITHIN EACH CUL-DE-SAC, AND (C) ANY OTHER AREAS OF LAND WITHIN THE PROPERTY INTENDED FOR THE COMMON USE, BENEFIT, AND ENJOYMENT OF ALL OCCUPANTS OF THE PROPERTY. COMMON ELEMENTS DOES NOT MEAN OR IMPLY THAT THE PUBLIC AT LARGE ACQUIRES ANY EASEMENT OF USE OR ENJOYMENT THEREIN.

ARTICLE VII. RESPONSIBILITIES OF THE ASSOCIATION. 7.1 RESPONSIBILITIES OF THE ASSOCIATION. THE ASSOCIATION SHALL HAVE THE EXCLUSIVE DUTY TO PERFORM THE FOLLOWING FUNCTIONS: (A) MAINTENANCE. (I) THE ASSOCIATION SHALL MAINTAIN IN A CLEAN AND SAFE CONDITION AND IN GOOD ORDER AND REPAIR THE COMMON ELEMENTS AND EASEMENT AREAS, INCLUDING THE STORM WATER MANAGEMENT BASIN AND ANY OTHER FACILITIES. USED FOR STORM WATER DRAINAGE, RETENTION OR DETENTION FOR HEARTRIDGE SUBDIVISION, INCLUDING, WITHOUT LIMITATION, THE DREDGING, CLEANING, SILTATION CONTROL, EROSION CONTROL AND CONTROL OF WEEDS AND OTHER UNDESIRABLE VEGETATION AND THE MAINTENANCE AND REPLACEMENT AS NECESSARY OF ANY TREES, SHRUBS AND OTHER PLANTINGS IN AND AROUND THE STORM WATER MANAGEMENT BASIN. NOTWITHSTANDING THE FOREGOING, THE OBLIGATION OF THE ASSOCIATION TO MAINTAIN THE EASEMENT AREAS (OR ANY PART THEREOF)SHALL TERMINATE IF(BUT ONLY IF) SUCH AREAS ARE OFFERED FOR DEDICATION TO THE TOWNSHIP OR COUNTY FOR PUBLIC USE AND THE TOWNSHIP OR COUNTY ACCEPTS SUCH DEDICATION, WHICH THE TOWNSHIP OR COUNTY SHALL BE UNDER NO OBLIGATION TO DO.

DRAINAGE MAINTENANCE ASSESSMENT

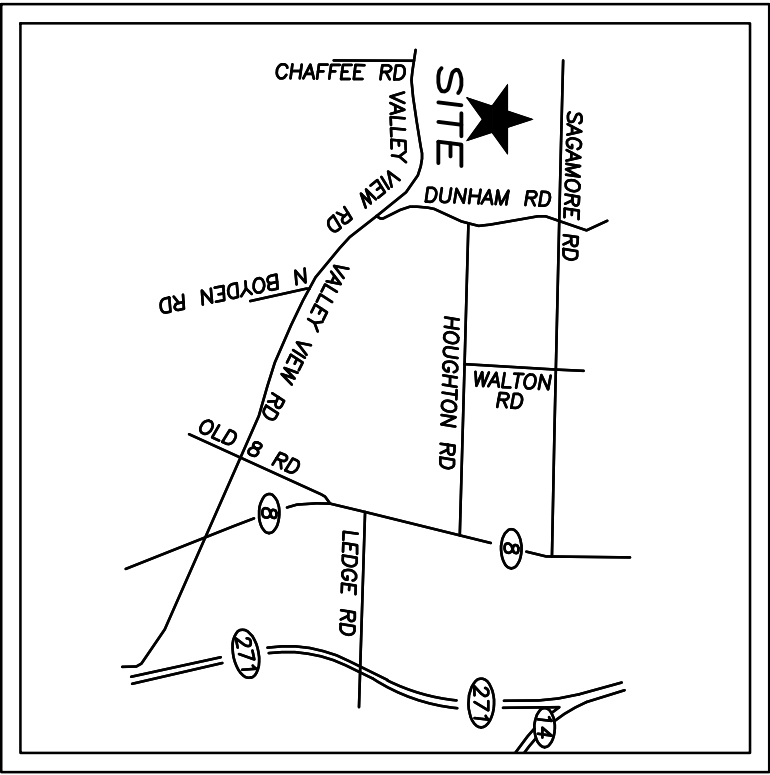
ALL FEE HOLDERS AND ALL RECEIVING TITLE TO THE FEE THROUGH THEM ARE SUBJECT TO PAYMENT OF DRAINAGE MAINTENANCE FEES ASSESSED OR TO BE ASSESSED BY THE COUNTY OF SUMMIT PURSUANT TO O.R.C. CHAPTER 6137.

OWNER(S) OF RECORD WILL PROVIDE PURCHASER WITH OPTION TO HAVE SOIL TEST PERFORMED AT TIME OF PURCHASE.

**NOTE:** THE CONSTRUCTION OF ANY ACCESSORY BUILDINGS, LANDSCAPING MOUNDS OR OTHER LANDSCAPING FEATURES AND FENCES WITHIN A STORMWATER MANAGEMENT/DRAINAGE EASEMENT IS PROHIBITED.

SITUATED IN THE TOWNSHIP OF SAGAMORE HILLS, COUNTY OF SUMMIT AND STATE OF OHIO  
AND KNOWN AS BEING PART OF ORIGINAL NORTHFIELD TOWNSHIP LOT NOS. 71, 81 AND 82.

# HEARTRIDGE SUBDIVISION PHASE 2



PHASE 2 SUBDIVISION AREA TABULATION	
NUMBER OF SUBLOTS	24
AREA OF SUBLOTS	6.3946 AC.
AREA OF BLOCK D	1.8672 AC.
AREA OF BLOCK A REMAINDER	77.2553 AC.
AREA OF HEARTRIDGE DRIVE, KENNAIRIDGE CIRCLE AND TIMBERIDGE CIRCLE	1.7432 AC.
TOTAL AREA	87.2603 AC.

TITLE	INDEX OF SHEETS	SHEET NO.
TITLE SHEET		1
OVERALL PROPERTY		2
SUBDIVISION DETAILS		3-4

FLOOD ZONE

SUBJECT PREMISES IS LOCATED IN ZONE X PER FEMA FLOOD INSURANCE RATE MAP NO. 39153C0030E, EFFECTIVE DATE JULY 20, 2009.

BASIS OF BEARINGS

BEARINGS ARE REFERENCED TO GRID NORTH OF THE OHIO STATE PLANE COORDINATE SYSTEM NORTH ZONE, NAD 83 (2011) DATUM.

STATE PLANE COORDINATES

STATE PLANE COORDINATES WERE ESTABLISHED BY GPS OBSERVATION GRID FACTOR (COMBINED SCALE FACTOR) = 0.99998085

SURVEYOR CERTIFICATION:

I HEREBY STATE THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY PREPARED BY ME, THE SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. PERMANENT MONUMENTS WERE FOUND OR SET AT ALL LOCATIONS SHOWN HEREON. ALL DIMENSIONS GIVEN ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.

APPROVALS

THIS PLAT OF HEARTRIDGE SUBDIVISION PHASE 2, THE GRANTING OF EASEMENTS FOR PUBLIC FACILITIES AND APPURTENANCES, AND THE DEDICATION OF PUBLIC STREETS HAS BEEN APPROVED BY:

SUMMIT COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 20____.	_____
CHAIRMAN _____	_____
PRINT NAME: _____	_____
SECRETARY _____	_____
PRINT NAME: _____	_____
SUMMIT COUNTY ENGINEER THIS _____ DAY OF _____, 20____.	_____
SUMMIT COUNTY ENGINEER _____	_____
PRINT NAME: _____	_____
TOWNSHIP ZONING INSPECTOR THIS _____ DAY OF _____, 20____.	_____
TOWNSHIP ZONING INSPECTOR _____	_____
PRINT NAME: _____	_____
SUMMIT COUNTY COUNCIL _____	_____
ORDINANCE _____ THIS _____ DAY OF _____, 20____.	_____
PRESIDENT OF COUNCIL _____	_____
PRINT NAME: _____	_____
CLERK OF COUNCIL _____	_____
PRINT NAME: _____	_____
SUMMIT COUNTY EXECUTIVE THIS _____ DAY OF _____, 20____.	_____
SUMMIT COUNTY EXECUTIVE _____	_____
PRINT NAME: _____	_____

UNDERGROUND UTILITY EASEMENT:

THE OWNER OF THE WITHIN PLATTED LAND DOES HEREBY GRANT UNTO THE DOMINION ENERGY EAST OHIO GAS COMPANY, DOMINION EAST OHIO WINDSTREAM WESTERN RESERVE TELEPHONE, THE WARNER CABLE, SPECTRUM, NORTH HILLS WATER DISTRICT, ALL OHIO CORPORATIONS, THEIR SUCCESSORS AND ASSIGNS AND THE COUNTY OF SUMMIT (HEREINAFTER REFERRED TO AS THE GRANTEE) A PERMANENT RIGHT OF WAY AND EASEMENT TWELVE (12) FEET IN WIDTH UNDER, OVER AND THROUGH ALL SUBLOTS AND ALL LANDS SHOWN HEREON AND PARALLEL WITH AND CONTIGUOUS TO ALL STREET LINES, OR ALONG THE LINES OF THE THIRTEEN (13) FOOT WATER EASEMENT AS SHOWN, TO CONSTRUCT, PLACE, OPERATE, MAINTAIN, REPAIR, RECONSTRUCT AND RELOCATE SUCH ABOVE AND UNDERGROUND STORM SEWER FACILITIES, ELECTRIC AND COMMUNICATION CABLES, POSTS, STRUCTURES, SURFACE OR BELOW GROUND CONDUITS, TRENCHES, DITCHES, SWALES, AND APPURTENANCES, AND THE RIGHT TO ACCESS, LAY, MAINTAIN, AUGMENT, REPLACE, OR REMOVE ANY AND ALL FACILITIES AND EASEMENTS SO CONTEMPLATED, AND THE RIGHTS CONVEYED TO GRANTEE BY THIS EASEMENT ABOUT WITHIN SAID EASEMENT PREMISES INCLUDING, BUT NOT LIMITED TO, IRRIGATION SYSTEMS, ELECTRONIC ANIMAL FENCING, TREES AND LANDSCAPING INCLUDING LAWNS, FLOWERS OR SHRUBBERY AND LANDSCAPE LIGHTING, WITHIN AND WITHOUT SAID EASEMENT PREMISES WHICH MAY INTERFERE WITH THE INSTALLATION, MAINTENANCE, REPAIR OR OPERATION OF SAID ELECTRIC AND COMMUNICATION FACILITIES. THE RIGHT TO INSTALL, REPAIR, AUGMENT AND MAINTAIN SERVICE CABLES OUTSIDE THE ABOVE DESCRIBED EASEMENT PREMISES, AND WITH THE RIGHT OF ACCESS, INGRESS AND EGRESS TO AND FROM ANY OF THE WITHIN DESCRIBED PREMISES FOR EXERCISING ANY OF THE PURPOSES OF THIS RIGHT OF WAY AND EASEMENT GRANT. ALL SUBLOTS AND ALL LANDS SHALL BE RESTRICTED TO UNDERGROUND UTILITY SERVICE.

SAGAMORE LAND PROPERTIES LLC			
BY: _____	PAUL KARNOW, MEMBER	_____	_____
SPECTRUM CABLE	PRINT NAME	DATE	_____
WINDSTREAM WESTERN RESERVE	PRINT NAME	DATE	_____
DOMINION ENERGY	PRINT NAME	DATE	_____
FIRST ENERGY	PRINT NAME	DATE	_____
NORTH HILLS WATER DISTRICT	PRINT NAME	DATE	_____

AUDITOR'S STAMP	RECORDER'S STAMP

## HEARTRIDGE SUBDIVISION PHASE 2

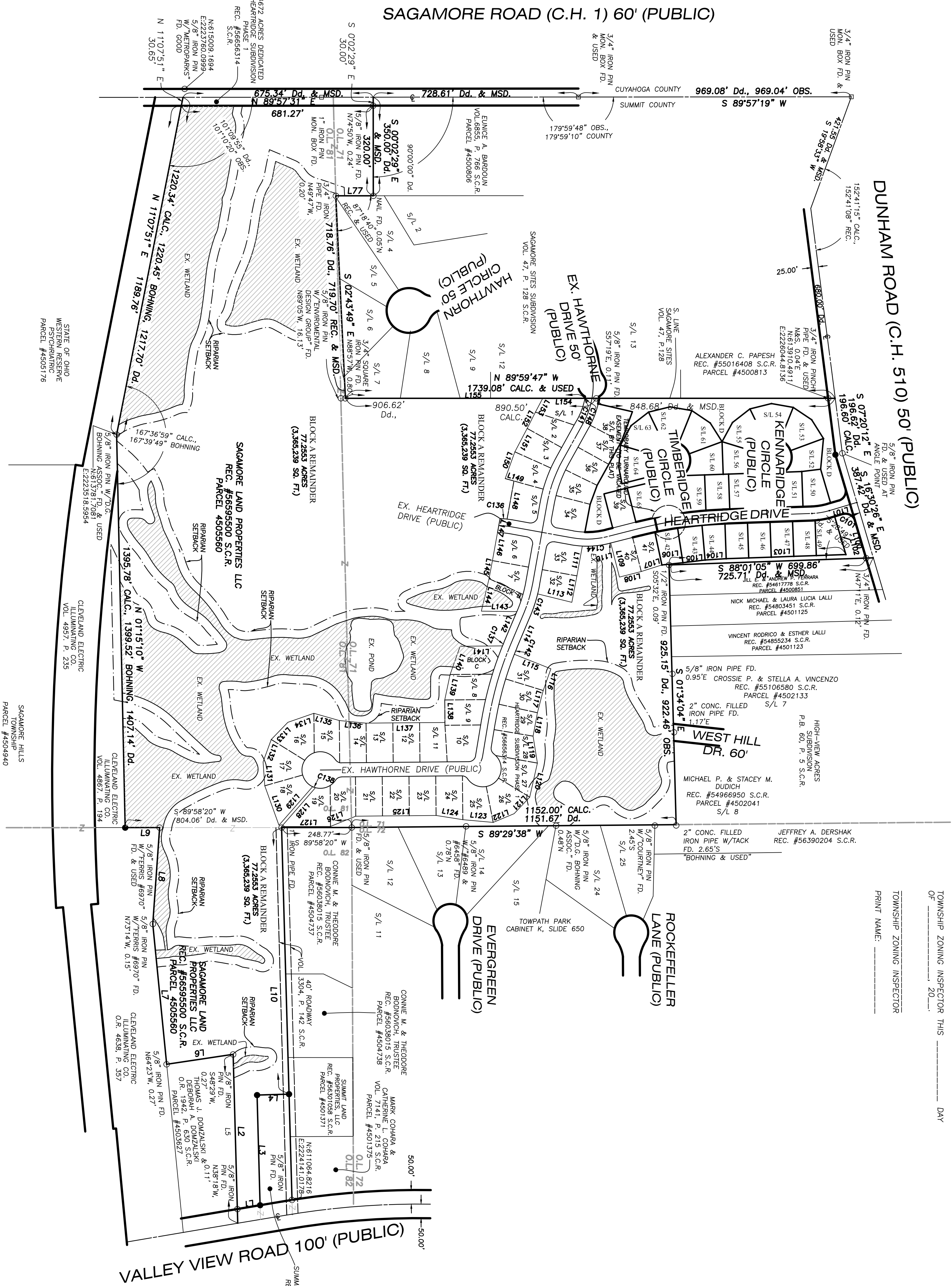
SITUATED IN THE TOWNSHIP OF SAGAMORE HILLS, COUNTY OF SUMMIT  
AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL  
NORTHFIELD TOWNSHIP LOT NOS. 71, 81 AND 82.



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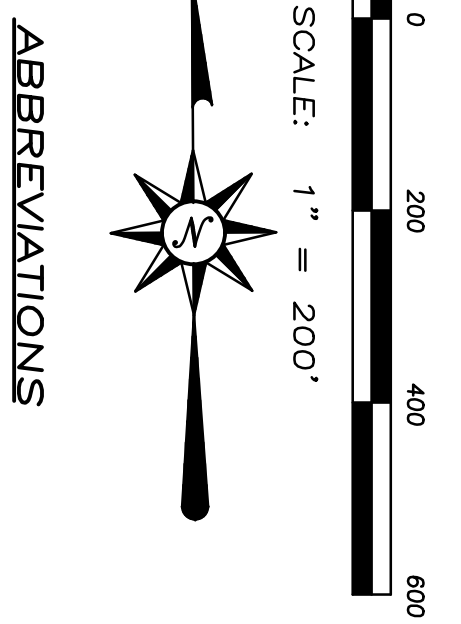
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C103 S 22.00° E 57.04'	S 80° 48' 20" W 143.51' 31"
C104 S 22.00° E 57.04'	S 80° 48' 20" W 143.51' 31"
C105 S 22.00° E 57.04'	S 80° 48' 20" W 143.51' 31"
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C148 S 22.00° E 57.04'	S 80° 48' 20" W 143.51' 31"



**APPROVALS**  
THIS PLAT OF HEARTRIDGE SUBDIVISION, THE GRANTING OF EASEMENTS FOR PUBLIC FACILITIES AND APPEARANCES, AND THE DEDICATION OF PUBLIC STREETS HAS BEEN APPROVED BY:

SUMMIT COUNTY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

CHAIRMAN \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_  
SECRETARY \_\_\_\_\_  
PRINT NAME: \_\_\_\_\_  
TOWNSHIP ZONING INSPECTOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
TOWNSHIP NAME: \_\_\_\_\_



**ABBREVIATIONS**

PA - DEED  
MSD - MEASURED  
ACT - ACTUAL  
CALC - CALCULATED  
CHORD - CHORD  
TD - TURNED  
FB - FOUND  
FOUNDS - FOUND  
CLAS - CLASS  
ASPH - ASPHALT  
CONC - CONCRETE  
S CON - CONCRETE  
CONC - CONCRETE  
U.G. - UNDERGROUND  
O.H. - OVERHEAD

**LEGEND**

• DENOTES 5/8" IRON PIN SET WITH TIEWIRE P.S. 6914" CAP (UNLESS OTHERWISE NOTED)  
X MAG NAIL SET  
■ MONUMENT BOX SET

LINE BEARING	DISTANCE
L1 S 80° 29' 27" W	81.78'
L2 N 01° 15' 28" E	54.51'
L3 S 89° 58' 20" W	804.06'
L4 S 89° 24' 52" W	113.61'
L5 N 01° 15' 28" E	60.01'
L6 N 05° 38' 56" W	50.50'
L7 S 89° 24' 52" W	34.08'
L8 S 89° 24' 52" W	12.25'
L9 S 89° 24' 52" W	12.25'
L10 N 61° 02' 28" E	138.53'
L11 S 89° 24' 52" W	41.00'
L12 S 89° 24' 52" W	41.00'
L13 S 89° 24' 52" W	41.00'
L14 S 89° 24' 52" W	41.00'
L15 S 89° 24' 52" W	41.00'
L16 S 89° 24' 52" W	41.00'
L17 S 89° 24' 52" W	41.00'
L18 S 89° 24' 52" W	41.00'
L19 S 89° 24' 52" W	41.00'
L20 S 89° 24' 52" W	41.00'
L21 S 89° 24' 52" W	41.00'
L22 S 89° 24' 52" W	41.00'
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L197 S 89° 24' 52" W	41.00'
L198 S 89° 24' 52" W	41.00'
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L200 S 89° 24' 52" W	41.00'

**HEARTRIDGE SUBDIVISION PHASE 2**  
SITUATED IN THE TOWNSHIP OF SAGAMORE HILLS, COUNTY OF SUMMIT  
AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL  
NORTHFIELD TOWNSHIP LOT NOS. 71, 81 AND 82.



[illegible]

**APPROVALS**  
THIS PLAT OF HEARTRIDGE SUBDIVISION, THE GRANTING OF EASEMENTS FOR PUBLIC FACILITIES AND APPURTENANCES, AND THE DEDICATION OF PUBLIC STREETS HAS BEEN APPROVED BY:

SUMMIT COUNTY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

-----  
CHAIRMAN

PRINT NAME: \_\_\_\_\_

SECRETARY

PRINT NAME: \_\_\_\_\_

TOWNSHIP ZONING INSPECTOR THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 20\_\_\_\_.

DAY

TOWNSHIP ZONING INSPECTOR

PRINT NAME: \_\_\_\_\_

ALEXANDER C. PAPESH  
REC. #55016408 S.C.R.  
PARCEL #4500813



SCALE: 1" = 40'



## ABBREVIATIONS

MSD.	MEASURED
ACT.	ACTUAL
CALC.	CALCULATED
OBS.	OBSERVED
TD.	TURNURED
FD.	FOUND
ENCR.	ENCROACHES
CLRS.	CLEAR
ASPH.	ASPHALT
CONC.	CONCRETE
SUBJ.	SUBJECT
CONJ.	CONJUNCTION
U.G.	UNDERGROUND
O.H.	OVERHEAD

### LEGEND

- DENOTES 5/8" IRON PIN SET  
WITH "DEMPESEY P.S. 6914" CAL  
(UNLESS OTHERWISE NOTED)  
✕ MAG MAIL SET  
■ MONUMENT BOX SET

	LINE	NAME	DISTANCE
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
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7	7	7	7
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99	99	99	99
100	100	100	100

HEARTRIDGE SUBDIVISION PHASE 2

SITUATED IN THE TOWNSHIP OF SAGAMORE HILLS, COUNTY OF SUMMIT  
AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL  
NORTHFIELD TOWNSHIP LOT NOS. 71, 81 AND 82.

www.dempseysurvey.com

DEMPSEY / SURVEYING / COMPANY  
P 216/226/1130 12815 DETROIT AVENUE  
F 216/226/1131 CLEVELAND, OH 44107-2835

REVISED	HORIZ. SCALE 1" = 40'
	VERT. SCALE NONE
	DRAWN BY MS
	CHECKED BY CJD
	DATE OF MAP Nov. 15, 2023
	DATE OF FIELD SURVEY AUG. 11, 2014

SHEET







Planning Commission  
**Zoning Map Amendment**  
395 Springside Dr.  
Bath Township

### EXECUTIVE SUMMARY

Proposal: Requesting a change in zoning classification for 395 Springside Dr. (Parcel # 0500484). Located at the South West corner of Springside Dr and Cleveland Massillon Rd. Parcel 0500484 contains approximately 6 acres currently zoned B-3 Office Use. Requesting to rezone to B-2 Retail Use.

Staff recommends APPROVAL

<b>Meeting:</b>	January 18, 2024	<b>Proposed Zoning:</b>	B-2
<b>Item No.:</b>	3	<b>Council Dist.:</b>	District 5
<b>Current Zoning:</b>	B-3	<b>Processor:</b>	Stephen Knittel

**Parcel Number:** 0500484

**Location:** At the South West corner of Springside Dr and Cleveland Massillon Rd. Parcel 0500484 contains approximately 6 acres currently zoned B-3.

**Zoning:**

*See attachments for zoning maps.*

Direction	Zoning	Land Use	Jurisdiction
North	B-3	Business - Office	Bath Township
East	B-4	Business – Restricted	Bath Township
South	B-2	Business – Retail	Bath Township
West	B-3	Business - Office	Bath Township

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**Current Zoning:** From Bath Township's Zoning Resolution, provided on Bath Township's website: <https://www.bathtownship.org/>

**B-3 Office, Research and Limited Business District**

The purpose of the B-3 Office, Research and Limited Business District is to provide an environment exclusively for and conducive to the development and protection of modern administrative facilities, offices, institutions, office-like research and sales facilities, and other similar or limited commercial activities. Carefully controlled site development is necessary to encourage a functional and aesthetically pleasing office environment and to protect the residential character of adjacent areas.

**Proposed Zoning:**

**B-2 Community Business District**

The purpose of the B-2 Community Business District is to establish and preserve general commercial areas consisting of shopping centers and other business concentrations serving the general consumer population of the community and area. These business areas are to be generally characterized by an integrated and planned cluster of businesses served by common parking, service and access facilities.

Sec. 502-C Permitted Use Table

TABLE 502-1: PERMITTED USE TABLE										
PERMITTED USES P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	RESIDENTIAL ZONING DISTRICTS				BUSINESS ZONING DISTRICTS					USE-SPECIFIC STANDARDS
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	B-4	B-5	SEE SECTION:
AGRICULTURAL USES										
Agricultural uses on lots of five acres or more	Exempt pursuant to <a href="#">Sec. 302-A: Agricultural Use Exemption.</a>									
Agricultural uses on lots between one and five acres	PS	PS	PS	PS	PS	PS	PS	PS	PS	<a href="#">Sec. 503-A</a>
RESIDENTIAL USES										
Adult family homes or small residential facilities	P	P	P	P						
Adult group homes or large residential facilities				C						<a href="#">Sec. 503-B</a>
Attached dwellings				C	C				C	<a href="#">Sec. 503-C</a>
Conventional residential subdivisions	C	C	C	P						<a href="#">Sec. 503-D</a>
Open space residential subdivisions	PS	PS	PS	C						<a href="#">Sec. 503-E</a>
Permanently sited manufactured housing	PS	PS	PS	PS						<a href="#">Sec. 503-F</a>
Single-family dwellings- on lots of record	P	P	P	P					P	
Skilled Nursing or Personal Care Facility				C				C		<a href="#">Sec. 503-G</a>
PUBLIC AND INSTITUTIONAL USES										
Cemeteries	C	C	C	C						<a href="#">Sec. 503-H</a>
Churches and places of worship	C	C	C	C	C	C	P	P	C	<a href="#">Sec. 503-I</a>
Cultural institutions	C	C	C	C	C	C			C	<a href="#">Sec. 503-J</a>
Educational institutions (public or private)	C	C	C	C						<a href="#">Sec. 503-J</a>
Government offices and buildings	C	C	C	C	C	C	C	P	C	<a href="#">Sec. 503-K</a>
Institutions for human medical care							C	C		<a href="#">Sec. 503-L</a>
Institutions for higher education						C	C	C		<a href="#">Sec. 503-M</a>
Parks, playgrounds, and golf courses (except miniature)	C	C	C	C	C					<a href="#">Sec. 503-N</a>
Passive parks and open space	P	P	P	P	P	P	P	P	P	
Quasi-public, fraternal or service facilities	C	C	C	C	C	C	C	C	C	<a href="#">Sec. 503-O</a>
Urgent care clinics						C	C	C		
COMMERCIAL AND OFFICE USES										
Automotive service (minor) uses					C	C				
Banks and financial institutions					P	P	P	P	P	
Bed and breakfast establishments	C								P	<a href="#">Sec. 503-P</a>
Commercial entertainment or recreation uses (indoors)	C	C	C	C	C	P	P	P	C	<a href="#">Sec. 503-Q</a>
Day care centers (adult or child)					P	P	P		P	
Funeral homes					C			C	C	<a href="#">Sec. 503-R</a>
Gasoline stations (fueling only)					C	C			C	<a href="#">Sec. 503-S</a>
General offices (administrative, professional, business)					P	P	P	P	P	
Hotels and motels						P	P			
Medical and dental offices					P	P	P	P	PS	

**Article 5: Base Zoning Districts and Principal Use Regulations**

Sec. 503: Use-Specific Standards

Subsection Sec. 503-A: Agricultural Uses on Lots between One and Five Acres

**TABLE 502-1: PERMITTED USE TABLE**

<b>PERMITTED USES</b> P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	<b>RESIDENTIAL ZONING DISTRICTS</b>				<b>BUSINESS ZONING DISTRICTS</b>					<b>USE-SPECIFIC STANDARDS</b>  <b>SEE SECTION:</b>
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>B-5</b>	
Mixed use buildings					PS				PS	<a href="#">Sec. 503-T</a>
Outdoor retail sales of plant materials and garden or lawn supplies						C				<a href="#">Sec. 503-U</a>
Personal service establishments					P	P	PS	PS	P	<a href="#">Sec. 503-V</a>
Private recreational uses (outdoors)					C	C	C	C	C	<a href="#">Sec. 503-W</a>
Research and development facilities							C	C		
Restaurants and taverns					C	C	C	C	C	<a href="#">Sec. 503-X</a>
Retail commercial uses					P	P			P	
Sales offices and showrooms						P	PS			<a href="#">Sec. 503-Y</a>
Service commercial uses					PS	P			PS	
Sexually oriented businesses						C				<a href="#">Sec. 503-Z</a>
Theaters and assembly halls						C				
Veterinarian offices (no boarding)					P	P			P	
<b>OTHER USES</b>										
Gas and oil wells	PS	PS	PS	PS	PS	PS	PS	PS	PS	<a href="#">Sec. 503-AA</a>
Wireless telecommunication facilities	C	C	C	C	C	P	P	P	C	<a href="#">Sec. 503-BB</a>



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## STAFF REVIEW

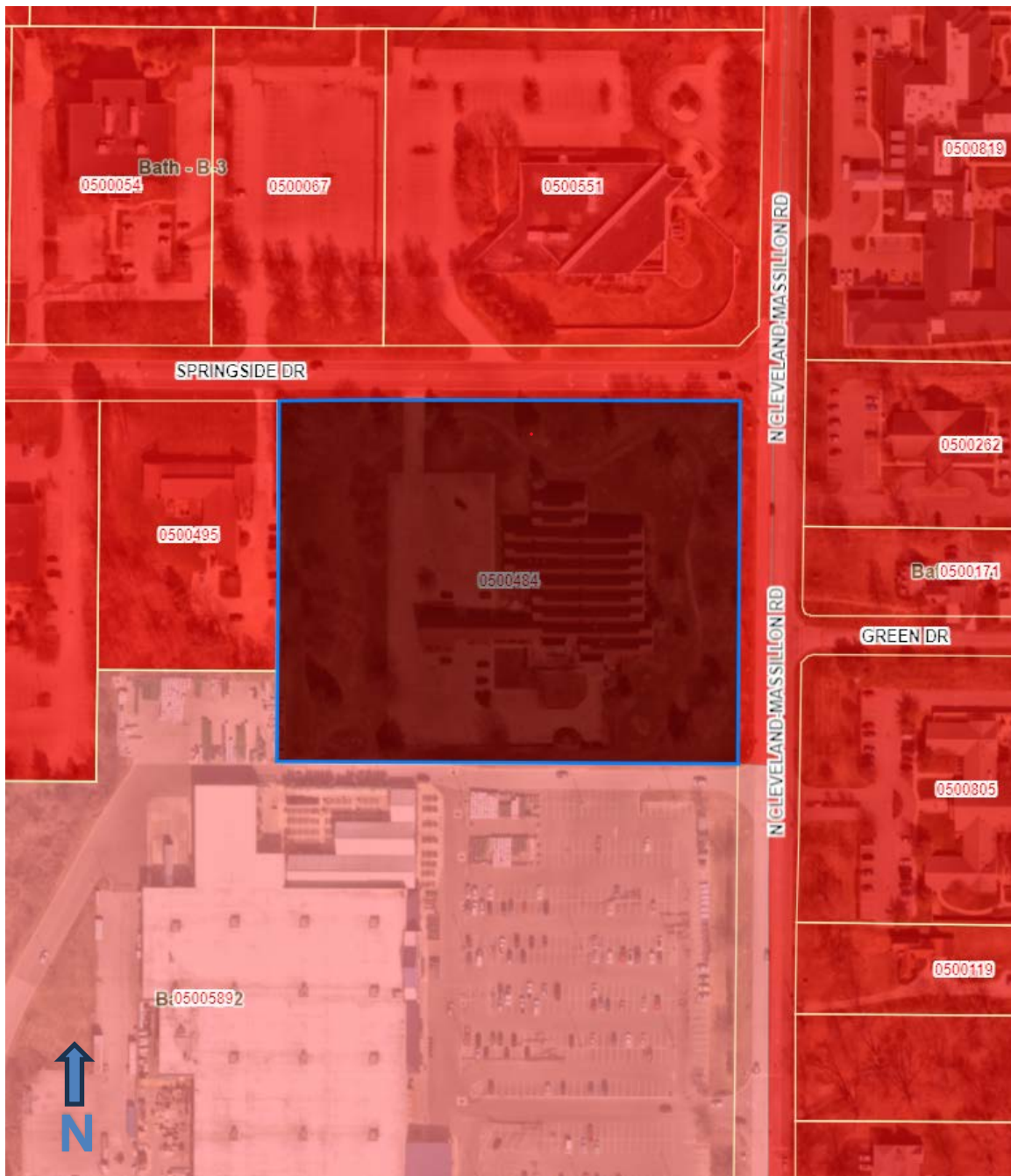
1. *Is the proposed zoning change reasonable given the nature of the surrounding area?* Yes, as there are adjacent B-2 zoned parcels.
2. *Can the property reasonably be used as currently zoned?* Yes.
3. *Is the proposed Map Amendment consistent with the objectives and goals of the Comprehensive Plan?* The Township does Comprehensive/Future Land Use Plan calls for this parcel to be General Office use, which is the current zoning.
4. *Is the proposed zoning change consistent with the stated purpose and intent of the zoning resolution and the applicable districts?* Yes.
5. *How will the proposed zoning change impact public services and facilities?* The proposed zoning should not impact public services and facilities.
6. *How will the proposed zoning change impact traffic, especially traffic safety?* The proposed change should not have an impact on traffic nor traffic safety.
7. *Will the proposed zoning change adversely affect adjoining properties?* The proposed change should not adversely affect the adjoining properties.
8. *Is this an appropriate location for the proposed use or are there other available locations better suited for it?* Yes, as there are adjacent B-2 zoned properties.
9. *Will the proposed zoning change, change the character of the neighborhood?* The character of the neighborhood should not change as there is are B-2 zoned parcels in the neighborhood currently.
10. *Has there been a change in conditions that renders the original zoning inappropriate?* No.

### Staff Comments:

- The site can be used as currently zoned.
- There are adjacent B-2 zoned parcels.
- The proposed change should not adversely affect the adjoining properties.

**Recommendation:** Staff recommends APPROVAL.







# Bath Township Zoning

Summit County, Ohio  
3864 West Bath Road - P.O. Box 1188 - Bath, Ohio - 44210-1188  
Phone: 330.666.4007 - Fax: 330.666.0305  
www.bathtownship.org

## Zoning Resolution/Map Amendment

For office use only:	Zoning Commission File No.:	23-02
----------------------	-----------------------------	-------

### Applicant Data

Name: Petitti Garden Centers - AJ Petitti  
Address: 25018 Broadway Ave. Oakwood Village, OH 44146  
Home Phone: 440-552-7357 Work Phone: 440-439-8636  
Legal Counsel: \_\_\_\_\_ Phone: \_\_\_\_\_

### Proposed Zoning Amendment Data - Rezoning

Legal description and/or address of the area proposed to be rezoned:

395 Springside Dr. Bath, OH 44333

Current Zoning District: (circle one) R-1 R-2 R-3 R-4 B-1 B-2 B-3 B-4 B-5  
Describe present land use: Office Building

The existing zoning is unreasonable and deprives the owner of his/her lawful and reasonable use of the property because:

We are looking to transform the existing office building into a retail garden center

Proposed Zoning District: (circle one) R-1 R-2 R-3 R-4 B-1 B-2 B-3 B-4 B-5  
Describe proposed land use: Retail Garden Center

Has applicant previously attempted a rezoning of this property? ☐ Yes ☒ No

If Yes above, when (if known): \_\_\_\_\_

Proposed Zoning Amendment Data – Text (attach additional sheets if necessary)

Article: \_\_\_\_\_ Section and sub-section: \_\_\_\_\_

Clearly state word(s) to be deleted and/or added:

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Affected Property Owners Listing

(name & tax mailing address – attach additional sheets if necessary)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

Contiguous Property Owners Listing

(name & tax mailing address – attach additional sheets if necessary)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

Applicant Certification

*Applicant must include supporting documentation as described in Article 3 of the Zoning Resolution in order for this application to be accepted.*

Applicant agrees to provide a copy of all deeds for land involved in a rezoning within twenty (20) days of the Board of Trustees approval.

Applicant is required to supply a digital copy of all required documents (i.e. .pdf file)

Applicant Signature: [Signature] Date: \_\_\_\_\_

Fee – due at time of application (make check payable to Bath Township Trustees)

\$750.00 plus applicable Summit County Recorder filing fees pd ck# 38069

For Office Use Only

**Summit County Planning Commission Recommendation**

Hearing Date(s): \_\_\_\_\_ ☐ Approved ☐ Approved w/modifications ☐ Denied

Modifications: \_\_\_\_\_

**Bath Township Zoning Commission Recommendation**

Hearing Date(s): \_\_\_\_\_ ☐ Approved ☐ Approved w/modifications ☐ Denied

Modifications: \_\_\_\_\_

**Bath Township Board of Trustees Action**

Hearing Date(s): \_\_\_\_\_ ☐ Adopted ☐ Adopted w/modifications ☐ Denied

Modifications: \_\_\_\_\_

Date of adoption: \_\_\_\_\_ Effective date: \_\_\_\_\_

Summit County Recorder fee: \_\_\_\_\_ Fee received from applicant? ☐ Yes ☐ NA

Amendment(s) filed with Summit County Recorder? ☐ Yes Date: \_\_\_\_\_

Amendment(s) filed with staff of Summit County Planning Commission? ☐ Yes Date: \_\_\_\_\_



SITE INFORMATION

PN: 060044  
PROPOSED PARCEL: +/- 6.037 ACRES (262,990 S.F.)  
ZONING DISTRICT: B-3 OFFICE, RESEARCH AND LIMITED  
BUSINESS DISTRICT  
PERMITTED USES:  
ADMINISTRATIVE FACILITIES  
OFFICES  
INSTITUTIONS  
OFFICE-LIKE RESEARCH  
SALES FACILITIES AND OTHER SIMILAR OR LIMITED  
COMMERCIAL ACTIVITIES

BUILDING SETBACK LIMITATIONS:

FRONT YARD SETBACK	75'
REAR YARD SETBACK	25'
ADJ. TO RESIDENTIAL	50'
SIDE YARD SETBACK	25'
ADJ. TO RESIDENTIAL	50'

PARKING SETBACK LIMITATIONS:

FRONT YARD SETBACK	30'
REAR YARD SETBACK	30'
SIDE YARD SETBACK	30'

REQUIRED PARKING SPACES:

PER THE ZONING CODE, ALL PARKING SPACES ARE 9' BY 18'.  
PARKING SPACES ADJOINING A LANDSCAPED AREA OF THE  
PARKING LOT MAY INCLUDE A 2' OVERHANG INTO THE  
LANDSCAPED AREA AS PART OF THE REQUIRED PARKING  
STALL LENGTH.

CODE REQUIREMENTS:

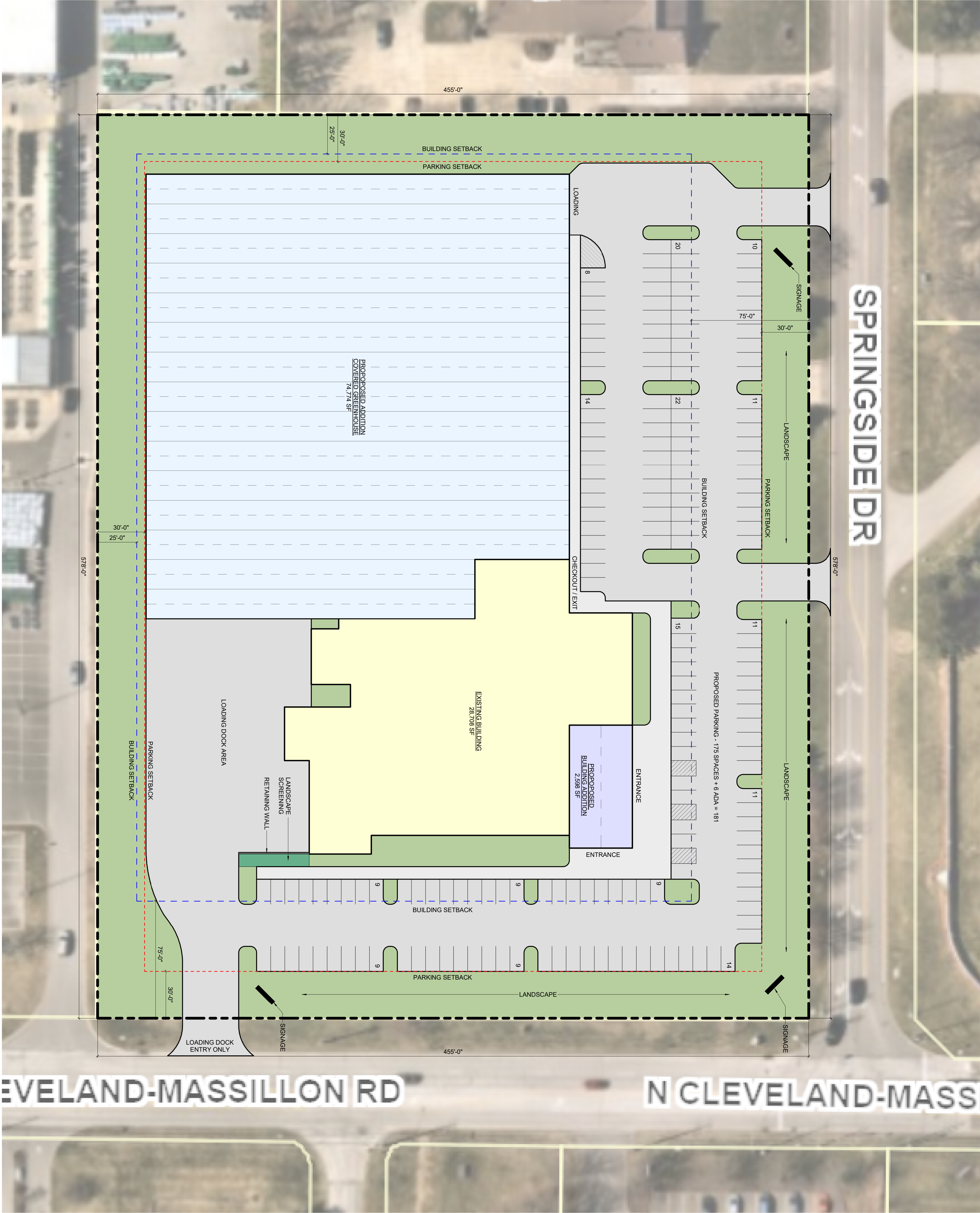
RETAIL AND SERVICE COMMERCIAL USES, SALES, OFFICES  
AND SHOWROOMS  
1 SPACE / 300 SF OF FLOOR AREA UP TO 20,000 SF.  
THEN 1 SPACE / 400 SF OF FLOOR AREA THEREAFTER.

\*PROPOSED AREAS CALCULATION:  
RETAIL = 108.34 SPACES (2,507/300)  
**TOTAL = 109 SPACES (ROUNDED UP FROM 108.34)**

PROVIDED PARKING SPACES:

**PROVIDED PARKING: 181 SPACES**

\*PROPOSED AREAS CALCULATION INCLUDES EXISTING  
BUILDING AND PROPOSED BUILDING ADDITION, EXCLUDES  
COVERED GREENHOUSE.



OVERALL SITE PLAN

PROJECT #: 17123      DATE: AUGUST 22, 2023

**PETITTI GARDEN CENTERS**

395 SPRINGSIDE DR.  
BATH, OH 44333

MANN • PARSONS • GRAY

ARCHITECTS

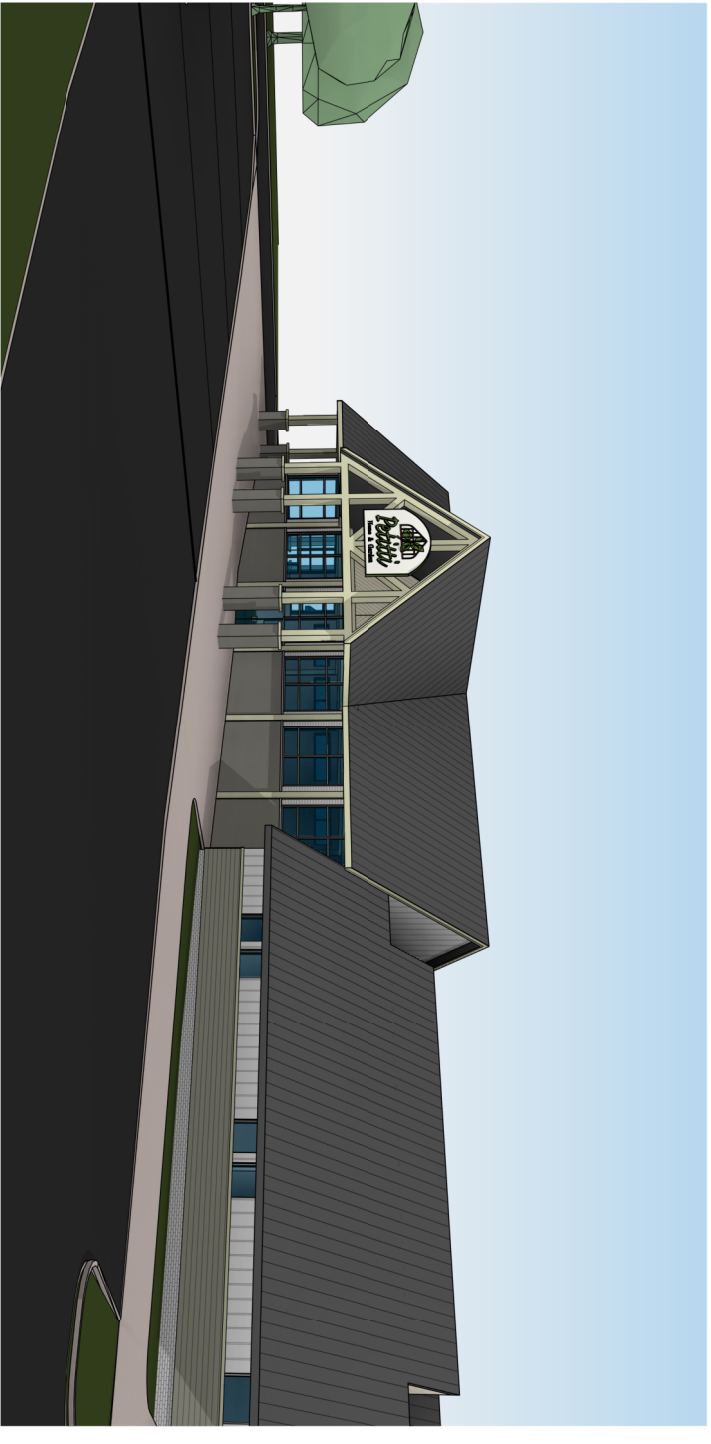
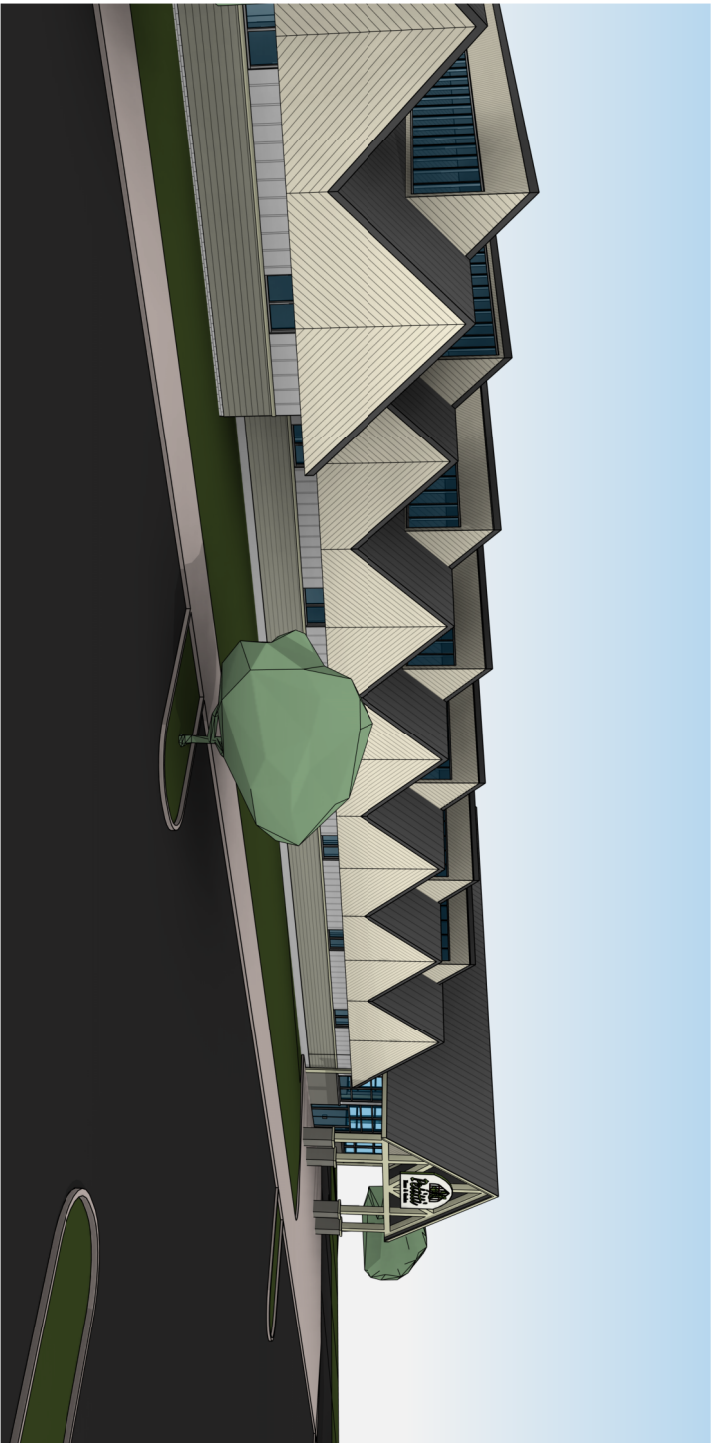
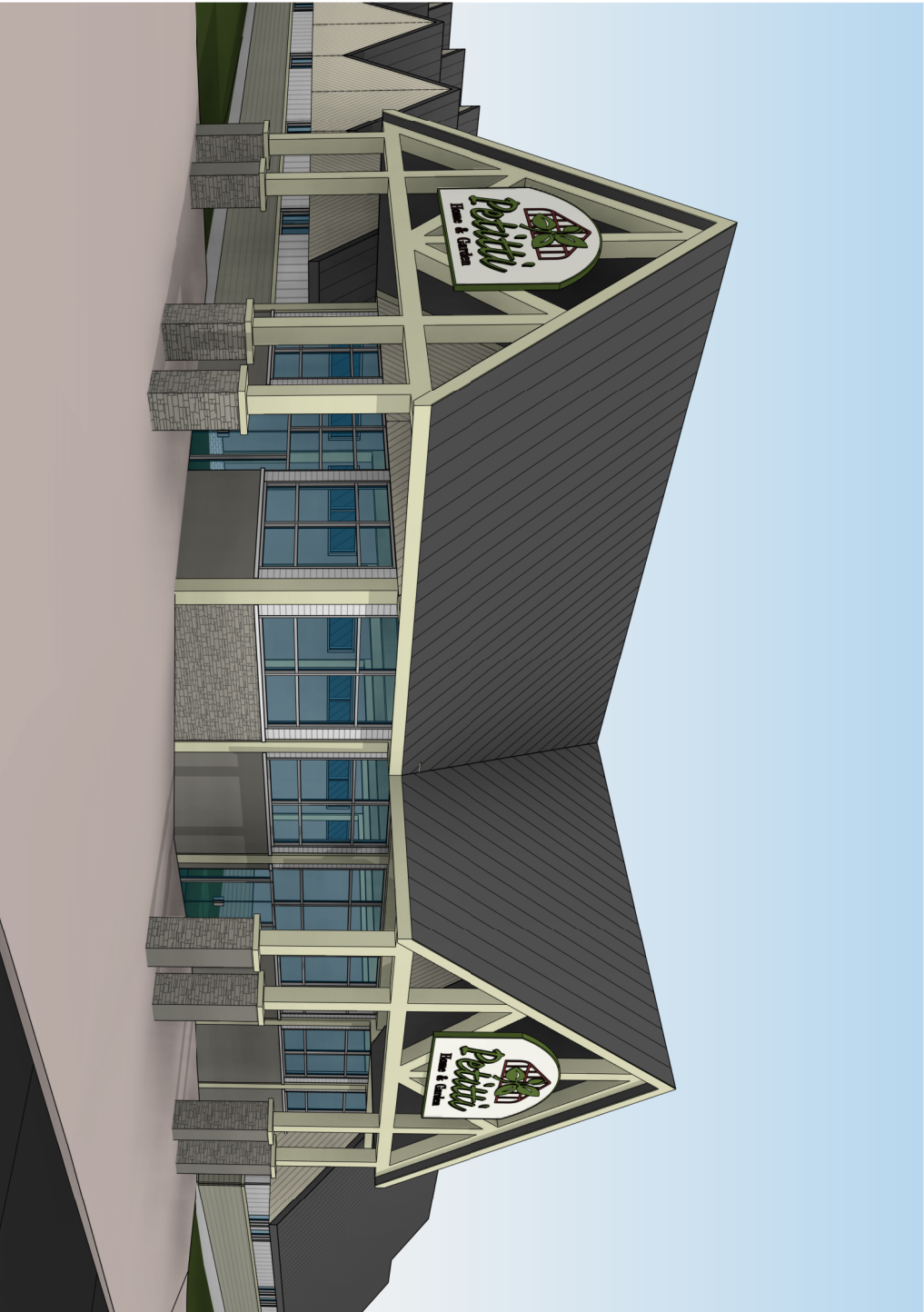
phone 330.666.5770

3660 Embassy Parkway  
Fairlawn, OH 44333

mpg-architects.com

PSK01





PROJECT INFORMATION

PETITTI GARDEN CENTERS  
DATE: AUGUST 24, 2023  
PROJECT NO. 17123

SHEET NAME

3D VIEWS

SHEET NO.

PSK02



Planning Commission  
Zoning Text Amendment  
**Signs**  
Springfield Township

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**Item No.:** 4  
**Meeting:** January 18, 2024  
**Applicant:** Springfield Township Zoning Commission  
**Proposal:** Signs  
**Processor:** Stephen Knittel

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**Proposal:** To amend the Springfield Township Zoning Resolution Section 13.05 Prohibited Signs, 13.07 Permitted Signs and 13.10 Nonconforming Sign Regulations to clarify the sections and restructure the items for ease of understanding.

**Existing Text:**

### **Section 13.05 Prohibited Signs**

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The following signs are specifically prohibited in Springfield Township:

- (A) Signs in the right-of way, unless specifically permitted in this article (See also [Section 13.04: Signs Exempt from this Article.](#));<sup>3</sup>

- (B) Pennants, banners (except under [Section 13.08\(D\): Temporary Signs for Special Events](#)), streamers and similar type devices intended to grab the attention of drivers or pedestrians;
- (C) Roof signs and signs that extend above or beyond the building façade, except as otherwise specifically permitted in this article;
- (D) Flags intended for advertising or commercial purposes;
- (E) Signs emitting sounds;
- (F) All portable advertising signs attached to trailers, boats or motor vehicles except those on licensed commercial delivery and service vehicles related to and regularly used in the normal course of business for a permitted use;<sup>3</sup>
- (G) Beacons and searchlights, except for emergency purposes;
- (H) Off-premise signs unless permitted as an outdoor advertising sign in accordance with [Section 13.07: Off-Premise Outdoor Advertising Signs \(Billboards\)](#);
- (I) Flashing, moving, inflatable, blinker, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices excepted when allowed as part of an electronic message center in [Section 13.07: Permitted Signs](#) or when permitted as an exemption in [Section 13.04: Signs Exempt from this Article](#);
- (J) Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes;
- (K) Permanent signs erected or attached to accessory structures;
- (L) Signs attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support and<sup>3</sup>
- (M) Signs imitating or resembling official traffic or governmental signs or signals.<sup>3</sup>
- (N) **ABANDONED SIGNS<sup>3</sup>**
  - (1) Any sign that no longer represents a bona fide business conducted on the premises for a period of 24 months.<sup>3, 5</sup>
  - (2) Such signs shall be removed by the owner, agent or property owner within 30 days of notice from the Springfield Zoning Office.



## Section 13.07 Permitted Signs

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The following are provisions for permitted, permanent signs that require a zoning certificate.

(A) **ON-PREMISE SIGNS FOR PUBLIC AND INSTITUTIONAL USES IN ANY DISTRICT**

- (1) One ground-mounted monument sign is permitted per front yard for any public or institutional use in any zoning district.<sup>3</sup>
- (2) The maximum sign area and height shall be in accordance with [Section 13.07](#).<sup>3</sup>
- (3) Signs shall be set back a minimum of 10 feet from the street right-of-way line and a minimum of 20 feet from any adjacent lot line. Where two signs are proposed on a corner lot, the minimum setback from any intersecting street right-of-way lines shall be 40 feet.
- (4) One wall sign, in addition to a ground mounted monument sign shall be permitted not to exceed 40 square feet or one square foot per lineal foot of building façade, whichever is less.<sup>3</sup>
- (5) **Changeable Copy**
  - a) Ground mounted monument signs may include a changeable copy area provided that it does not comprise more than 75 percent of the total sign area. See [Figure 13.07-1](#).<sup>3</sup>
  - b) The changeable copy may be an electronic message center, but in no case shall the copy contain moving animation or change copy more than one time per 10-seconds.
- (6) Ground mounted monument signs shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area. See [Figure 13.07-1](#).<sup>3</sup>



Figure 13.07-1: Illustration of a sign for an institutional use on a brick base with foundation plantings.

**(B) ENTRANCE MONUMENTS FOR RESIDENTIAL SUBDIVISIONS OR DEVELOPMENTS**

A maximum of two ground-mounted monument signs or a maximum of two signs attached to a fence or wall shall be permitted at each development entrance along a township, county, or state road under the following provisions:<sup>3</sup>

**(1) Ground-Mounted Monument Sign**

- a) One ground-mounted monument sign is permitted at each development entrance.
- b) The signs shall be setback 10 feet from the public right-of-way line.
- c) The maximum sign area shall be 32 square feet per side (two sides maximum).<sup>3</sup>
- d) The maximum height of the ground sign, including architectural support structure, shall be six feet.
- e) The zoning certificate shall include information suitable to identify an established mechanism to ensure the ongoing maintenance of the entire entrance structure, ground mounted sign, and associated landscaping.
- f) The sign shall not include any changeable copy.
- g) The sign shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.
- h) No sign shall bear a commercial message; and
- i) Illuminated signs shall only use external lighting sources.

**(2) Wall Signs Attached to a Fence or Wall**

- a) Up to two wall signs shall be permitted at each development entrance in lieu of ground mounted sign(s).<sup>3</sup>
- b) The walls or fence shall be setback a minimum of 10 feet from the public right-of-way line.<sup>3</sup>
- c) The maximum sign area shall be 32 square feet per sign.<sup>3</sup>
- d) The sign shall not exceed the height of the fence or wall to which it is attached.
- e) The zoning certificate shall including information suitable to identify an established mechanism to ensure the ongoing maintenance of the sign(s), supporting structure and associated landscaping.<sup>3</sup>
- f) The wall or fence that bears the sign shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.<sup>3</sup>
- g) The sign shall not include any changeable copy.
- h) No sign shall bear a commercial message; and
- i) Illuminated signs shall only use external lighting sources.

**(C) ON-PREMISE SIGNS IN NONRESIDENTIAL DISTRICTS**

The following regulations apply to permanent signs in nonresidential districts that require a zoning certificate.

**(1) Ground Mounted Monument Signs**

- a) Ground mounted monument signs are permitted in accordance with [Table 13.07-A](#), only where the principal building is located a minimum of 12 feet from the right of way.<sup>3</sup>
- b) All signs shall be located a minimum of 35 feet from an adjacent lot line in a residential district.
- c) Signs must display the street address. If typeface is 3 inches or less in height it will not be calculated as part of the sign area.<sup>3</sup>
- d) Ground mounted monument signs shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area. See [Figure 13.07-1](#).<sup>3</sup>
- e) **Changeable Copy**
  - (i) Ground mounted monument signs may include a changeable copy sign provided that it does not comprise more than 50 percent of the total sign area.
  - (ii) The changeable copy may be an electronic message center, but in no case shall the copy change more than one time per 10-seconds.

**TABLE 13.07-A: GROUND MOUNTED MONUMENT SIGNS<sup>3</sup>**

BUILDING SETBACK [1]	MAXIMUM NUMBER	MAXIMUM AREA	MAXIMUM HEIGHT	MINIMUM FRONT SETBACK [1]
Less than or equal to 12 feet	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Greater than 12 feet but less than 30 feet	1 per lot [2]	24 sq. ft.	8 ft.	10 ft.
Greater than 30 feet but less than 50 feet	1 per lot [2]	36 sq. ft.	8 ft.	10 ft.
Greater than 50 feet	1 per lot [2]	48 sq. ft.	8 ft.	10 ft.
Entrance and Exit Signs	2 per driveway	3 sq. ft.	3.5 ft.	5 ft.

[1] Measured from right of way  
[2] Except as permitted in [Section 13.07\(C\)\(1\)\(f\)](#) for lots that exceed 300 feet of street frontage on any one street.

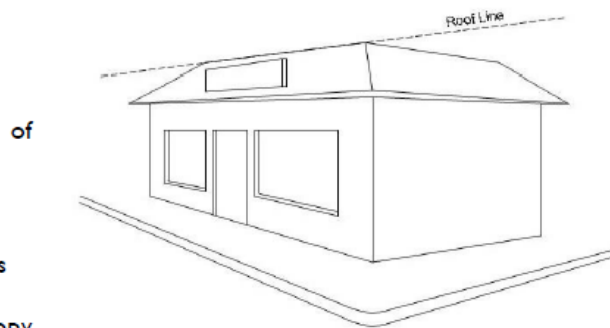
**f) Additional Ground Mounted Monument Signs<sup>3</sup>**

- (i) One additional ground mounted monument sign shall be permitted for frontage exceeding 300 feet. On corner lots each street frontage shall be calculated separately.
- (ii) Multiple signs on the same street frontage shall be separated by a minimum of 200 feet measured along the right of way line.
- (iii) In no case shall more than 3 ground mounted monument signs be permitted on a single property.

**(2) Wall, Projecting, Canopy, or Awning Signs**

- a) Signs shall display the address of the property of where it is located if not included as part of another permitted sign on the premise. If letters are 3 inches or less it will not be calculated as part of the sign area.<sup>3</sup>

- b) Wall signs (integral or attached to a building), projecting, canopy, or awning signs are permitted in accordance with the following:
- c) One projecting sign is permitted only where there exists 12' or less distance from building face to right of way or property line.<sup>3</sup>
- d) Projecting signs shall have 8 foot minimum height to bottom of sign and 12 foot maximum height to top of sign.<sup>3</sup>
- e) Projecting signs may extend 4 feet maximum from face of building and/or 3 feet horizontal distance from edge of sign to right of way line.<sup>3</sup>
- f) No projecting sign shall be located closer than 30 feet to another projecting sign.<sup>3</sup>
- g) No signs shall not block any doorways, windows or other means of ingress or egress.<sup>3</sup>
- h) The maximum area of any combination of wall, projecting, canopy, or awning signs on a single structure or tenant space shall not exceed one square foot per lineal foot of building or tenant frontage with a total not to exceed 150 square feet of sign area.<sup>3</sup>
- i) The above ratio applies to the primary frontage of a building. If a building has a secondary frontage as defined in [Section 13.03\(B\)](#) the allowance shall be 60% of the sign area allowed for the primary frontage.<sup>3</sup>
- j) Awning signs may extend over a pedestrian way and shall have a minimum clearance of eight (8) feet from the ground to the bottom of the awning and must maintain a minimum of 5 feet horizontal distance from the street right of way line.<sup>3</sup>
- k) **Changeable Copy**
  - (i) Wall, projecting or canopy signs may include changeable copy provided that it does not comprise more than 25 percent of the total sign area.<sup>3</sup>



- l) No signs feet canopy
- m) No sign shall project above the roof line. See [Figure 13.07-1](#).

(ii) The changeable copy may be an electronic message center, but in no case shall the copy consist moving animation or change more than one time per 10-seconds.

sign, except for projecting shall extend more than two beyond any building façade, façade, or wall.

Figure 13.07-2; Illustration of roof line.

**(3) Multi-Tenant Identification Signs<sup>3</sup>**

- a) Multi-tenant identification signs are permitted in all commercial and industrial districts.
- b) In addition to the sign allowance listed in [Table 13.07-AB](#), 18 square feet is allowed for the development or business complex name, if desired.
- c) All signs shall be set back a minimum of 35 feet from any adjacent lot line in a residential district or 15 feet from a non-residential lot line. Where multiple signs are permitted due to the street frontage, such signs shall be separated by a minimum of 500 feet measured along the right of way line.
- d) When a multi-tenant identification sign is permitted on a site it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.
- e) Such signs shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area. See [Figure 13.07-1](#).
- f) Signs shall display the address or address range of the tenant spaces. If typeface is 3 inches or less it will not be calculated in total sign area.
- g) Changeable copy is not permitted on a multi-tenant sign.

**TABLE 13.07-B: MULTI TENANT IDENTIFICATION SIGNS<sup>3</sup>**

GROSS LEASABLE AREA	MAXIMUM NUMBER	MAXIMUM AREA	MAXIMUM HEIGHT	MINIMUM SETBACK FROM RIGHT-OF-WAY
Up to 25,000 sq. ft.	1 per lot [2]	50 sq. ft. or 10 sq. ft. per tenant space	8 feet	10 feet
25,001 sq. ft. to 75,000 sq. ft.	1 per lot [2]	100 sq. ft. or 10 sq. ft. per tenant space	15 feet	20 feet
Greater than 75,001 sq. ft.	1 per lot [2]	150 sq. ft. or 10 sq. ft. per tenant space.	15 feet	20 feet
Entrance and Exit Signs	2 per driveway	3 sq. ft.	3.5 ft.	5 feet

[2] Except as permitted in [Section 13.07\(C\)\(1\)\(1\)e](#) for lots that exceed 500 feet of frontage on any one street.

**h) Additional Multi-Tenant Signs<sup>3</sup>**

- (i) One additional multi-tenant sign shall be permitted for frontage exceeding 500 feet. On corner lots each street frontage shall be calculated separately
- (ii) Signs on the same lot shall be separated by a minimum of 300 feet measured along the right of way line.
- (iii) In no case shall more than 3 ground multi-tenant signs be permitted on a single property.

**(4) Freestanding Pole Signs<sup>3</sup>**

- a) Permitted within 660 feet of the I-77 ramp right-of-way.
- b) Only one freestanding pole sign shall be allowed per lot.
- c) Maximum sign area shall be 100 square feet.
- d) Maximum height shall be 75 feet.
- e) Illuminated signs shall only use internal lighting sources.

**(5) Menu Boards, Sandwich Boards, or A-Frame Signs**

Menu boards, sandwich board, or similar A-frame signs may be permitted, without a zoning certificate, under the following provisions:

- a) A maximum of one sign shall be permitted for each business or establishment.
- b) The maximum sign areas shall be six square feet with a maximum height of four feet.
- c) The sign shall only be permitted on the sidewalk adjacent to the business during business hours and only when a minimum sidewalk clearance width of four feet can be maintained for pedestrian safety.
- d) The sign shall not be illuminated.



## **Section 13.10 Nonconforming Sign Regulations**

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- (A) Any sign lawfully existing on the effective date of an amendment to this article that does not conform to all the standards and regulations of the current resolution shall be deemed to be legally nonconforming.
- (B) A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards, or demountable material on nonconforming signs shall be permitted with the issuance of a zoning certificate. This shall allow for the reimaging of a sign when there is a change in ownership or use provided that the nonconformity is not expanded. However, in no case shall the support structure of the sign be altered.
- (C) Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs, and neon tubing repair shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article.
- (D) **DAMAGE OF A NONCONFORMING SIGN**
  - (1) If a nonconforming sign is damaged and/or destroyed, the owner may replace the sign with one that conforms to the regulations contained in this resolution. Such work shall require the owner to submit an application for, and receive an approved, zoning certificate.
  - (2) If the owner voluntarily removes the sign or reduces the sign height or sign area, that owner shall not be permitted to rebuild the sign to the original height, size, shape, or on the same structure and shall be required to bring the sign into compliance with these regulations to the maximum extent feasible.
- (E) **TERMINATION OF A NONCONFORMING SIGN**

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this article or removed, when any one of the following occur:

  - (1) The size or shape of the sign or the sign structure is voluntarily changed by the owner;
  - (2) The use to which the nonconforming sign is accessory is vacant for two years.

## Proposed Text Amendments:

Exhibit A

### Section 13.05 Prohibited Signs (N) & (O) amended and added to read:

#### (N) ABANDONED SIGNS

##### 1) The following constitute abandoned signs:

- a) Any sign that no longer ~~represents~~ **advertises** a bona fide business conducted on ~~or from the premises for a period of 24 months or more,~~ or
- b) A sign structure ~~that has no panels installed for 24 months or more;~~ or
- c) The bona fide business ~~listed on the sign~~ ceased operation for 24 months or more.

2) Such signs shall be removed by the **business** owner, agent, or property owner within 30 days of ~~notice from the Springfield Zoning Office~~ **being abandoned**.

#### (O) Free standing pole signs except where permitted pursuant to Section 13.07(C)(4).

### Section 13.07 Permitted Signs (C) amended and corrected to read:

#### (C) ON-PREMISE SIGNS IN NONRESIDENTIAL DISTRICTS

##### 2) Wall, Projecting, Canopy, or Awning Signs

- g) No signs shall ~~not~~ block any doorways, windows or other means of ingress or egress.



4) Freestanding Pole Signs

- a. a) Permitted **only** within 660 feet to the I-77 ramp right-of-way **and subject to the requirements below:**
- b. i) Only one free-standing pole sign shall be allowed per lot.
- c. ii) The maximum sign area shall be 100 square feet.
- d. iii) The maximum height shall be 75 feet.
- e. iv) Illuminated signs shall only use internal lighting sources.

**Section 13.10 (D) and (E) amended to read:**

D) DAMAGE OF A NONCONFORMING SIGN

(1) If a nonconforming sign **structure** is damaged and/or destroyed, the owner ~~may~~ **must** replace the sign with one that conforms to the regulations contained in this resolution. Such work shall require the owner to submit an application for, and receive an approved, zoning certificate.

E) TERMINATION OF A NONCONFORMING SIGN

A Legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this article or removed, when any one of the following occur:

- 1) The size or shape of the sign structure is ~~voluntarily~~ changed by the owner;
- 2) The use to which the nonconforming sign is ~~accessory is vacant for two years~~ **abandoned pursuant to section 13.05 (N).**

**Recommendation:** Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**.



*Planning Commission*  
**Zoning Text Amendment**  
**R-CD**  
Copley Township

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**Item No.:** 5  
**Meeting:** January 18, 2024  
**Applicant:** Copley Homeowners Association  
**Proposal:** **R-CD**  
**Processor:** Stephen Knittel

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**Proposal:** The applicant has proposed that the Copley Township Zoning Resolution be revised to remove the zoning district of Residential Conservation Development.

**Existing Text:**

The primary objective of conservation development zoning is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property.

These regulations may be applied in any Residential zoning district, as specified below, and are intended to achieve these corollary purposes:

To maximize protection of the community's natural resources by:

1. Avoiding development on and destruction of sensitive natural resource areas;
  2. Reducing the quantity and improving the quality of storm water runoff from expected development;
  3. Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams);
  4. Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and discouraging the use of plants that are non-native invasive species; and
  5. Conserving areas of prime agricultural soils, to the extent possible.
  6. To conserve (within the framework of natural resource conservation) the quality of ruralness in a community which is characterized by:
    - a. Large, aggregated, undeveloped land areas;
    - b. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows and rock outcroppings;
    - c. Scenic vistas and rural views;
    - d. Significant historic features such as old barns, heritage trees, etc.;
    - e. Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces; and/or
    - f. Appropriate topographic or vegetative screening.
  7. To encourage more efficient use of land and public services through unified development.
  8. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
-

9. To establish a review process which maintains local review and approval of the overall development plan and which results in the timely consideration of an application.
10. To ensure that the proposed Conservation Development complies with the objectives of Copley Township as expressed in this Township Zoning Resolution and the Township Comprehensive Land Use Plan.

## **B. DEFINITIONS**

For the purpose of these regulations the following terms, whenever used in these regulations, shall have the meaning herein indicated:

1. **ACTIVE RECREATION, PRIVATE:** Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at prescribed places, sites or fields. Examples of private active recreation facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For the purpose of these regulations, private active recreation facilities do not include paths for bike riding, hiking, and walking and picnic areas.
2. **ASSOCIATION:** A legal entity operating under recorded land agreements or contracts through which each unit owner in a conservation development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining restricted open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, community association, condominium association or other similar entity.
3. **BUILDING ENVELOPE:** An area within a conservation development that is designated as a location within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the township zoning regulations. A building envelope may or may not be located within a subplot and may or may not have frontage on a public street.

4. **BUFFER:** A designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained.
  - a. **LAND USE BUFFER:** Land area used to separate or visibly shield and/or screen one use from another.
5. **COMMON AREA:** Any land area, and associated facilities, within a conservation development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.
6. **COMMON DRIVE:** A private way which provides vehicular access to at least two but not more than five dwelling units. A Common Drive is not permitted to serve property outside the Conservation Development and may be constructed with narrower pavement widths than required by the County Subdivision Regulations for public streets provided they are approved by the Architectural Review Board, Township Fire Chief, and the County. The location of all Common Drives shall be shown on the plan approved by the Architectural Review Board.

Illustration of Common Drive  
(Lots 5-9 and Lots 10-14)



7. **CONSERVATION DEVELOPMENT:** A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.
  8. **CONSERVATION EASEMENT:** A legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property as authorized by O.R.C. §§ 5301.67 through 5301.70.
  9. **DEVELOPMENT PLAN:** A proposal including drawing(s) and map(s) for a conservation development, prepared in accordance with these regulations, illustrating the proposed design, layout and other features for the development and including all elements set forth in this Article.
  10. **DWELLING, DETACHED SINGLE-FAMILY:** A building designed for, or used exclusively for, residence purposes by one family situated on a parcel having a front, side, and rear yard.
  11. **DWELLING, SINGLE-FAMILY ATTACHED:** Dwelling units that are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.
  12. **DWELLING, SINGLE-FAMILY, CLUSTER:** A building that is designed and used exclusively by one family and separated from all other dwelling units by air space from ground to sky, which is grouped with other dwellings on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.
  13. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The agency with the overall responsibility for administering the National Flood Insurance Program.
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- 14.FLOODPLAIN:** Any land susceptible to being inundated by water from any source. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.
- 15.FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 16.INVASIVE SPECIES:** Organisms that harm, or have the potential to harm, the environment, economy, or human health; species so listed shall be as defined by the Ohio Department of Natural Resources.
- 17.ISOLATED LAND:** Any portion of the subdivision parcel that is separated from the remainder of the parcel by an excessively steep slope, water body, or other feature that would not support a road under normal building standards, rendering the portion unbuildable.
- 18.LAND TRUST:** A non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agricultural land, and which is permitted to hold conservation easements under O.R.C. § 5301.68.
- 19.LOT or SUBLOT:** For the purposes of the conservation development regulations, a lot or subplot shall be a parcel of land owned fee simple and intended for a single dwelling unit whether or not such lot or subplot is located with frontage on a dedicated street.
- 20.NATURAL FEATURE:** An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.
- 21.OPEN SPACE:** An area that is intended to provide light and air. Open space may include, but is not limited to, meadows, wooded areas, and water bodies. See also Restricted Open Space.
- 22.O.R.C. §:** Ohio Revised Code section number.



- 23. PERENNIAL STREAM:** A natural waterway that contains water throughout the year except in severe drought.
- 24. PROJECT BOUNDARY:** The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a conservation development. The term “project boundary” shall also mean “development boundary”.
- 25. PUBLIC IMPROVEMENT:** Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.
- 26. RESTRICTED OPEN SPACE:** Open space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements that is restricted from further development according to the provisions of this Article.
- 27. SETBACK:** The required distance between a structure and a lot line, street right-of-way, pavement, stream or riverbank, wetland or other delineated site feature.
- a. RIPARIAN SETBACK:** A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit erosion.
  - b. WETLANDS SETBACK:** An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.
- 28. STANDARD SUBDIVISION:** A major or minor subdivision, as defined by the Ohio Revised Code, in which property is subdivided into lots having the minimum front, side and rear yards as specified by the Zoning Resolution and with each lot having the requisite frontage on a dedicated public street.
- 29. STREAM BANK OR RIVER BANK:** The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.

**30. WALKWAY:** A public way, four or more feet in width, for pedestrian use only, not located within the street right-of-way.

**31. WETLAND:** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

### **C. PERMITTED USES**

The following uses shall be permitted based on the type of development proposed:

- 1.** Conservation Development in accordance with the regulations set forth in this Article:
  - a.** Detached single-family dwellings;
  - b.** Single-family cluster dwellings;
  - c.** Single-family attached dwellings;
  - d.** Recreation facilities for use by residents;
  - e.** Restricted open space as required in Section 3.06 E.
- 2.** Standard detached single-family dwellings in accordance with the regulations set forth in Article 3 of this Resolution.
- 3.** Agriculture in accordance with the provisions of O.R.C. § 519.021.
- 4.** Private stable and/or bridle trails.

#### **D. MINIMUM PROJECT AREA FOR CONSERVATION DEVELOPMENT**

1. The gross area of a tract of land proposed for development according to the conservation development option shall be a minimum of twenty-five (25) acres, but shall not include area within any existing public street rights-of-way.
2. The area proposed shall be in one ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development.

#### **E. PERMITTED DENSITY/RESTRICTED OPEN SPACE**

1. The minimum restricted open space shall be forty percent (40%) of the total project area.
2. The maximum density shall be twenty percent (20%) greater than that allowed in the underlying zoning district. The maximum number of dwelling units permitted in a conservation development shall be calculated by:
  - a. Deducting the following from the total project area:
    - i. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
    - ii. Where the underlying minimum lot size exceeds 1/2 acre: The area of a floodway, designated wetlands, isolated land, slopes exceeding twenty-five percent (25)%, or waterbody that exceeds the minimum acreage required for restricted open space as set forth above. Where floodways and wetlands overlap, they shall be counted only once.
  - b. Multiplying the result of subsection 1 by the maximum density permitted per acre as set forth in this Section above.
  - c. In any proposed conservation development not served by centralized sewer and water, the allowable maximum density may be increased by an additional five percent (5%), to a total of twenty-five percent (25%) greater than that allowed in the underlying zoning district, if the applicant will increase the percentage of restricted open space from forty percent (40%) to fifty percent (50%).

## **F. REGULATIONS FOR RESTRICTED OPEN SPACE**

- 1. General standards:** The restricted open space required in Section 3.06 E shall comply with the following:
  - a.** Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
  - b.** Areas designated for restricted open space purposes may be:
    - i.** Preserved in its natural state,
    - ii.** Designed and intended for the use and/or enjoyment of residents of the proposed development,
    - iii.** Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
  - c.** Where possible, restricted open space shall be connected with open space areas on land adjacent to the development; and also shall be connected within the project.
  - d.** Sewage service, stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, easements satisfactory to the Summit County Engineer, and any other governmental entity with regulatory authority over such facilities, shall be established to require and enable maintenance of such facilities by the appropriate parties.
  - e.** In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
  - f.** Public road rights-of-way;
    - i.** Parking areas, accessways and driveways;
    - ii.** Required setbacks between buildings, parking areas and project boundaries;

- iii. Required setbacks between buildings and streets;
  - iv. Minimum spacing between buildings, and between buildings and parking areas;
  - v. Private yards;
  - vi. A minimum of fifteen (15) feet between buildings and restricted open space; and
  - vii. Other small fragmented or isolated open space areas that have a dimension less than fifty (50) feet in any direction.
- g. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes. The maximum percentage of the total project area that may be developed for active recreation areas, including a community center, shall be no greater than five percent.
  - h. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
  - i. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.
2. Prohibition of Further Subdivision of Restricted Open Space: Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township Solicitor and duly recorded in the Records Division of the Summit County Fiscal Officer.
3. Ownership of Restricted Open Space: Subject to such permanent restriction as set forth above restricted open space in a conservation development may be owned by an association, the township, a land trust or other conservation organization recognized by the township, or by a similar entity, or may remain in private ownership.

- a. Offer of Dedication: The Township may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.
  - b. Association: Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity. The Township Solicitor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
    - i. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
    - ii. The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.
  - c. Transfer of Conservation Easements: With the permission of the township, the owner(s) of the restricted open space may, in accordance with the provisions of O.R.C. §§ 5301.67 - 5301.70, grant a conservation easement to any of the entities listed in O.R.C. § 5301.68, provided that:
    - i. The entity is acceptable to the township;
    - ii. The provisions of the conservation easement are acceptable to the township; and
    - iii. The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under O.R.C. § 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
  - d. Private Ownership of Restricted Open Space: Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.
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## **G. DEVELOPMENT AND SITE PLANNING STANDARDS**

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

1. Ownership: Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.
2. Lot Requirements:
  - a. Units are not required to be on lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or attached dwelling units are included as part of a conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.
  - b. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.
3. Perimeter Building Regulations:
  - a. The minimum setback from an existing public street shall be one hundred (100) feet.
  - b. The minimum setback from the project boundary shall be one hundred (100) feet.
4. Interior Building Setback/Spacing Regulations:
  - a. The minimum setback from a proposed local public right-of-way shall be fifteen (15) feet.

- b.** The minimum separation between dwellings shall be fifteen (15) feet.

5. Height: The maximum building height shall be thirty-five (35) feet.

6. Resource Protection Regulations:

- a.** Floodway Protection: Within a floodway, all buildings, structures or land shall be permitted to be used only for uses listed below. These restrictions also apply to subsequent erection, alteration, enlargement, repair, moving, or design of structures within the floodway.

- i.** Agriculture, provided however, that no livestock may be housed within the floodway ;

- ii.** Public or private parks and outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc.;

- iii.** Fencing that allows the passage of water.

- iv.** Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geotextiles with sand, gravel and sod.

- b.** Wetlands Protection: Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following:

- i.** A setback area, measured from the edge of the designated wetland, shall be established that is consistent with the wetland setback requirements of the Summit County Riparian Ordinance Title 7: Chapter 937. The area within this buffer shall not be disturbed and shall be retained in its natural state; and

- ii.** A minimum construction setback of thirty five (35) feet, measured from the edge of the designated wetland.

- c.** Conservation of Riparian Zones:



- i. A riparian setback shall be provided along the entire length and on both sides of a river or perennial stream channel. The setback area shall conform with the requirements of the Zoning Resolution.
- ii. Walkways may be permitted to be located within riparian setbacks when the Architectural Review Board, based on consultation with the Summit County Soil & Water Conservation District, determines that such will create minimal change to the riparian setback.

**7. General Street Design Criteria:**

- a. Street alignments should follow natural contours and be designed to conserve natural features.
- b. Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
- c. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

**8. Pedestrian Circulation Systems:**

- a. A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the restricted open space system and need not always be located along streets.
- b. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

**9. Sewage Disposal:** Development shall be served by individual or public sewage disposal structures consistent with the Summit County systems. Individual sewage disposal systems shall comply with all applicable regulations of the appropriate system, whether Summit County Department of Environmental Services, Summit County Health Department, or City of Akron, and may be located within restricted open space areas when approved by the township and the appropriate system,

whether Summit County Department of Environmental Services, Summit County Health Department, or City of Akron.

10. Modifications: In the event the Architectural Review Board, determines that certain standards set forth in this section do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving 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.

## **H. DEVELOPMENT DESIGN CRITERIA**

In addition to the development and site planning standards set forth in this Article, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this district.

1. Conservation of Sloping Land: The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.
2. Conservation of Woodlands, Vegetation and other Natural Areas: The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and treelines between fields or meadows, especially those containing significant wildlife habitats.
3. Conservation of Wildlife Habitats: Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources should be protected.
4. Conservation of Prime Farmland: Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.

5. Conservation of Existing Scenic Vistas and Visual Quality of the Environment: Scenic views and vistas shall be unblocked and uninterrupted to the extent possible, particularly as seen from existing and proposed public thoroughfares. New construction shall be hidden from view to the extent possible through the use of vegetative and landform buffers. Building setbacks along the project boundary shall be sufficient to provide visual protection for existing residences. Buildings shall not be located on prominent hilltops and ridges.
6. Conservation of Cultural Resources: Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

## I. PROJECT REVIEW PROCEDURES

Under the authority established in O.R.C. § 519.021(A), the Township Architectural Review Board shall review development plans for a proposed conservation development according to the procedures set forth in this Section.

1. Submission of General Development Plan: The applicant shall submit a General Development Plan application to the township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Article. The application and documentation shall include, but not necessarily be limited to:
  - a. Identification of existing site characteristics, including a general depiction of:
    - i. Boundaries of the area proposed for development, dimensions and total acreage;
    - ii. Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.
    - iii. Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal

Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;

- iv.** Existing soil classifications;
  - v.** Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
  - vi.** Delineation of existing drainage patterns on the property, existing wells and well sites;
  - vii.** Description of significant existing vegetation by type of species, health, quality, etc.;
  - viii.** Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary;
  - ix.** Description of all structures and areas of known or potential historical significance; and
  - x.** Existing viewsheds and identification of unique vistas.
- b.** The preliminary site plan shall be drawn at a scale not less than one inch (1") = one hundred feet (100)', except that projects over two hundred (200) acres may be drawn at a scale of one inch (1") = two hundred feet (200'), and shall include:
- i.** A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of restricted open space to be conserved;
  - ii.** A sketch layout of standard single family lots, if any;
  - iii.** The location of the restricted open space and any proposed recreational facilities;
  - iv.** Natural features to be conserved and any required buffer areas;
  - v.** Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;

- [illegible]

- c. Appropriate local township administrative officials, including the Township Solicitor, the Township Service Department and Township emergency services personnel.
- d. Consultants retained by the township.

All comments from the above reviews shall be returned to the township within forty-five (45) days from the date distributed.

- 4. Site Visit: The Township Architectural Review Board shall, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.
- 5. Review and Approval by Township: The Township Architectural Review Board shall review the general development plan and the comments received from Section C above. The Township Architectural Review Board shall take action on the submitted general development plan by either:
  - a. Approving the general development plan as submitted; or
  - b. Approving the general development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or denying approval of the general development plan. Failure of the Architectural Review Board to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the general development plan.
- 6. Significance of Approved Plan: Approval of the general development plan shall:
  - a. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
  - b. Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved general development plan.

- c. Provide the benchmark for the Township Architectural Review Board to consider amendments to the general development plan when the Township Architectural Review Board determines that the amended plan is equal to or better than the approved general development plan.
  - d. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.
- 7. Final Development Plan: After a general development plan has been approved, an applicant shall submit for review and approval a final development plan. The final development plan may be submitted either for the entire project or for each construction phase.
  - a. Submission Requirements: The final development plan shall include:
    - i. A site plan drawn at a scale not less than one inch (1") = one hundred feet (100)' indicating:
      - 1. Boundaries of the area proposed for development, accurate dimensions and total acreage;
      - 2. The exact location and dimension of public street rights-of-way and common drives;
      - 3. Exact location of building envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
      - 4. Dimensions of building/unit spacing;
      - 5. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones; and
      - 6. Designated restricted open space areas and a description of proposed open space improvements.
    - ii. A grading plan drawn at a scale of one inch (1") = one hundred feet (100)', showing all information pertaining to surface drainage.

- iii. A detailed landscaping plan for new landscaping, including entry features and signs.
  - iv. The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
  - v. Conditions imposed by other regulatory agencies.
- b. Review For Completeness: Within ten (10) business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection G.1, above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.
- c. Distribution of Final Development Plan: The Zoning Inspector shall distribute the final development plan application to the Architectural Review Board, the Township Solicitor, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Architectural Review Board prior to the time of the Commission's review.
- d. Review by the Township Solicitor: The Township Solicitor shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions, and maintenance agreements, and all financial guarantees associated with the foregoing, to be imposed upon the conservation development. He/she shall provide a written opinion to the Architectural Review Board documenting that the above demonstrate full compliance with the requirements of this Article and provide assurance that the Township will not have to assume financial responsibility for insuring that the conservation development will remain in full compliance with those requirements.



- e. Review and Approval by Township: The Architectural Review Board shall review the final development plan and the comments received from Section B.3 and B.4 above. The Architectural Review Board shall determine if the final development plan is in compliance with the general development plan and take action on the submitted final development plan by either:
  - i. Approving the final development plan as submitted; or
  - ii. Approving the final development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
  - iii. Denying approval of the general development plan:  
Failure of the Architectural Review Board to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the general development plan.
- 8. No property may be occupied until the provision of infrastructure, utilities and improvements called for in the final development plan have been completed as determined by the Zoning Inspector and a certificate of occupancy issued by the County Building Department.

**Proposed Text Amendments:** The Removal of 3.06 R-CD entirely.

**Per the Applicant:**

Proposed Text Amendment(add accompanying material if necessary): Complete removal of 3.06 R-CD (Conservation Development) Residential District.

The Existing Text is Unreasonable because:

As written, the zoning text is unreasonable because it fails to achieve its stated goals for conservation. 3.06 R-CD allows for development that is counter to the Copley Land Use Plan which can result in high density development in areas not zoned for high density. The text allows development without achieving the stated goal of land conservation. See attached documents detailing specific concerns with the text, conflicts with the Land Use Plan, and attachments of letters from prior Zoning Commission members. Those letters detail how the current zoning resolution is counter to what was intended when initially approved.

The Proposed Text Would be Better because:

Complete removal of 3.06 R-CD is simple and reasonable to prevent misuse of the zoning resolution. Such misuse would change the character of neighborhoods without achieving the intended additional land conservation. Again, see attachments for further clarification.

The R-CD seeks to minimize development of otherwise developable land by allowing development not permitted through current zoning. However, as written, the R-CD fails to meet the objective.

Reasons 3.06 is deficient include but are not limited to:

- 3.06 does not require exclusion of land that could not be developed from the calculations of allowed development. Wetlands, floodplains, and riparian ways, cannot be built upon. However, if an area contains such land, potential developers retain credit for not building upon the unbuildable land.
  - 3.06.E –
    - E. PERMITTED DENSITY/RESTRICTED OPEN SPACE**
      - 1. The minimum restricted open space shall be forty percent (40%) of the total project area.
      - 2. The maximum density shall be twenty percent (20%) greater than that allowed in the underlying zoning district. The maximum number of dwelling units permitted in a conservation development shall be calculated by:
        - a. Deducting the following from the total project area:
          - i. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
          - ii. Where the underlying minimum lot size exceeds 1/2 acre: The area of a floodway, designated wetlands, isolated land, slopes exceeding twenty-five percent (25)%, or waterbody that exceeds the minimum acreage required for restricted open space as set forth above. Where floodways and wetlands overlap, they shall be counted only once.

Comments –

- 1) If the land in question is 40% wetlands, no additional open space is preserved vs. traditional development
- 2) Allowing a 20% increase in the maximum density does not “retain” property owner development rights regarding the number of development units, it greatly increases it.
- 3) If centralized water and sewer are available, then minimum lot is ½ acre (rather than exceeding ½ acre), so deduction of undevelopable land to determine the number of allowable dwelling units is not required. Again, this allows for expanding development rights, rather than “[retaining]” development rights.

- 3.06.G.6.b.ii –

- ii. A minimum construction setback of thirty five (35) feet, measured from the edge of the designated wetland.

Comments – Ohio EPA recommends the following:

**Table 1.6.1**

<b>Ohio EPA Category (or equivalent classification)</b>	<b>Minimum Setback Width</b>
Category 1 wetland	25 feet
Category 2 wetland	75 feet
Category 3 wetland	120 feet

35 feet is slightly higher than the Ohio EPA recommended setback for category 1 wetlands (which is 25'). Category 1 is the lowest quality, defined by Ohio EPA as – Category 1 - wetlands considered low-quality providing the least public health, habitat, or safety services

Copley township is wetland rich containing sensitive wetlands including research wetlands. Of the three categories of wetlands defined by Ohio EPA, category 2 is defined as:

Category 2 - wetlands of moderately high quality and may be good candidates for wetland enhancement

The majority of wetlands in Copley Township should be considered category 2, and, per Ohio EPA should have at least 75' of setback. Therefore, the 35 foot setback requirement does little for the betterment of Copley Township.

See additional attachment – powerpoint presentation.

- 3.06.B.6 provides for regulations regarding common drives, but does not explicitly reference private roads.

Comments – As one stated objective refers to the layout of roads, the lack of definition of requirements regarding private roads allows layout that could be detrimental to surrounding neighborhoods.

The bullet points presented above are a few of the concerns with the current 3.06 R-CD. Although the comments presented help to clarify the issues with these sections, an example may prove helpful.

Consider a 100 acre plot of land in Copley Township. Stipulate that this plot of land is currently zoned R-MD, does not have central sewer / water, and is 40% wetlands / riparian ways. Such a plot would have 40% undevelopable (at a minimum), leaving 60 acres potentially developable. The remainder could be developed into 1.5 acre lots, or 40 lots. The result would be 40 households. Should a developer run sewer and water, the 60 acres could result in up to 120 households.

However, under the current R-CD, the 40% wetlands could be used as the land set aside (3.06.E.1). Should water / sewer be run by the developer (so ½ acre minimum lot size), the wetlands need not be deducted prior to calculation of potential density. That means all 100 acres would be considered resulting in 200 allowable households. In addition, the developer would be afforded a 20% bonus increase, so the total allowable households would be 240.

So, in effect, the R-CD does not preserve the property owner's development rights – “the number of residential dwelling units” – the R-CD doubles them. Basically, R-CD can be used to turn Residential

Medium Density into Residential High Density and Copley Township gains no additional undeveloped land that would not have been undeveloped anyway.

**Staff Comments:** The stated goal of the R-CD district is to maximize the protection of the communities natural resources while encouraging creative solutions to development which best conserves the areas resources.

What 3.06 requires is the preservation of Open Space/ Conservation areas via easement or deed restriction:

1. Prohibition of Further Subdivision of Restricted Open Space: Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township Solicitor and duly recorded in the Records Division of the Summit County Fiscal Officer.

This would be in effect for all developments under the R-CD classification not just for developments that would undergo review and approval through the County Planning Commission via the County Subdivision Regulations which requires similar restrictions on dedicated Open Space.

The main issue seems to be with the density allowed under 3.06 there are several alternatives in addressing that.

The Ohio Balanced Growth Program suggests several alternatives to calculate the allowed density within Residential Conservation Developments.

“Residential Conservation Development – Calculating Density

Residential conservation development often is based on the concept of “neutral density,” i.e., that no additional units will be provided beyond those which could be built with a conventional zoning approach.

Some communities choose to incorporate a modest density bonus (e.g., allowing 10% more units than current zoning allows) as an incentive for innovative design. They need to ask what the suitable level of development intensity is for the district(s) which will be zoned conservation development. How will density be calculated?

- **Yield Plan Calculations:** A yield plan asks the developer to work out a suitable conventional subdivision plan, and then it applies that number of units to a conservation development design. This approach can provide a disincentive to innovate, however, as very often, twice the formal review time is involved for the community to examine first the yield plan, then the development plan.
- **Statistical Density Formulas:** Statistical density merely involves the application of the mathematical lot size to the parcel size. So a 100- acre parcel zoned for 1- acre lots would be permitted 100 units. This incorporates an effective density bonus as lot layout inefficiencies for roads, topography, cul-de-sacs, etc., are not considered. This approach can often lead to unintended consequences, such as an effective increase in density in lands surrounding sensitive areas, and is not recommended. A formula approach allows consideration of specific issues affecting the community, including sensitive areas.
- **Alternative Formulas:** Many communities come up with a formula that approximates

neutral density based on typical subdivisions and site conditions in their location.

- Combination with other tools: It should be noted that higher density bonuses may be considered in cases when conservation development is used in conjunction with a transfer of development rights, or purchase of development rights, program. See the Transfer of Development Rights section for more information.

.....

### **Residential Conservation Development**

1. At least a 40% open space requirement must be included for lot sizes less than one acre, with 50% for lot sizes greater than one acre.
2. Density bonuses should not exceed 10-20%.
3. Maximum access to the open space by private users should be required.
4. Provide flexibility for required road frontage in lot splits and minor subdivisions through the use of Common Access drives to preserve scenic views and rural character.” - <https://balancedgrowth.ohio.gov/local-land-use/01-ohio-waters-toolkit/04-conservation-development>

As the Ohio Balanced Growth suggests density bonuses should not exceed 10-20%, the current code allows for any “proposed conservation development not served by centralized sewer and water, the allowable maximum density may be increased by an additional five percent (5%), to a total of twenty- five percent (25%) greater than that allowed in the underlying zoning district, if the applicant will increase the percentage of restricted open space from forty percent (40%) to fifty percent (50%).” This exceeds the recommended amount and should be reduced.

An alternative to removing the whole section could be restricting the residential zones that R-CD apply to for example The City of Aurora had implemented a Residential Conservation District in 1999. Their code originally applied to R-1 (.67 dwelling units/acre), R-2 (.33 dwelling units/acre), R-3 (1.5 dwelling units/acre), and R4 (2.5 dwelling units per acre). Density is calculated as “statistical” density (direct division of the total project acreage by the density required), but the Planning Commission retained the ability to adjust the density allowed, based on site and development conditions. In 2015, the applicability of the RCD code was revised to exclude the R-3 and R-4 designations. Currently, the code applies to R-1, R-2 and Mixed Use (2.5 dwelling units per acre) districts only.

Staff recommends the Township consider amending the text of 3.06 rather than a full removal with the following focuses:

- The alternative ways to calculate what density bonuses should be given for R-CDs as laid out by the Balanced Growth Ohio document.
- Reducing the amount of bonus density offered – per Balanced Growth Ohio 3.06 offers the highest amount of density recommended, and even exceeds it in specific circumstances.
- Reducing what zoning districts R-CD can apply to.

**Recommendation:** Staff recommends to the Summit County Planning Commission that the proposed text amendments be **DENIED** with due consideration to staff comments.



# Text Amendment Application

Date: 11/12/2023

## Applicant

Applicant Name: Copley Homeowners Association  
Address: 1540 S Cleveland Massillon Rd  
City, State, Zip: Copley, OH 44321

Phone: 3308199094  
Email: [Email]

## Project

Site Address:  
City, State, Zip:  
Subdivision:

Parcel:  
Present Text: 3.06 R-CD (Conservation  
Development) Residential  
District

Proposed Text Amendment(add accompanying material if necessary):  
Complete removal of 3.06 R-CD (Conservation Development) Residential District

The Existing Text is Unreasonable because:

As written, the zoning text is unreasonable because it fails to achieve its stated goals for conservation. 3.06 R-CD allows for development that is counter to the Copley Land Use Plan which can result in high density development in areas not zoned for high density. The text allows development without achieving the stated goal of land conservation. See attached documents detailing specific concerns with the text, conflicts with the Land Use Plan, and attachments of letters from prior Zoning Commission members. Those letters detail how the current zoning resolution is counter to what was intended when initially approved.

The Proposed Text Would be Better because:

Complete removal of 3.06 R-CD is simple and reasonable to prevent misuse of the zoning resolution. Such misuse would change the character of neighborhoods without achieving the intended additional land conservation. Again, see attachments for further clarification.

I do hereby certify that the information contained herein is true and correct.

\_\_\_\_\_  
David M. Supelak /s/  
Applicant

\_\_\_\_\_  
11/12/2023  
Date

# Proposed Removal of Residential Conservation Development (R-CD) from Copley Township Zoning Resolution

By the Copley Homeowners Association, Inc. (CHA)

EIN # 34-1297617, Est. 1978

# Presentation Topics

- The Purpose of Zoning?
- Intent of R-CD
- R-CD History in Copley
- R – CD Purpose and Authority
- Copley Township Land Use Plan (LUP)
- Past precedent – Removal of R7 zoning
- Is 3.06 R – CD – Truly Conservation?
- Argument for Removal of R-CD from Copley Zoning Resolution
- Request from CHA
- Conclusion



# The Purpose of Zoning?

- Definition: the act or process of partitioning a city, town, or borough into zones reserved for different purposes (such as residence or business)
- In practice, **zoning is used to** prevent new development from interfering with existing uses and/or to **preserve the "character" of a community.**

# Intent of the R-CD according to Copley Staff Report Dated November 1<sup>st</sup>, 2021

1. Avoiding development and destruction of sensitive natural resource areas;
2. Reducing the quantity and improving the quality of storm water runoff from expected development
3. Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams)
5. Conserving areas of prime agricultural soils, to the extent possible.
6. To conserve (within the framework of natural resource conservation) the quality of ruralness in a community which is characterized by:
  - a. Large, aggregated, undeveloped land areas;
  - b. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows and rock outcroppings
  - c. Scenic vistas and rural views;

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.copley.oh.us%2FAgendaCenter%2FViewFile%2FItem%2F668%3FfileID%3D8830&wdOrigin=BROWSELINK>

# Intent of the R-CD - Summary

In essence, the R-CD was intended to preserve sensitive lands and minimize development of otherwise **developable** land by allowing clustered dwellings.

In theory, this would provide the land owner equivalent or superior value for the land while preserving more contiguous green space and protecting sensitive areas.

# R-CD History in Copley

- Study commissioned with Alan Weinstein in 2010
- Zoning amendment approved in 2012
- Zero applications for 12 years
- First proposed project that may apply to use R-CD submitted in 2022
  - Use opposed by residents
  - Zoning variances declined by BZA
  - Developer sued Copley Township
  - Suit currently inactive

# 2020-2025 Land Use Plan

Page 15 – Plan Overview –

## Community Perspective Survey

- Top of the list of Issues Residents Would Like Copley Township to Work On:
  - ***“Limit Amount of New Development”***
- R-CD is in direct conflict with the number one public comment issue
- 2022 Copley Resident petitions confirm Copley Townships findings in community perspective survey

<https://www.copley.oh.us/DocumentCenter/View/4815/Land-Use-Plan-2020-2025-Full-Dokument>

7/23/2023

## Chapter 1: Plan Overview

### Community Perspectives Survey

In 2017, the Township solicited the consulting services of Larry Lallo, MBA CECd. Larry previously served as the Executive Director of the Barberton Community Foundation and managed a total asset portfolio of \$90 million. Larry helped guide the Township in the discovery phase of community needs and priorities. A Community Perspective Survey was used to evaluate strengths, opportunities, challenges, threats and areas which could be improved. Larry utilized the professional expertise of Dr. Paul Levy, Ph.D. who serves as a professor and Chair of the University Department of Psychology. Dr. Levy was instrumental in helping design the Community Perspectives Survey in such a way that respondents were not led to certain preconceived conclusions. A great deal of emphasis was placed on obtaining valid responses. A survey was made available online as well as paper/pencil and was advertised via social media and other news outlets. Additionally, a random sample of the five (5) different zip codes within Copley were used to mail 200 paper copies. A total of 486 surveys were submitted. Of those submitted, a total of 96 paper surveys were returned while 390 were submitted electronically.

The results were compiled, evaluated, discussed and presented to the public during a February 2, 2017 forum. The public forum was led by Township Administrator, Janice Marshall. Ms. Marshall revealed the results and provided an opportunity for the public to ask questions and make comments. In total, approximately 80 individuals attended the public forum.

Results of the survey revealed that the community values the following areas:



- ♦ Facilitating public infrastructure
- ♦ Targeting restricted growth and land preservation
- ♦ Enhancing business growth and a desire to see small town businesses flourish
- ♦ To see neighborhood enhancements within the housing stock

#### Summary of Public Comments

Some recurrent themes included:

##### What Residents Like:

- ♦ Great Schools
- ♦ Access to Highways
- ♦ Close Proximity to Major Shopping

##### Issues Residents Would Like Copley Township to Work on:

- ♦ Limit Amount of New Development
- ♦ Provide Increased Access to Recreational & Open Space Areas
- ♦ Business/Job Growth
- ♦ Improve Copley Square
- ♦ Policies Which Manage Growth



Our Town  
**Copley**  
Comprehensive Land Use Plan

# 2020-2025 Land Use Plan

## Page 2 – Executive Summary

- LUP intention to preserve the rural atmosphere of Copley Township
- High density development zoning does not accomplish this goal
- R-CD permanently changes the rural/suburban atmosphere of the Township

<https://www.copley.oh.us/DocumentCenter/View/4815/Land-Use-Plan-2020-2025-Full-Documnet>

7/23/2023

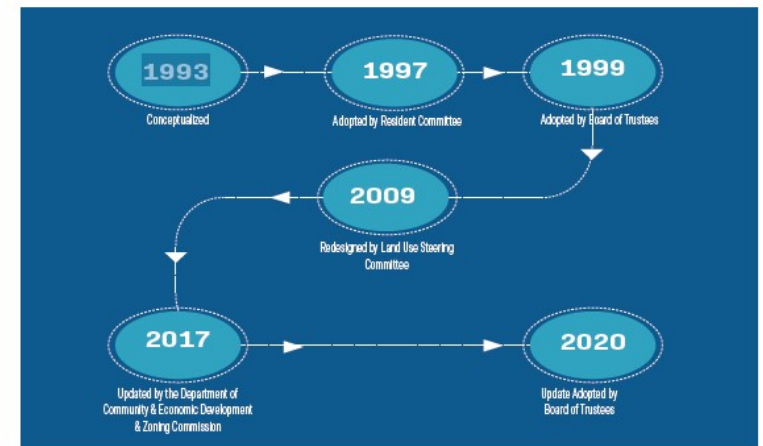
## Executive Summary

### Copley Township's First Land Use Plan

After the adoption of the JEDD in 1993, a group of residents worked for three years on Copley Township's first Comprehensive Land Use Plan. This Plan was adopted in 1997 and served the community for ten years. The goals of that plan were to:

- Implement the Comprehensive Land Use Plan to direct development in the Township;
- Strengthen the Zoning Resolution in its ability to regulate development;
- Preserve the rural/suburban atmosphere of Copley Township;
- Guide the location of development on the basis of natural capabilities and limitations of the land;
- Ensure that new development does not result in public health hazards for the community;
- Guide new growth in an orderly, regulated manner that will minimize stress on services and public infrastructure;
- Guide commercial and industrial growth to provide a sound fiscal base for schools and Township services; and
- Maintain an ordered, balanced community design with the focus on residential and open space/conservation zoning.

This plan served the community well for approximately ten years and helped Township officials make important development and land use decisions.





# 2020-2025 Land Use Plan

## Page 3 – Executive Summary

- Remaining Land In Copley Township contains
  - Interconnected and interdependent wetlands
  - Streams
  - Riparian corridors
  - Tree canopy and wildlife
  - Is constrained by the 100 year FEMA floodplain
  - Environmentally rich features
- Copley contains many flood prone watersheds
- Application of the R-CD does not represent best use of land, and contradicts the Land Use Plan

<https://www.copley.oh.us/DocumentCenter/View/4815/Land-Use-Plan-2020-2025-Full-Documnet>

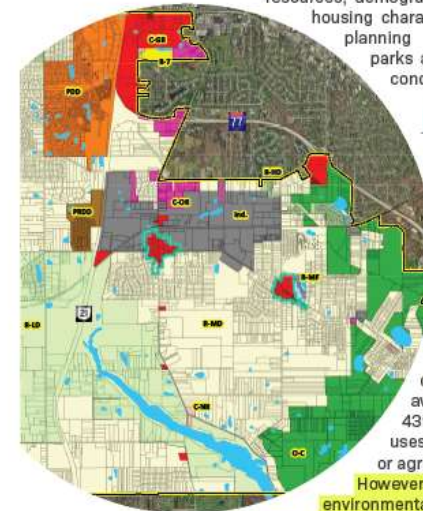
7/23/2023

## Executive Summary

In 2017, the Copley Township Zoning Commission began the process of updating the Comprehensive Land Use Plan. The Commission wished to address smart growth principles which are aimed to protect and ensure a high quality of life for residents, businesses and landowners of Copley Township for generations to come. The purpose of the Comprehensive Land Use Plan is to provide a framework which informs spending and regulatory decisions to improve the character of the community. Such decisions involve the proper location and nature of future development; the need for public facilities or infrastructure; and a determination of scenic, environmental, and historic resources that should be afforded a measure of protection as development occurs.

### Plan Update Overview

The Comprehensive Land Use Plan Update involved the public utilizing a full Public Engagement Plan. The Plan Update included Stakeholder Meetings, Public Kiosk Stations with Quick Poll Surveys, Open Office Hours, and a Public Open House. The plan gathered background on the history, cultural resources, demographics, population trends and characteristics, housing characteristics, economic characteristics, regional planning efforts, infrastructure and public services, parks and greenways, land use, and environmental conditions.



### Current Land Use

According to the Summit County Fiscal Office land use codes, current land use in Copley Township can be classified as 51% residential; 9% commercial; 2% industrial; and 20% agricultural. The remaining land use is comprised of exempt land, mineral and gas rights, and railroad property. Exempt land includes land dedicated to school facilities, government buildings and church property. If the assumption is made that parcels over 20 acres in size are potential development areas, then 2,050 acres could be available for development. In addition, there are 439 acres zoned for industrial and commercial uses that are vacant or being used for residential or agricultural uses.

However, nearly half, 49%, of the Township is environmentally constrained by floodplains, wetlands, and land with hydric soils. In addition, about 61% of the entire Township contains environmentally sensitive areas (woodland resources, riparian corridors, and high groundwater resources). Of the remaining potential development areas, 33% is environmentally constrained and 89% is sensitive.

### Current Zoning

As of 2018, the Copley Township Zoning Resolution includes six (6) Residential Districts, four (4) Commercial Districts, one (1) Industrial District, two (2) Mixed Use Compact Development Districts, and two (2) Planned Development Districts.



# 2020-2025 Land Use Plan

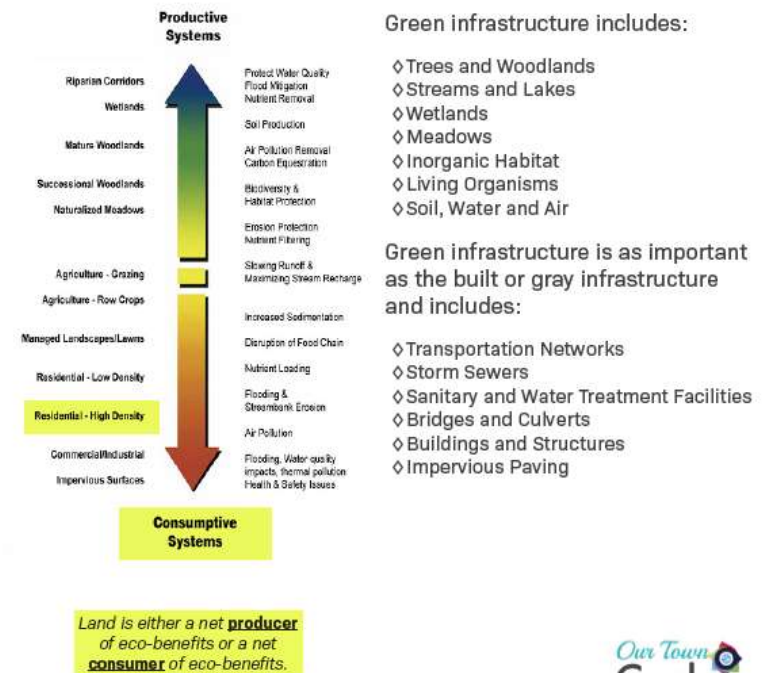
## Page 66 – Environmental Conditions

- Environmental analysis conducted
- Defines productive systems and consumptive systems
- Copley's 2007 analysis identified that Residential – High Density is a Consumptive System
- R-CD allows for densities higher than R-HD which is .33 acres per unit
- R-CD allows for higher intensity consumptive systems of all natural resources and environmental features on the properties, and the watershed downstream

## Chapter 4: Environmental Conditions

In 2007 Copley Township conducted an environmental analysis to provide a basis for wise land use regulation decisions. Baseline data and analysis regarding existing environmental conditions are intended to inform the planning process and serve as a base line for environmental planning.

Preservation and restoration of green infrastructure within communities is essential to maintaining natural ecological processes that impact air and water resources, habitat and species diversity.





# 2020-2025 Land Use Plan

## Page 84 – Woodland Resources (Canopy Cover)

- Copley Tree City USA
- Canopy Cover in 1994 54%
- Canopy Cover in 2004 22%
- At least 11 Large Development Projects Permitted by Copley Township since 2004 Timeframe

<https://www.copley.oh.us/DocumentCenter/View/4815/Land-Use-Plan-2020-2025-Full-Document>

7/23/2023

## Chapter 4: Environmental Conditions

### Woodland Resources (Canopy Cover)

Woodland resources are aesthetically pleasing and contribute significantly to the rural and scenic character of Copley. Significant woodland resources were mapped using aerial photography. As of 2004, analysis of the larger tracts of woodland reveals that Copley only has 22% canopy cover and has experienced an additional decrease in canopy with new development.<sup>2</sup> The Township implemented new Tree Preservation and Landscape Planning Standards in 2012 in an effort to combat the decline of canopy in the Township due to development. It is the large tracts of woodlands that provide the most public health and safety benefits, as well as aesthetic and ecological benefits.

The presence of trees and the high percentages of canopy cover positively impact the health and vitality of our ecosystems. Woodlands are important environmental assets that provide a number of public health and safety functions.

Trees are a form of vegetative cover. Tree roots help to keep soil in place and reduce erosion. Tree cover, especially in areas of steep slopes, helps to significantly reduce stormwater runoff rates. Slowing runoff rates can reduce the incidence and severity of floods. Moreover, woodland resources increase groundwater recharge and promote watershed protection. A well-canopied area's ability to function as a buffer to protect water quality is drastically improved, as the trees simultaneously reduce runoff, soil erosion, and flooding and increase groundwater recharge.

In addition, woodlands can collectively provide measurable improvements in air quality by filtering pollutants and lowering the incidence and severity of ozone production. Trees capture particulate matter and produce oxygen. Canopy cover helps to reduce local and global air pollution by ingesting carbon dioxide, nitrogen oxides, carbon monoxide and sulfur dioxides.



<sup>2</sup> Based on data provided by EnviroScience, Inc., ODNR lists Copley Township of having a 54% canopy cover in 1994. It is estimated that the township had approximately 22% canopy cover in 2004. The company used its methodology along with the County Department of Development data to get this figure and suggested a 32% decrease was largely contributed to the development of Creekstone, the Heritage Woods area and Montrose Park.

## Chapter 4: Environmental Conditions

### Woodlands Map



## 2020-2025 Land Use Plan

### Page 85 – Woodland Map

- At a minimum 366 acres of Woodlands, Forest, Farmland, Greenspace, Natural Habitat leveled for development
- **What is the tree cover today?**
- Last study was 2004
- Estimated 2022 cover – 19.2%

<https://www.copley.oh.us/DocumentCenter/View/4815/Land-Use-Plan-2020-2025-Full-Documnt>

7/23/2023

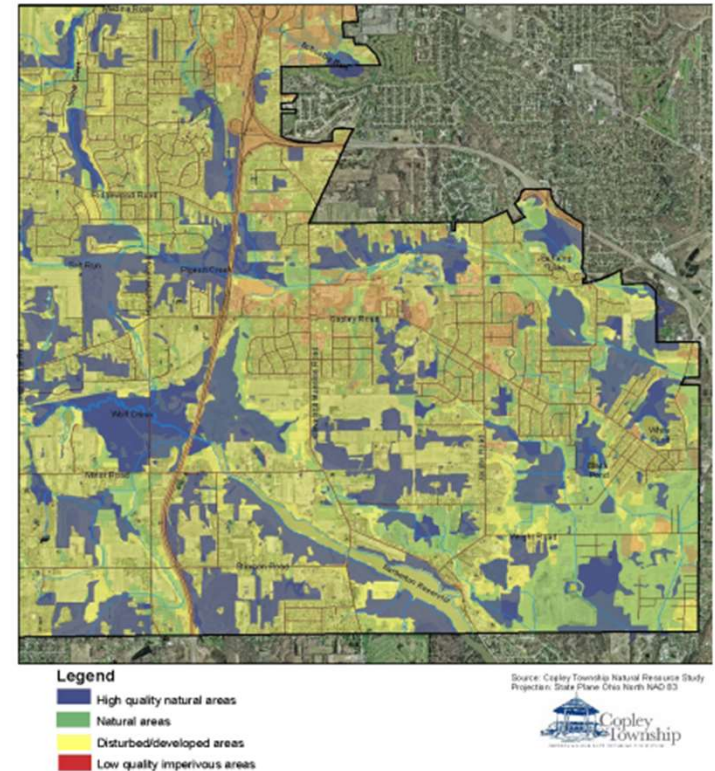
## Chapter 4: Environmental Conditions

### Environmental Resources Map

# 2020-2025 Land Use Plan

## Page 87 – Environmental Resources Map

- The majority of Copley Township is classified as either High Quality Natural areas or Natural Areas
- R-CD threatens Environmental Resources, and will permanently damage wetlands on future project sites upstream and downstream in the watersheds
- R-CD will permanently diminish, and change ecosystem and biodiversity within Copley's watersheds



# Past Precedent – Removal of R7 Zoning

R7 Text was removed October 10, 1991 for the following reasons

- Increase demand on public services
- Demands on public services (Police & Fire) would require hiring more employees resulting in need for more Township tax dollars
- Increase in school's student population would increase number of students per classroom, eventually needing more school tax dollars

## Is 3.06 R – CD – Truly Conservation?

- Maximizes development potential of properties that are less desirable for building, and/or around areas that are prohibited from building.
- Establishes streamlined process for rezoning land to higher density than permitted by underlying zoning.
- Can be applied to ANY residential zoning area in Copley Township.
- Developer given credit equivalent to, or higher than Residential – High-Density for lands, in some cases, that can't be touched or built on in the first place.



# Argument for Removal of R-CD

- R-CD inherently allows for changing the character of a neighborhood, which is in direct conflict with goals and objectives of the Copley Township LUP.
- The original intent for this type of zoning was to protect vast, unique, significant natural geographical features from contiguous sprawling development
- The closest geographic feature Copley Township has that fits the original intent would be the Barberton Reservoir, which is already protected from development.



# Argument for Removal of R-CD

- Copley does not have a ‘Rocky Mountain’ geographic feature in need of protection
- According to the Copley LUP, the majority of undeveloped land is left in the township are environmentally sensitive parcels
- No project to utilize R-CD zoning has come before the board of trustees.
- A number of previous Copley Township Officials concur that the one proposed project that could utilize R-CD does not meet the letter and spirit of the original intent of the resolution (see attached letters)



# Request from CHA

- CHA is requesting Copley Township Trustees to recommend amending the Copley Township Zoning Resolution
- Thereby removing section 3.06 R-CD from the resolution.

# Conclusion

- R-CD had never been used in Copley prior to 2023. R-CD is therefore not a key aspect of the Copley Zoning Code, is not needed, and will not be missed.
- The only application resulted in community outcry and legal actions
- Copley has something uncommon, and special in what is left of it's rural character that draw and keep people living here.
  - If people wanted to live in a city, they would live in a city.
- Allowing this character to be fundamentally changed by a higher density overlay will permanently damage what is left of Copley's rural character, and it's uniqueness will be lost forever.
- R-CD remaining in the Copley Zoning Code is dangerous for the township and ripe for future abuses.

July 20, 2023

Copley Township Board of Trustees  
1540 S Cleveland Massillon Road  
Copley OH 44321

Dear Members of the Board:

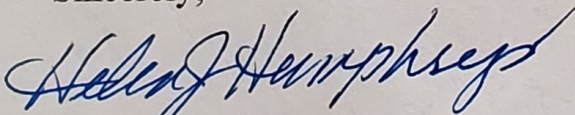
I am writing in opposition to the proposed development on Jacoby Road. I understand it is currently in the court system with no action to date. The developer proposes to utilize Article 3, Section 3.06 for the Jacoby Road project. In my opinion, the proposed development cannot meet the standards in Section 3.06.

I was on the board when the text amendment was adopted and voted for it. During that time, I was also on the Summit County Planning Commission when it came before the commission. At no time in both reviews and presentations was it intended for any place other than the northwest section of the township. Specifically, because the northwest area was sewered with city water and had all the appropriate utilities. The northwest section has ample farmland still to be developed.

Copley Township is known to have all levels of residential areas for economic availability, and even a beautiful park. Increasing population increases the demand for services. And, to what end? Copley can never become a city due to its proximity to four cities: Akron, Barberton, Fairlawn, and Norton.

I implore you to consider allowing for more parkland and to give more concern to commercial/industrial development instead, which generates higher property taxes, and consider deleting Section 3.06 in Article 3 similar to trustees' action when they deleted R-7 Residential in October 1991.

Sincerely,



Helen J. Humphrys

1294 Briggles Road

Akron OH 44320



My name is Mark Wasick. I have lived at 1888 Jacoby Rd. for 45 years and Copley Township for 55 years.

During this time, my wife Suzanne, a lifelong Copley resident, and I have tried to be active participants in supporting Copley activities and good government. Towards that end, I have served Copley Township as Trustee for eight years; was Copley's representative on the Summit County Planning Commission for many years; was a member of Copley's first two Comprehensive Land Use Plans (Chairman of the first); and the Copley Township Zoning Commission for many years.

To my recollection, in the year 2011, the entire Copley Zoning resolution was undergoing a complete update. The Township hired a consultant to direct and oversee this process completing this task in January 2012.

As part of this process the consultant brought to the Zoning Commission a concept known as "Residential Conservation Subdivision Zoning". "Conservation subdivision" refers to residential developments where half or more of the buildable land area is designated as undivided, permanent open space" at a neutral density to existing zoning. (Source: Arendt, Randall, Conservation Design for Subdivisions, p. 6). I still have the explanatory booklet provided by the consultant. This concept was/is contrary to "conventional subdivision" described as residential developments where all the land is divided into house lots and streets, with the only open space typically be un-developable wetlands, steep slopes, floodplains, and storm water management areas"

Following the consultant's suggestion, this concept was added to Copley's zoning resolution as Article 3 Section 3.06. This passed unanimously but has never been applied.

I can say unequivocally, I never contemplated nor intended this zoning concept to be applied to a project as is proposed on Jacoby Rd. No buildable land is being conserved beyond what is already mandated. Who would be responsible for mitigation of the illegally filled wetlands on the property?

Mark Wasick



My name is Jane Scott. I have lived at 462 Kings Court since 2004.

In 2006, I joined the Copley Township Zoning Commission and was a member for over 13 years. I was Chairman for several of those years. I was also a member of the Copley's second and third Comprehensive Land use Plan. Additionally, I was on the Zoning Commission when in 2011 the entire Zoning resolution went under a complete update. The Township hired a consultant to direct and oversee this process completing this task in January 2012.

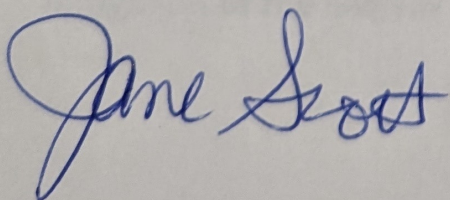
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Following the consultant's suggestion, this concept was added to Copley's zoning resolution as Article 3 Section 3.06. This passed unanimously but has never been applied.

I can say unequivocally, I never contemplated nor intended this zoning concept to be applied to a project as is proposed on Jacoby Rd. No buildable land is being conserved beyond what is already mandated. This project does not meet the necessary criteria. Who would be responsible for mitigation of the illegally filled wetlands on the property?

After reading Mark Wasick's letter addressed to this current Zoning Commission, I feel the need to support Mark's comments. I too have the same observations.

Jane Scott





Planning Commission  
Zoning Text Amendment  
**Stockpiles and Breezeways**  
Richfield Township

---

**Item No.:** 6  
**Meeting:** January 18, 2024  
**Applicant:** Richfield Zoning Commission  
**Proposal:** **Stockpiles and Breezeways**  
**Processor:** Stephen Knittel

---

**Proposal:** The applicant has proposed that the Richfield Township Zoning Resolution be revised to amend definitions and language regulating stockpiles and breezeways.

**Proposed Text Amendments:** \*\*Proposed New Language is Underlined Language to be Removed is ~~Stuck through~~\*\*

## **Richfield Township**

### **Article II**

#### **Definitions**

**BREEZEWAY:** ~~An open or enclosed permanently attached structure for the purpose of connecting a principal structure to an accessory structure or use, such as a garage, providing direct passage between them. Such attachment shall not render the accessory structure an addition unless the accessory structure meets all provisions of this resolution for use, setbacks and height as a stand-alone accessory structure prior to attachment.~~

#### **STOCKPILES**

**Stockpiles (public or private) include, but are not limited to, the temporary use of storing construction materials such as dirt, sand, gravel, concrete, stone, mulch or other building materials stored on a site where an approved construction or improvement project is taking place.**

#### **TEMPORARY USE**

**A use established for a limited duration with the intent to discontinue such use upon the expiration of a designated time period.**

### **Article III**

#### **Section 301 - GENERAL PROVISIONS**



## DD. Stockpiles

Stockpiles must be situated to minimize negative aesthetic impacts for the area, be protected from the dispersion of dust, dirt and sand, protected from erosion and be located away from neighboring properties. All stockpiles must abide by the regulations of Summit County or State of Ohio. Upon completion of the construction project the property must be landscaped to the same or better condition prior to disturbance within one year from the end of construction or occupancy.

## Section 301 – GENERAL PROVISIONS

### EE. Breezeways

~~An open or enclosed permanently attached structure for the purpose of connecting a principal structure to an accessory structure or use, such as a garage, providing direct passage between them.~~  
The attachment of a breezeway between a primary structure and accessory structure shall not render **classify** the accessory structure as an addition unless the accessory structure meets all provisions of this resolution for use, setbacks and height **provisions of this resolution for a detached** as a stand-alone accessory structure. prior to attachment. **If an accessory structure is the primary garage for personal vehicles where no other garage is present on the property, the minimum side setback requirement shall be the same as the primary structure. A breezeway cannot be utilized as a parking area or carport for vehicles.**

**Recommendation:** Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED**