

# Article 1: General Provisions

## Section 1.01 Purpose

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The purpose for zoning in Springfield Township, Summit County, Ohio, shall be as established under Section 519.02 of the Ohio Revised Code (ORC), except as otherwise provided by law.

## Section 1.02 Title

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This resolution shall be known and may be cited as the "Springfield Township, Zoning Resolution" for Springfield Township, Summit County, Ohio, and may be referred to herein, as "this resolution" or "this zoning resolution".

## Section 1.03 Authority

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### (A) GENERAL AUTHORITY

This resolution establishes the township's zoning regulatory authority as authorized by the Section 519.01 et seq. of the ORC.

### (B) REFERENCES TO THE OHIO REVISED CODE

Whenever any provision of this resolution refers to or cites a section of the Ohio Revised Code (as amended), and that section is later amended or superseded, this resolution shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

## Section 1.04 Jurisdiction

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The provisions of this resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Springfield Township, Summit County, Ohio.

## Section 1.05 Interpretation and Conflicts

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- (A) For purposes of interpretation and application, the provisions of this zoning resolution shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare as allowable by law.
- (B) When the provisions of this zoning resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provision shall govern.
- (C) Where this zoning resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this zoning resolution shall control provided it complies with the ORC and federal law.

## **Section 1.06 Relationship with Third Party Private Agreements**

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- (A) This zoning resolution is not intended to interfere with or abrogate any third party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this zoning resolution proposes a greater restriction upon the use of buildings, structure, or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third-party private agreements, the provision of this zoning resolution shall govern.
- (B) In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the township is involved as a party to the agreement.

## **Section 1.07 Compliance Required**

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- (A) Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the applicable zoning district.
- (B) It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate is issued by the Zoning Administrator in accordance with [Section 3.04: Zoning Certificate](#).
- (C) Such zoning certificate shall state that such building, premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this zoning resolution.
- (D) Uses, lots, buildings, and structures that do not comply with this resolution will be subject to the nonconformity provisions of [Article 14: Nonconformities](#).

## **Section 1.08 Nuisances Prohibited**

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No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this resolution and any additional conditions and requirements prescribed, may be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, fumes, cinders, gas, noise, vibration, electrical interference, refuse matters and water carried wastes, or which will interfere with adjacent landowners enjoyment of the use of their lands. This prohibition of nuisances shall be administered by the Board of Trustees in accordance with the applicable section of the Ohio Revised Code.

## **Section 1.09 Severability**

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- (A) If any court of competent jurisdiction invalidates any provision of this zoning resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning resolution.
- (B) If any court of competent jurisdiction invalidates the application of any provision of this zoning resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

- (C) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

## **Section 1.10 Transitional Rules**

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(A) **EFFECTIVE DATE**

- (1) This resolution became effective on November 21, 1957.
- (2) Any amendments to this zoning resolution shall be in full force and effect as provided in Section 519.12 of the ORC.

(B) **VIOLATIONS CONTINUE**

Any violation under previous zoning resolutions that applied to the township prior to the adoption or amendment of this zoning resolution shall continue to be a violation under this zoning resolution and is subject to penalties and enforcement under [Article 15: Enforcement and Penalties](#), unless the use, development, construction, or other activity complies with the provisions of this zoning resolution.

(C) **NONCONFORMITIES CONTINUE**

- (1) Any legal nonconformity under any previous zoning resolutions that applied to the township prior to the adoption of this zoning resolution shall continue to be a legal nonconformity under this zoning resolution, as long as the situation that resulted in the nonconforming status under the previous resolutions continues to exist.
- (2) If a legal nonconformity under any previous resolutions that applied to the township prior to the adoption of this zoning resolution becomes conforming because of the adoption of this zoning resolution, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

(D) **APPROVED PROJECTS**

- (1) Any building, structure, or development for which a zoning certificate was issued prior to the effective date of this zoning resolution may, at the applicant's option, be completed in conformance with the issued certificate and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning resolution. Such building, structure, or development shall be considered a legal nonconforming use upon the issuance of a certificate of occupancy from the Summit County Building Department.
- (2) If the building, structure, or development is not completed within the time allowed under the original building permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning resolution.
- (3) Any application for a project where the zoning certificate has expired shall meet the standards in effect at the time the application is resubmitted.

(E) **VESTED RIGHTS**

The transitional rule provisions of [Section 1.10\(A\)](#) through [Section 1.10\(D\)](#) of this resolution are subject to Ohio's vested rights laws.

## **Section 1.11 Zoning of Annexed Lands**

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Upon annexation of land from Springfield Township into an existing municipal corporation, the zoning regulations then in effect shall remain in full force and shall be enforced by the Zoning Administrator and other township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such land.

## **Section 1.12 Restoration of Unsafe Buildings**

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Except as provided in [Article 14: Nonconformities](#), nothing in this resolution shall prevent the strengthening or restoring of any building, structure, or part thereof declared unsafe by proper authority, to a safe condition.

## **Section 1.13 Repeal**

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This zoning resolution may be repealed in accordance with the provision established in Section 519.25 of the ORC.

## **Section 1.14 Use of Graphics, Illustrations, Figures, and Cross-References**

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- (A) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- (B) In some instances, cross-references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the referenced article, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.

## **Section 1.15 Burden of Proof**

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

## **Section 1.16 Measurements, Computations, and Exceptions**

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### **(A) PERCENTAGES AND FRACTIONS**

When a calculation required by this resolution results in a fractional number or percentage, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number. Any percentage of .5 percent or less shall be rounded down to the next lower whole number and any percentage greater than .5 percent shall be rounded up to the next higher whole number.

### **(B) DISTANCE MEASUREMENTS**

Unless otherwise expressly stated, distances specified in this resolution are to be measured as the length of an imaginary straight line joining those points.

